United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

Vol. 149 WASHINGTON, WEDNESDAY, SEPTEMBER 24, 2003 No. 132

House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. DUNCAN).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

Washington, DC, September 24, 2003.

I hereby appoint the Honorable JOHN J. DUNCAN, Jr. to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Dr. David Shibley, President, Global Advance, Dallas, Texas, offered the following prayer:

''Our fathers' God, to Thee, author of liberty, to Thee we sing. Long may our land be bright with freedom's holy light. Protect us by Thy might, great God our King.''

Eternal Father, we acknowledge, as President Lincoln said, ''the sublime truth, announced in the Holy Scriptures and proven by all history that those nations only are blessed whose God is the Lord.'' We humbly affirm that ''unless the Lord builds the house, they labor in vain who build it; unless the Lord keeps the city, the watchman stands guard in vain.''

May You be our defense, and may You grant to this Congress Your wisdom and compassion. May the Members of this great House, their families and staffs experience the joy of knowing You and walking in Your ways.

Forgive us when we have tried to govern independent of Your will. Grant us the moral clarity and moral courage that will make us a lighthouse to the nations. May we as a Nation and may these public servants be guided by Your Word and Your Holy Spirit.

I ask this in the name of Your Son, Jesus Christ, who loved us and gave Himself for us. 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 gentleman from New York (Mr. CROWLEY) come forward and lead the House in the Pledge of Allegiance.

Mr. CROWLEY 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.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1404. An act to amend the Ted Stevens Olympic and Amateur Sports Act.

WELCOMING REVEREND DR. DAVID SHIBLEY, PRESIDENT, GLOBAL ADVANCE, DALLAS, TEXAS

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

Mr. HALL. Mr. Speaker, I am honored to have the world's minister here. He is my neighbor in Rockwall, Texas. Rockwall is the smallest county of 254 counties in Texas, and he is my neighbor, he is my friend, and, as I say, he is the world's pastor.

Dr. Shibley has spent his life dedicated to the spreading of the Gospel throughout the world. Through his work and through private donations, he has afforded on-site training for over 193,000 pastors and church leaders in 53 nations and has equipped them with books and ministry resources in 13 languages.

Today, as we worry about the Nation and worry about the men and women overseas and we pray for our President, we may have the strongest intercontinental ballistic missile system and the best military hardware of anyone in the world, but we know today the greatest power we have and the power we need is the power of prayer.

Thank you, Dr. Shibley, for your prayer.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will hear up to 10 one-minute messages from each side.

REIN IN THE FEDERAL COURTS

(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, the first amendment does not guarantee us freedom from religion in government or anywhere else, but freedom of religion. That is an important difference. It offers the people the ability to determine the role of religion that takes place in society.

But as the issue stands now, the courts, elected by no one, can determine the time, place and content of all religious displays at every level of government. They have even prevented a 4-year-old in New Jersey from giving his classmates pencils that happen to say ''Jesus loves the little children'' on them. The courts have embarked on a crusade to save us all from religion.

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The sad thing is that this debate is over religion in public life and has moved away from what the Founders intended. The Founders understood that religion, like all other ideas, should be thoroughly debated and considered as part of representative government. It should not be used to impose a lifestyle on anyone, but should play a role in our discussion. That is democracy.

Congress can and should take action, before this country is ruled by judicial fiat instead of the consent of the people.

NATIONAL DEBT CONTINUES TO INCREASE

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

Mr. MOORE. Mr. Speaker, it has been 867 days since the administration began implementation of their economic plan for our country. During that time our national debt has increased by $1,159,358,743,968, according to the Bureau of the Public Debt at the Treasury Department. Yesterday at 4:30 p.m. Eastern Daylight Time, the Nation's outstanding debt, the total debt, was $6,799,684,130,327. Further, in fiscal year 2003, the interest on our national debt, what I call the debt tax, D-E-B-T tax, is $304,978,878,641 through August 31.

Mr. Speaker, our country, the administration and Congress needs to return to fiscal responsibility.

CONDEMNING OUTRAGEOUS STATEMENTS REGARDING U.S. POLICY IN IRAQ

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, as I am sure you know by now, last week the war in Iraq was called ''a fraud made up in Texas to give Republicans a political boost.''

I am sure that our military, who are putting their lives on the line for this war, do not appreciate this characterization of their mission.

Yesterday I visited Walter Reed Hospital. I spoke with our military who were wounded and with their family members. To a person, they support what we are doing in Iraq. They firmly believe that it is in the benefit of not only this country, but certainly the Iraqi people.

However, we should be outraged at what was said. We should be outraged that the statements were based not on facts, but on disinformation.

Mr. Speaker, misinformation is mistaken information. However, disinformation is just plain lying, and that is a shame.

It is for this reason that I stand before this body to condemn these outrageous statements. They remind us all of the value that some people in this country place on political gain and the lengths that they are willing to go to to achieve it.

SUPPORTING ISRAEL IN ITS FIGHT AGAINST TERRORISM

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

Mr. CROWLEY. Mr. Speaker, I rise today to speak about my commitment to an Israel that can live in a safe and secure environment.

Over August I had the opportunity to travel to Israel with 28 of my colleagues. This trip was the largest congressional delegation ever to travel to the state of Israel. We had the opportunity to see the strength and resilience of the Israeli people as they face the threat of terrorism on a daily basis.

The United States must not stand in the way of Israel protecting its citizens from terrorists who threaten them. Israel did not ask us to restrain ourselves when we acted against the terrorists responsible for the 9/11 attacks, and we should not ask that from them.

For a true and lasting peace to come about, the Palestinian Authority must act against the terrorist groups like Hamas and Islamic Jihad. But before the Palestinian Authority can act against these terrorists, they must clean up their own acts. The first step is to remove Yasser Arafat from any position of power. Arafat has done enough to destroy the aspirations of the Palestinian people.

Recently we all read in the paper how the IMF discovered that Arafat diverted $900 million of public funds to a special bank account under his control. Arafat is not a partner for peace. We know that. We need to convince our allies of that as well. The Palestinian Authority must rid itself of Yasser Arafat if it truly wants to bring about a peaceful coexistence with the state of Israel.

EXPRESSING HEARTFELT SUPPORT FOR ISRAEL

(Mrs. MALONEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MALONEY. Mr. Speaker, I returned from Israel this summer inspired by its ability to resist terror. On September 11, Americans learned what it was like to lose friends and neighbors to fanatics on a suicide mission. Israel has been living with terror, and during this trip we got a glimpse of their daily reality.

A day after our visit to the border between Israel and Lebanon, a missile killed a 16-year-old boy near where we had been. When we toured Hadassah Hospital, we met with a doctor who had stayed up all night saving a woman's life. She had been struck by a sniper's bullet. Both attacks came during the so-called cease-fire, a time no one was supposed to die.

We have a lot to learn from Israel about improving communication, coordination and intelligence. After 9/11 we were supposed to have a governmentwide database on terrorism. Two years later, there are nine Federal agencies maintaining 12 different lists of terrorist organizations.

Israel is our greatest ally in the Middle East. It deserves our heartfelt support.

STANDING SIDE-BY-SIDE WITH ISRAEL

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

Mr. CARDOZA. Mr. Speaker, I recently had the opportunity to travel to Israel with the gentleman from Maryland (Mr. HOYER), the gentleman from New York (Mr. CROWLEY) and over 20 of my Democratic colleagues.

As timing would have it, our visit preceded the departure of Palestinian Prime Minister Abu Mazen by 1 week. We met with the Prime Minister, who told us that he was trying to implement important reforms within the Palestinian Authority. But during the Prime Minister's 4-month tenure, Mr. Arafat consistently opposed his reform efforts and took steps to maintain his hold on power and erode support for Mr. Abbas among the Palestinian people.

As these events have demonstrated, measurable progress will not be realized as long as Mr. Arafat remains in power.

If the Palestinian Authority will not or cannot destroy Palestinian terrorist groups, the Israeli Government has every right to defend its citizens against further violence. The Israeli Government has started building a security fence for exactly that purpose. I believe the United States should support Israel's efforts, which is a reasonable measure of self-defense against suicide bombers.

Further, I believe it would be a terrible mistake for the U.S. to reduce its loan guarantees to the State of Israel. At this time of great peril, we must stand side by side with Israel and its citizens in the fight against terrorism.

EXPRESSING STRONG SUPPORT FOR ISRAEL

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

Ms. BERKLEY. Mr. Speaker, I rise today to express my strong support for Israel, as well as my frustration and anger over the continued Palestinian terrorist attacks on innocent men, women and children.

I am especially angered over the action, or rather inaction, of the so-

called Palestinian President Yasser Arafat.

The Palestinians were given a unique and exceptional opportunity 3 years ago at Camp David when Israel offered nearly all the land in the West Bank, the Gaza Strip, control of the Muslim holy sites in Jerusalem and billions of dollars guaranteed to build an infrastructure and a new Palestinian state in exchange for two simple things: peace and an end to terrorism.

□ 1015

Arafat was in a unique historical position to finally bring peace. Instead, Arafat chose violence rather than compromises, terrorism rather than harmony. He chose to embrace cowardice and fear rather than to lead the Palestinians on the path to peace and statehood.

The United States and Israel stand together in a worldwide struggle against terrorism. However, instead of standing decisively with our strongest ally, the only democracy in the Middle East, we continue to threaten our level of aid, subjecting Israel to a quid pro quo better befitting an adolescent child than a sovereign nation. I speak of Israel's need for a security fence in order to protect its citizens against continued terrorist attacks. Let us not deduct the cost of the fence from our loan guarantees.

HISPANIC HERITAGE MONTH

(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 recognize Hispanic Heritage Month and to honor all of the contributions of the Latino community in the United States.

Right now, the Latino community is the largest minority group in America, with over 37 million people. We continue to become more powerful and a more dominant force in the United States. In fact, this year, we will have a purchasing power within the Latino community reaching almost $600 billion. Marketers and advertisers, CEOs and companies are realizing that we are a target for consuming, and we are becoming the fastest growing consumer sector in this Nation.

Our increasing power and influence in this country cannot be ignored. So this week, so many Latino groups are in town preparing an agenda for the future, and a good Hispanic agenda is a good agenda for America.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2555, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2004

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 374 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 374

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2555) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore (Mr. DUNCAN). The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 1 hour.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. LINCOLN DIAZ-BALART of Florida asked and was given permission to revise and extend his remarks.)

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, House Resolution 374 is a rule that provides for the consideration of the conference report for the fiscal year 2004 Department of Homeland Security Appropriations Act. This is a standard rule for a conference report, providing for 1 hour of general debate, evenly divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

As we continue the 2004 appropriations cycle, Mr. Speaker, it is fitting that the first appropriations bill, and now the first conference report this House considers, is the Homeland Security Appropriations Act. It has been over 2 years since the Nation was savagely attacked by a group of cowardly terrorists on September 11, 2001. Appropriate, decisive, and necessary steps in our defense and foreign policy have been evident under the leadership of President Bush through successful efforts to eliminate al Qaeda from its government-sponsored haven of Afghanistan, the elimination of the Taliban regime and, recently, to remove the ruthless dictator Saddam Hussein in Iraq, and operations throughout the world in furtherance of U.S. national security.

The U.S. military has performed and succeeded with distinction each and every time we have called upon their gallant services. But much more work has to be accomplished in the homeland; and this legislation, Mr. Speaker, provides communities the necessary tools to effect necessary security efforts.

In this conference report, Congress is providing almost $30 billion to protect the homeland, $1 billion above the President's request.

The legislation provides $4.2 billion to the Office of Domestic Preparedness. I have seen firsthand the work of Federal dollars when supplemented with State and local funding to make our communities safe. In south Florida, the local governments and municipalities have taken extensive steps to ensure the safety of airports, seaports, utilities, and water supplies; but they still require the supplemental funding and grants that this legislation provides. With over 7,500 miles of land borders and 361 seaports, local authorities will always be the frontline of defense.

First responders are the key to the effective protection of our communities. In addition to many other programs, this conference report provides $1.7 billion for basic formula grants under the Office of Domestic Preparedness; $500 million for State and local enforcement terrorism prevention grants; $750 million for firefighter grants, and $725 million for high-threat, high-density urban areas.

To further ensure the safety of the American people, we have instituted very clear guidelines for grant eligibility. Local and State officials must create a multiyear homeland security plan. This will ensure that we are not just throwing money at the problem, but we are working to find comprehensive, long-term solutions to problems.

The Department of Homeland Security is also working hard to protect our ports of entry. There is $62 million in this bill for the Container Security Initiative. It is our belief that security at our ports should be the last line of defense, not a first.

Through the Container Security Initiative, the Bureau of Customs and Border Protection is working with the world's largest ports to screen cargo before it leaves for the United States. We now require 24-hour advanced notice for manifests of any cargo ship heading to the United States. This allows the Department of Homeland Security to see what is on a ship before it gets anywhere near the coasts of the United States. Through a sophisticated database screening system and ground personnel working with host countries, the Department is creating a frontline of defense hundreds, sometimes even thousands of miles away.

This conference report also provides $236 million for immigration services, $80 million of which is dedicated to alleviating the current unsatisfactory backlog of immigration applications. Under President Bush's Blueprint for New Beginnings, Director Aduardo Aguirre of the Bureau of Citizenship and Immigration Services is committed to achieving a maximum term of 6 months for immigration applications between the time of application and the time of swearing in, including for citizenship, specifically. Some parts of our Nation have seen the wait for citizenship applications grow and grow to the point that now it is not anywhere near 6 months, but rather years, in many instances. Effective funding to eliminate this backlog and streamline the process is essential, as is congressional oversight; and I want to thank

the gentleman from Kentucky (Chairman ROGERS) who, in the Committee on Rules yesterday evening, again committed to continuing forceful oversight to make sure that this goal of the President and of the director really is achieved. Six months, 6 months should be the maximum time between an application for citizenship and the swearing in of a new American.

Easing the backlog will enhance national security by ensuring that those who should be in the country are given their citizenship papers and those who have goals other than enjoying American prosperity and freedom and may seek to potentially harm America are quickly removed from the consideration process and dealt with appropriately.

We must also allow those with a desire to enter the United States legally to do so without undue burden. Again, Mr. Speaker, I look forward to working with the chairman and the administration to ensure that, with necessary security, the borders of this country remain open to those who seek freedom and prosperity.

Again, I would like to thank the gentleman from Kentucky (Chairman ROGERS) and the gentleman from Minnesota (Ranking Member SABO) for their important bipartisan work on this very important appropriations bill which I think, appropriately, is the first one that we bring in final form before our colleagues.

Mr. Speaker, H.R. 2555 is good legislation essential to our continued commitment to the security and safety of all of the citizens and the residents of the United States, the well-being of the homeland. I urge my colleagues to support both the rule and the underlying legislation.

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

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Florida for yielding me the customary half hour, and I yield myself such time as I may consume.

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, this legislation has been described as historic because it is the first bill appropriating funds for the new Department of Homeland Security. But because of an economy that continues to lag and the largest deficit in history, and the mounting costs of rebuilding Iraq, this government is in bad fiscal shape. Nonetheless, we have to do whatever is required to secure the country. Does this bill provide enough money for aviation security, for safety around the perimeter of the Nation's airports, for security at our economically-vital ports, and for the Coast Guard to fulfill its previous and additional duties? This body agreed that all cargo traveling on passenger planes would be fully screened, but that security measure was dropped from the bill; and full screening of cargo on passenger planes will not be required.

Are we providing enough money to prepare our first responders, the local police departments and emergency medical agencies? Recently, the Council on Foreign Relations issued a comprehensive report on the status of America's first responders. The council found that its dedicated police officers, firefighters, and emergency personnel are underfunded and underresourced. In fact, it determined that the first responders need an additional $98.4 billion to meet their needs. We know, Mr. Speaker, that regardless of whether or not we train them adequately or provide them with the equipment that they need, when called upon, they will go. But surely they deserve from this government a chance to increase their odds to the greatest extent possible.

Are we dedicating enough resources to secure our northern border? I represent the second biggest gateway between the United States and Canada, and I see the need to increase the resources along the over 4,000-mile border between the United States and Canada. For years, we did not need to pay attention to our northern border because our Canadian friends and the United States were such good, compatible friends. In fact, it was the largest unguarded border in the world. But if we are going to maintain the $1.5 million trade between the United States and Canada every single day and still maintain the United States' and Canada's safety and security, we have to provide enough resources to do it.

In conference, an additional $1.25 billion for airport and seaport security for first responders and for more Customs officials on the northern border was sought. But, unfortunately, the proposal was refused.

Mr. Speaker, the creation of the Department of Homeland Security was also a historic event. The Department was recently described as the ''government's hobbled giant.'' Will DHS be known for its disorganization? Will the Department be able to use effectively and efficiently this nearly-$30 billion investment in homeland security? Will the Department perform a complete national threat assessment, which has been required for 2 years and we still do not have, but is a necessity to develop and implement a comprehensive homeland security plan? Will the Department develop the criteria for the evaluation of our preparedness so that local and State governments are able to determine the readiness and needs of first responders? And will the Department quickly get the grant money to the local first responders?

□ 1030

The testimony that we have had at our hearings recently does not give us much hope.

Also, Mr. Speaker, it must be noted that next week is the end of the current fiscal year. And, in fact, fiscal year 2004 begins one week from today. However, Congress has not sent any bills making appropriations for fiscal year 2004 to the President's desk for his signature. If we are lucky, we might have three of the 13 appropriations bills ready to become law by October 1.

Mr. Speaker, finishing only 23 percent of our work on time is not acceptable, and we can and should do better for the people of this great and wonderful country.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am very proud of the fact that all of the appropriations bills, all 13, have been promptly completed by this House. And I think that it stands as a testament to the hard work of the leadership of this House and especially of that very hard-working Committee on Appropriations under the leadership of Chairman YOUNG and the subcommittee chairs.

We obviously can, working hard, fulfill our responsibilities as the Committee on Appropriations has done in this House. We do not control the other House. We wish that they would also complete their work in a timely fashion as this House has.

Now, this is the first appropriations bill that is finalized in the sense of a conference, the final product. We are looking forward to many others being able to be sent shortly to the President for his signature. But I feel very proud of the work of this House and especially the Committee on Appropriations.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 6½ minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for her leadership on this bill along with the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Minnesota (Mr. SABO).

We cannot be debating a more important issue to our homeland security than how much money the Federal Government is going to spend over the next year to secure the people of our country. The President has been able to find a way to spend $87 billion in Iraq to protect American security on top of an additional $65 billion which we have already spent, but this administration can only find an additional 2 percent for homeland security. And after inflation, that pretty much gobbles it up.

While this theory that somehow or other al Qaeda is going to be attacking us 5,000 miles away and not here on our own shore belies the reality of where the threat is to the American people which is in their homes, in their places of work.

Now, just a couple of months ago on this House floor, we passed an amendment by a vote of 278 to 146. That amendment required that in addition to each of us who are passengers on planes in America having to take off

our shoes, having to put our cell phones through security, having to put our computers through security, having to put our carry-on bags through security, having to put our luggage, if it is too big, down and under the plane through security, that the cargo which goes on those very same passenger planes is also screened.

Believe it or not, although 22 percent of all air cargo in the United States is placed on passenger planes that we all fly on, there is no screening program. So as we all sit up in the passenger seats now, thinking that everyone who is seated with us in the passenger section has also been screened, and thereby we are safe because there are two air marshals, there is a double-reinforced steel door on the pilot's cabin, the pilot may have a gun, every passenger may be looking to see how they may respond if al Qaeda jumps up on that plane as to how they will tackle al Qaeda, but in the cargo bin of that very same plane, a package just this size, the same size as your luggage goes on that plane without being screened. Cargo.

Now, there is something wrong when your luggage, which is this size, gets screened but a piece of cargo does not get screened. Al Qaeda, not even flying on that plane, not even flying on that plane, can send cargo on that same plane unscreened, unseen, that destroys that plane. And the consequence would be another half-a-trillion or trillion-dollar hit to our economy.

So here is the bizarre situation in which we now see ourselves as the Republicans bring this bill out on the House floor, we, the average American, will have to go through airport security doing whatever it is that those screeners ask us to do. And we do not mind, we want security for our families, for our country, but going around the screening is the cargo on the very same plane.

By the way, with those people who put the cargo on the plane not flying on it, unless, if you followed this a couple of weeks ago, there was a young man who actually shipped himself across the country. Thank God that young man was a tourist and not a terrorist. That is where we are.

You can get a bomb onto a plane without a boarding pass. You can go right around the whole system that all of us have to go through to get on that passenger plane. So in this bill, rather than accepting the amendment which passed here on the House floor, which would require the TSA to construct a plan to ensure that there is a screening for cargo which goes on passenger planes, instead they removed it on a partisan, Republican-Democrat, vote in the conference committee, party line.

So while the passengers are having their nail clippers taken away from them because it may pose a threat to security on the plane, a piece of cargo can go on without any screening whatsoever. Now, that is just wrong. At Logan Airport, which I represent, 2 years ago, 10 al Qaeda, who had a sleeper cell in our city, got on 2 planes and terrorized our country and the world by then destroying the lives of not only the passengers on that plane from New England, but also 3,000 additional lives in New York City and a good chunk of our economy. We cannot run the risk on those very same planes taking off today, that al Qaeda could put cargo on the very same passenger flights without any screening. And I do not think the American people want to fly on planes that do not have cargo which is screened.

This provision, which has been deleted, has been endorsed by Coalition of Airline Pilots Association. All the airline pilots in America endorse the provision.

Let me read what the victims of Pan Am Flight 103 have to say about this provision. Here is what they say in a letter to us: ''The victims of Pan Am Flight 103 Organization is dedicated to and strives for passenger planes to be as secure as possible. Our goal is to have 100 percent physical screening of passengers, crew, luggage and cargo. Trading lives or dollars is totally unacceptable to the families who have paid the price of ineffective security.''

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Kentucky (Mr. ROGERS), the chairman of the subcommittee.

Mr. ROGERS of Kentucky. Mr. Speaker, I thank the gentleman for yielding me time.

I had not intended to speak on the rule. I was going to wait and present the material that I have on the debate on the conference report itself, but I cannot let the gentleman's remarks go unresponded to at this point in time.

It is just not so that anyone can place cargo on a passenger plane without it being checked and screened. That is incorrect. We have a very sophisticated system in place today that verifies whether or not you are a known and trusted shipper. If you are not so certified by the government after having been investigated and your background checked and all of those procedures, if you are not a known shipper, they will search your packages you put on the passenger plane.

The gentleman is incorrect, and I do not want it to be said nor heard around the world that you can get by with the things he said. You cannot. Today you cannot. And yet in this bill, in the conference report, we direct the Secretary to research, procure and install machinery that can x-ray all this cargo going on passenger planes. We do not have the equipment today to do that, and so we rely upon the known shipper program; and if you are not a known shipper, we personally inspect your cargo.

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

Mr. ROGERS of Kentucky. I yield to the gentleman from California.

Mr. LEWIS of Kentucky. Mr. Speaker, I must say the gentleman's comments are very, very appropriate. I am taking a group of 16 Members over to Iraq this weekend to begin to try to lay the foundation for a better understanding of what is happening there by Americans; but to have this kind of outrageous presentation on the floor, which could very well tempt kooks in the world to do things that otherwise they would never think of doing, is absolutely not acceptable. And the House should react the same way the gentleman is reacting. I appreciate the chairman yielding me time.

Mr. ROGERS of Kentucky. Mr. Speaker, I thank the gentleman for his comments. I am not characterizing the comment of the gentleman from Massachusetts (Mr. MARKEY). All I am saying is do not be overly alarmed, for goodness sakes.

There is a program in place while we get the machinery to actually x-ray the cargo that goes on passenger planes. We do not have it now, and it is going to take some time to develop, but in the meantime we are doing the next best thing, and that is certifying who it is we are receiving cargo from to put on those planes and directing the Secretary to proceed forthwith at the earliest date possible to secure the machinery to make that happen.

I thank the gentleman for yielding me time.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

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

Mr. Speaker, today I rise to express my respect for both the gentleman from Kentucky (Chairman ROGERS) and the ranking member, the gentleman from Minnesota (Mr. SABO) for their work on H.R. 2555, the conference report on fiscal year 2004 Homeland Security appropriations.

I think it is important that we raise some of the questions that we are hearing from our constituents back home and from the people who are operating security at some of our airports.

□ 1045

I think that the questions that were raised by my colleague from Massachusetts (Mr. MARKEY) are appropriate, but those are the same issues that are raised to us when we tour some of the airports in our districts and in our States. But I want to add my voice to the growing concern that a number of people have, that the Federal Government is cutting back dramatically on our commitment to our Nation's airports at a very critically important time. Just now the American traveling public is beginning to regain confidence in flying since the horrific terrorist attacks of September 11, and we must continue to reward that confidence by funding the necessary number of baggage screeners at our Nation's airports.

Earlier this week I had the privilege to tour Logan International Airport in Boston, Massachusetts, with the CEO of the Massachusetts Port Authority, the airport operator and the airport's Federal security director. Regrettably, Logan is remembered by many as the airport from which both planes that hit the World Trade Center Towers were hijacked. What is not as well known is that no other airport in the country has moved more quickly and aggressively to address passenger security than Logan.

Massport and the TSA at Logan enjoy a tremendous cooperative relationship reinforced by daily meetings 7 days a week. Logan has the Nation's only fully automated 100 percent bag screening system at a major airport, and unlike airline hub airports where many passengers are connecting from one gate to another and never pass a security checkpoint or have their luggage screened, 90 percent of Logan's departing passengers will go through a checkpoint, and most of those will check at least one bag.

Despite these challenges, the screeners at Logan have done a tremendous job in protecting the 11 million passengers that depart that airport every year. These screeners do an incredible job. It is hard work. These people who work to screen baggage and do other things to enhance the security at that airport do tremendous work. And they do not get the gratitude, quite frankly, they deserve.

The TSA at Logan will never compromise safety, but their staffing levels at Logan have been steadily decreasing this year, and this inevitably will result in longer lines at checkpoints and delays. At a time when we are trying to help the commercial airline industry do better, it seems to me that we need to be sensitive to the fact that without proper staffing we will see longer and longer lines.

There are currently 100 fewer screeners at Logan than when the Federal Government took over. That is unimaginable. We cannot continue to bail out airlines without first meeting our commitment to our Nation's airports.

This whole procedure, this conference report, began with providing 56,000 screeners. Then it went to 49,000, and now this bill caps screeners at 45,000. With all due respect to the great work that the chairman and others have done, I think we need to do better, and I hope that at some point in this process we will find a way to do that.

I thank the gentlewoman for yielding me the time.

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. TURNER), who is the ranking member on the Select Committee on Homeland Security.

Mr. TURNER of Texas. Mr. Speaker, we all know it is the first duty of this Congress to protect and provide for the defense of the American people. In the first days of the 21st century, this means that we have to do everything we can to protect America from terrorist attack.

After September 11, the question that each of us must answer is are we doing all we can to protect America. With only 3 percent of our cargo containers being checked as they enter American ports, can we say that we are doing enough to close that security gap?

Mr. ROGERS of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. TURNER of Texas. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Speaker, is the gentleman not aware of the container security initiative where we are checking these containers at 24 megaports around the world, even as I speak?

Mr. TURNER of Texas. Mr. Speaker, reclaiming my time, I am very much aware of it. I am just convinced that we are not doing it enough, and we are not providing the essential security that we need.

I participated just yesterday in an exercise out at the National Defense University, went through a simulation of a terrorist attack utilizing container cargo. The estimates of the devastation to our country and our economy that something coming through on cargo containers would do to this Nation is shocking, and I think it is very important that we do even more than we are doing today.

Mr. ROGERS of Kentucky. Mr. Speaker, if the gentleman would yield briefly on that point, I agree with the gentleman, we should do all we can. However, it is inaccurate to say we are only checking 3 percent of these container pieces. We are doing a lot more than that.

Mr. TURNER of Texas. Mr. Speaker, I do agree we are doing more than we were. The question is are we doing enough to protect America?

When we look at what we are doing to protect our borders, we have yet to meet the levels that we mandated in the PATRIOT Act for border security guards, and we clearly do not know today who comes into this country and who leaves this country, and that is without dispute. We also know that we have got 12 incompatible terrorist watch lists, and it has been 2 years since we all knew that we had to have a common single watch list to be sure that all agencies of government knew who was on the terrorist watch list. We know the Coast Guard struggles with outdated equipment, equipment that needs to be upgraded. The list could go on and on and on.

The Council on Foreign Relations issued a report just about a month ago entitled Emergency Responders Drastically Underfunded, Dangerously Unprepared, a bipartisan report issued by a bipartisan group chaired by Warren Rudman, former Republican Senator.

There seems to be no question, Mr. Speaker, that we must do more to protect the security of America, and when we look at it in the context of the priorities, what we see is the increase in the Homeland Security budget provided by this conference report is only 2½ percent above what it was last year. That is a $535 million increase in funding for Homeland Security, and keep in mind, this Homeland Security budget funds all these 22 agencies that we had in existence before we combined them into one agency. So we are really paying for a whole lot in this bill that we were already doing, and the total increase is about the rate of inflation.

In terms of priority, the President has requested that we spend approximately $20 billion additional to rebuild Iraq, and it is probably just a down payment. We are spending only 2½ percent additional on homeland security, 2½ percent of that $20 billion here at home to protect America. When we look at the total size of this increase, $535 million, that is just one one-thousandth of the size of the deficit that we have this year.

So in terms of priorities, there should be no debate that we are not doing enough to protect America, to protect America from chemical attack, from biological attack, from nuclear attack, from traditional explosives. This is what the war on terror is all about, and we must wake up and be prepared to defend America against the terrorist enemies that we know are plotting as we speak to harm America and American citizens here and around the world.

So I say, Mr. Speaker, that it is time for us to be real about what our needs are in the area of homeland security. I will be the first to tell my colleagues that we also need to get smarter about how we spend our money. That is why the Democrats on the Select Committee on Homeland Security, joined by most of the Democratic Caucus, will introduce legislation today to create a task force that will be a grassroots group of local responders that will advise the Department of Homeland Security as to what the legitimate essential needs are of every community in America, because today we do not pass out money on any rational basis.

Let us get smarter, let us get real, and let us be honest about the security needs of this country.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL of Massachusetts. Mr. Speaker, as we debate a bill to ensure that our homeland is secure, while we struggle to reconcile another $87 billion of war expenses, this Congress has once again provided a special benefit to a handful of financial traitors who have literally skipped out on paying the bill.

The House Committee on Appropriations unanimously passed an amendment to prohibit lucrative Federal contracts from being awarded to corporations who run offshore to avoid U.S. income taxes. Then the Committee on Rules struck it out. Then the Senate passed an amendment on the floor to prohibit these contracts with tax

cheats. Then the conference committee struck it out.

Sound familiar? I feel like Bill Murray in Groundhog Day. No matter how hard we try, we keep hitting it from every angle, but nothing seems to work to get these companies to come back to the United States and pay their fair share of taxes. It seems that there are some in this Congress who are intent on protecting the new Bermuda citizenship of these companies. We end up where we started at the beginning, with corporate expatriates avoiding $5 billion, listen to that, $5 billion in taxes, and yet they win $2 billion annually in lucrative Federal contracts with the United States Government, 70 percent of which are in defense and homeland security.

By a whopping vote of 318 to 110, this House last year voted to prohibit these corporate expatriates from sharing in the increase of contracts with the new Homeland Security Department. Senator Wellstone added similar language during the Senate debate, but after Wellstone's death and after the election was over, the bill came back, and guess what, we got rid of the provision.

Despite a promise from House and Senate leadership during a close vote to three Republican Senators that this contract ban, and two other controversial provisions, would be fixed in later legislation, no ban has been enacted.

These corporations benefit from America's defense and homeland security, but they are not willing to help pay for it. With 150,000 soldiers in Iraq today willing to give their lives for this great Nation, Congress should ensure that the resources exist to support that effort. If the tide of corporations flowing offshore for tax avoidance continues, those resources are put at serious risk. It is shameful that this year we have nothing again to show for our efforts.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MARKEY).

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

Let me go through this once again. If you are on a passenger plane, and this is the size of your carry-on luggage, you have to put that luggage through screening, each person in America, no exceptions; Members of Congress, no exception. We are known trippers. They do not say to Members of Congress, oh, we know who you are, you are a known tripper, just bring that bag right around security. They do not say to businessmen who fly between New York and Boston every day, you are a known tripper, come right around security, we are only going to check these people who do not fly that often. No. Every single one of our carry-on pieces of luggage gets screened, and that is the way it should be, no exceptions for Members of Congress, no exceptions for business people, no exceptions for anybody.

But if you have got a piece of cargo, and they say you are a known shipper, they do not put it through any screening on the same plane that we are on.

But listen to this: If it is under 16 ounces, and, by the way, Richard Reid, who had explosive plastic material in his shoes had less than this, this does not get screened. There is no paperwork required. There is no known shipper program. Nothing, if it is 16 ounces and under to go on passenger planes if it is cargo.

Now, that is a huge loophole. Why can we not screen this? What is so complicated about screening this going onto passenger planes?

□ 1100

Why is there no equipment to do this? If you can screen a huge bag which we are all taking on our vacation for 10 days, how can a cargo shipper who is putting this on a plane not have it screened; does not even require paperwork, if we know an explosive could be put in it? It is wrong, and this bill should be defeated.

We owe the passengers of America the knowledge that as they put their families on planes to fly around this country that this package is being screened; that there is paperwork that is attached to it; that we know what is in it as we are putting it on a passenger plane. This bill says no, we are not going to have a requirement. We are not going to make that a part of the compact which we have with American people for homeland security.

We know there is no uranium or nuclear weapons in Iraq. We now know that. But we know that al Qaeda is still in our country trying to figure out ways of targeting the airline industry. Give them the right to know that their families are safe. Vote ''no'' on this homeland security bill until they give every American family that level of protection.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 4 minutes to the gentleman from Kentucky (Mr. ROGERS), the chairman of the Subcommittee on Homeland Security of the Committee on Appropriations, who along with the rest of the subcommittee has been working long and hard, and not with empty shoeboxes but for the security of the American people, actually getting things done.

Mr. ROGERS of Kentucky. Mr. Speaker, I shall not take that time.

I cannot believe the gentleman from Massachusetts would stand before the body and make the statements, as he did, without knowing the facts. The 16-ounce package the gentleman held before us and said this is not searched, this is not searched, this is not searched, all packages under 16 ounces are checked by canine teams. And I would trust the canine teams more than the gentleman from Massachusetts on this point.

Ms. SLAUGHTER. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. First of all, Madam Speaker, all packages 16 ounces and under are not checked by canine. They have a pilot project to check some of the packages 16 ounces and under. They do not have every 16-ounce package checked by canine.

Moreover, why in the world should everyone in these galleries, every American have to take off their shoes, put through their computer, put all of their packages through screening and then have a dog sniff however many packages the cargo shipper or the airlines feel like they should sniff? Why should those packages not get the same screening? Why should there be any risk of mistake?

They do not screen us by sniffing dogs. They do not have dogs sniffing our bags or our packages. They want to make sure that it is absolutely guaranteed that no one is getting on to the passenger section of a plane with an explosive. It is just wrong. It makes no sense, in fact. Why make people take off their shoes if someone can put it on in the belly of the same plane without the same screening? It makes no sense.

We should have a known-tripper program, then. Let 98 percent of all Americans get on with no screening because we know they are not a big risk. We do not say it that way. We say we are not taking any chances with the lives and safety of Americans on planes. We are going to have everyone go through. Regardless of status, regardless of income, everyone goes through. And I think it is reassuring to other Americans when they see Members of Congress taking off their shoes, putting their own carry-ons through. I think they know that we are serious about it. But they know we cannot possibly be serious when their nail clippers are being confiscated and they bite their own nails while they watch the cargo go onto the same plane with no physical screening at all.

Vote ''no.'' It is just not a good enough bill on the issue that we know al Qaeda still puts at the very top of their list the airlines of our country with passengers on them. We owe those people better 2 years after what happened on September 11.

Ms. SLAUGHTER. Madam Speaker, I yield myself 1½ minutes.

I am proud to be a member of the Select Committee on Homeland Security; but having attended all the hearings that we have had, I have been struck by the fact that, basically, in 2 years, we have not achieved a great deal. The watch list is one item that particularly concerns me, and I do not think we are paying enough attention to what I would like to call the enemy within.

I was struck this week by the two men who were charged with espionage who worked at Guantanamo, one a chaplain, the other working for the United States Government. And as we work to make America safe, if we do all our concentrations and spend all of our money on securing the borders from people coming in and forget and do not put adequate emphasis on the people who are here already, then I

think we are missing the chance to do our job adequately, nor should the American people feel any safer.

I agree with what the gentleman from Massachusetts (Mr. MARKEY) said, this could be a better bill. I wish it could be. And certainly I want to reiterate what the gentleman from Massachusetts (Mr. NEAL) said. It has been one of the sorrows of my life watching the inability of Congress to say to corporations who have the gall to incorporate overseas to avoid paying Federal taxes yet are awarded Federal contracts. Surely, surely we can do better than that and finally at least stop that hemorrhage.

It has troubled me all the way through to see some of the contractors out here doing the work on the Capitol itself and who are working for corporations that have gone to Bermuda. If they are saying to the United States residents, here, you go ahead and pay for the war yourself, we opt out, but please give us the contracts, we ought to be smart enough, we ought to be intelligent enough to put a stop to that.

Madam Speaker, I yield back the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I yield myself such time as I may consume.

This has been an interesting debate. I feel very proud of the work that the gentleman from Kentucky (Mr. ROGERS) and his subcommittee have done in bringing forth this legislation, which is not only the first appropriation bill that is being sent to the President but one could say certainly one of the most important, if not the most important one.

Many important programs are funded. I happen to have followed, and feel very strongly, for example, that the funding in this bill and the oversight that Chairman ROGERS is providing to make sure that the goal that President Bush has set for immigrants in this country who are seeking the great honor of American citizenship is met; that there be no more than a 6-month period between the time of application and swearing in for immigrants in this great land. We are going to follow up with oversight to make sure that that goal of President Bush and Director Aguirre is met. It is funded in this legislation.

Many important security initiatives are also funded. Chairman ROGERS has stated, and I think it is important to reiterate that the Secretary of the Department has been instructed to forthwith devise and implement a system for the screening of all cargo. So in addition to the very important existing programs that have been improved and their funding has been increased to assure the security of the American people today, this legislation calls for the development forthwith of a program to screen all cargo. I thank Chairman ROGERS and his committee for that work as well.

So this is very important legislation that is brought forth today with this rule.

Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 2658, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2004

Mr. LEWIS of California (during consideration of H. Res. 374) submitted the following conference report and statement on the bill (H.R. 2658) making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes:

CONFERENCE REPORT (H. REPT. 108–283)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2658) ''making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes'', having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

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, $28,247,667,000.

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, $23,217,298,000.

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, $8,971,897,000.

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, $22,910,868,000.

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, $3,568,725,000.

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, $2,002,727,000.

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, $1,288,088,000.

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, $5,500,369,000.

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, $2,174,598,000.

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, $25,029,346,000: 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, $28,146,658,000.

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, $3,440,323,000.

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, $26,904,731,000: 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, $16,226,841,000, of which not to exceed $30,000,000 may be available for the CINC initiative fund; and of which not to exceed $40,000,000 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 certificate 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, $1,998,609,000.

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, $1,172,921,000.

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, $2,179,388,000.

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), $4,340,581,000.

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, $4,431,216,000.

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 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 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 hazardous 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, $284,619,000, 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 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: Provided, That of the amounts provided under this heading, $10,000,000 shall be available only to support the dismantling and disposal of nuclear submarines, submarine reactor components, and warheads in the Russian Far East.

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, $2,154,035,000, 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, $1,505,462,000, 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, $1,857,054,000, 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, $1,387,759,000, 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, $4,774,452,000, 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, $9,110,848,000, 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, $2,095,784,000, 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, $934,905,000, 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 (AP), $1,186,564,000;

NSSN, $1,511,935,000;

NSSN (AP), $827,172,000;

SSGN, $930,700,000;

SSGN (AP), $236,600,000;

CVN Refuelings (AP), $232,832,000;

SSN Submarine Refuelings, $450,000,000;

SSN Submarine Refuelings (AP), $10,351,000;

SSBN Submarine Refuelings (AP), $105,800,000;

DDG–51 Destroyer, $3,218,311,000;

LPD–17, $1,192,034,000;

LPD–17 (AP), $135,000,000;

LHD–8, $355,006,000;

LCAC Landing Craft Air Cushion, $73,087,000;

Mine Hunter SWATH, $4,500,000;

Prior year shipbuilding costs, $635,502,000;

Service Craft, $23,480,000; and

For outfitting, post delivery, conversions, and first destination transportation, $338,749,000.

In all: $11,467,623,000, 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 7 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $200,000 per vehicle; 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, $4,941,098,000, 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, $1,165,727,000, 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, $12,086,201,000, 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, $4,165,633,000, 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, $1,262,725,000, 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 $200,000 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, $11,558,799,000, 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 $200,000 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, $3,709,926,000, 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, $400,000,000, 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), $78,016,000, 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, $10,363,941,000, to remain available for obligation until September 30, 2005: Provided, That of the amounts provided under this heading, $8,500,000 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, $15,146,383,000, 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, $20,500,984,000, 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, $18,900,715,000, 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, $305,861,000, 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, $1,641,507,000.

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, $15,730,013,000, of which $14,914,816,000 shall be for Operation and maintenance, of which not to exceed 2 percent shall remain available until September 30, 2005, and of which $7,420,972,000 shall be available for contracts entered into under the TRICARE program; of which $328,826,000, to remain available for obligation until September 30, 2006, shall be for Procurement; and of which $486,371,000, 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, $1,500,261,000, of which $1,169,168,000 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; $251,881,000 shall be for Research, development, test and evaluation to remain available until September 30, 2005; and no less 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: Provided, That notwithstanding any other provision of law, $10,000,000 of the funds available under this heading shall be expended only to fund Chemical Stockpile Emergency Preparedness Program evacuation route improvements in Calhoun County, Alabama.

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, $835,616,000: 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, $175,113,000, 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, $44,300,000 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.

PAYMENT TO KAHO'OLAWE ISLAND CONVEYANCE, REMEDIATION, AND ENVIRONMENTAL RESTORATION FUND

For payment to Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund, as authorized by law, $18,430,000, to remain available until expended.

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 $2,100,000,000 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 June 30, 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 capital 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;

Tactical Tomahawk missile; and

Virginia Class submarine:

Provided, That the Secretary of the Navy may not enter into a multiyear contract for the procurement of more than one Virginia Class submarine per year.

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. None of the funds appropriated in this or any other Act may be used to initiate a new installation overseas without 30-day advance notification to the Committees on Appropriations.

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. (a) LIMITATION ON CONVERSION TO CONTRACTOR PERFORMANCE.—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—

(1) the 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

(2) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of—

(A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(B) $10,000,000.

(b) EXCEPTIONS.—(1) This section and subsections (a), (b), and (c) of section 2461 of title 10, United States Code, shall not apply to a commercial or industrial type function of the Department of Defense that—

(A) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47);

(B) 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

(C) is planned to be converted to performance by a qualified firm under at least 51 percent ownership by an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or a Native Hawaiian Organization, as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)).

(2) This section shall not apply to depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

(c) TREATMENT OF CONVERSION.—The conversion of any activity or function of the Department of Defense under the authority provided by this section shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy and is deemed to be awarded under the authority of, and in compliance with, subsection (h) of section 2304 of title 10, United States Code, for the competition or outsourcing of commercial activities.

(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. Notwithstanding any other provision of law, during the current fiscal year, the Secretary of Defense may, by executive agreement, establish with host nation governments in NATO member states a separate account into which such residual value amounts negotiated in the return of United States military installations in NATO member states may be deposited, in the currency of the host nation, in lieu of direct monetary transfers to the United States Treasury: Provided, That such credits may be utilized only for the construction of facilities to support United States military forces in that host nation, or such real property maintenance and base operating costs that are currently executed through monetary transfers to such host nations: Provided further, That the Department of Defense's budget submission for fiscal year 2005 shall identify such sums anticipated in residual value settlements, and identify such construction, real property maintenance or base operating costs that shall be funded by the host nation through such credits: Provided further, That all military construction projects to be executed from such accounts must be previously approved in a prior Act of Congress: Provided further, That each such executive agreement with a NATO member host nation shall be reported to the congressional defense committees, the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate 30 days prior to the conclusion and endorsement of any such agreement established under this provision.

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 or individuals 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 or individuals defined under 25 U.S.C. 4221(9): Provided further, That businesses certified as 8(a) by the Small Business Administration pursuant to section 8(a)(15) of Public Law 85–536, as amended, shall have the same status as other program participants under section 602 of Public Law 100–656, 102 Stat. 3825 (Business Opportunity Development Reform Act of 1988) for purposes of contracting with agencies of the Department of Defense.

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 30 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) Of the funds for the procurement of supplies or services appropriated by this Act and hereafter, qualified nonprofit agencies for the blind or other severely handicapped shall be afforded the maximum practicable opportunity to participate as subcontractors and suppliers in the performance of contracts let by the Department of Defense.

(b) During the current fiscal year and hereafter, a business concern which has negotiated with a military service or 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 purchases made from qualified nonprofit agencies for the blind or other severely handicapped.

(c) For the purpose of this section, the phrase ''qualified nonprofit agency for the blind or other severely handicapped'' means a nonprofit agency for the blind or 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).

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 activities, 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 administrated 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. During the current fiscal year, 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: Provided, That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: Provided further, That Office of Management and Budget Circular A–76 shall not apply to competitions 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 Department 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 advanced research and development acquisition, 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:

''Shipbuilding and Conversion, Navy, 2001/2005'', $3,835,000;

''Shipbuilding and Conversion, Navy, 2002/2006'', $9,336,000;

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

''Weapons and Tracked Combat Vehicles, Army, 2003/2005'', $30,000,000;

''Procurement of Ammunition, Army, 2003/2005'', $36,000,000;

''Other Procurement, Army, 2003/2005'', $8,000,000;

''Other Procurement, Air Force, 2003/2005'', $10,000,000;

''Procurement, Defense-Wide, 2003/2005'', $48,000,000;

''Research, Development, Test and Evaluation, Army, 2003/2004'', $2,989,000;

''Research, Development, Test and Evaluation, Defense-Wide, 2003/2004'', $25,000,000; and

''National Defense Sealift Fund'', $105,300,000.

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 items.

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 or hereafter in 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 in title II of this Act and for the Defense Health Program in title VI of this Act for supervision and administration costs for facilities maintenance and repair, minor construction, or design projects, or any planning studies, environmental assessments, or similar activities related to installation support functions, may be obligated at the time the reimbursable order is accepted by the performing activity: Provided, That for the purpose of this section, supervision and administration costs includes all in-house Government cost.

SEC. 8072. (a) Notwithstanding any other provision of law, 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) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes 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, the planned acquisition and transition strategy 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. The Secretary of Defense shall provide a classified quarterly report, beginning December 15, 2003, to the House and Senate Appropriations Committees, Subcommittees on Defense on certain matters as directed in the classified annex accompanying this Act.

SEC. 8083. During the current fiscal year, 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 nongovernmental 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. (a) 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.

(b) Of the amounts appropriated in this Act under the heading, ''Operation and Maintenance, Army'', $177,000,000 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 the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects described in further detail in the Classified Annex accompanying the Department of Defense Appropriations Act, 2004, consistent with the terms and conditions set forth therein: Provided further, That contracts entered into under the authority of this section may provide for such indemnification as the Secretary determines to be necessary: Provided further, That projects authorized by this section shall comply with applicable Federal, State, and local law to the maximum extent consistent with the national security, as determined by the Secretary 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 elsewhere in this Act, $3,800,000 is hereby appropriated for ''Defense Health Program'', to remain available for obligation until expended: Provided, That notwithstanding any other provision of law, $2,000,000 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, and notwithstanding any other provision of law, $1,800,000 shall be available only for deposit into the Army, Navy, and Air Force Fisher House Non-appropriated Fund Instrumentalities and shall be used in support and upkeep of existing Fisher Houses.

SEC. 8094. Amounts appropriated in titles II and IV are hereby reduced by $504,500,000 to reflect savings attributable to improvements in the management of professional support services, surveys and analysis, and contracted engineering and technical support, and to limit excessive growth in the procurement of advisory and assistance services, to be distributed as follows:

(1) From ''Operation and Maintenance, Army'', $48,500,000;

(2) From ''Operation and Maintenance, Navy'', $84,400,000;

(3) From ''Operation and Maintenance, Marine Corps'', $4,300,000;

(4) From ''Operation and Maintenance, Air Force'', $196,300,000;

(5) From ''Operation and Maintenance, Defense-Wide'', $91,000,000;

(6) From ''Research, Development, Test and Evaluation, Navy'', $40,000,000; and

(7) From ''Research, Development, Test and Evaluation, Defense-Wide'', $40,000,000:

Provided, That these reductions shall be applied proportionally to each budget activity, activity group and subactivity group and each program, project and activity within each appropriations account.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8095. Of the amounts appropriated in this Act under the heading ''Research, Development, Test and Evaluation, Defense-Wide'', $144,803,000 shall be made available for the Arrow missile defense program: Provided, That of this amount, $80,000,000 shall be available for the purpose of producing Arrow missile components in the United States and Arrow missile components and missiles in Israel to meet Israel's defense requirements, consistent with each nation's laws, regulations and procedures: Provided further, That funds made available under this provision for production of missiles and missile components may be transferred to appropriations available for the procurement of weapons and equipment, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred: Provided further, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8096. In addition to amounts provided elsewhere in this Act, $60,000,000 is hereby appropriated for ''Aircraft Procurement, Navy'': Provided, That these funds shall be available only for transfer to the Coast Guard for mission essential equipment for Coast Guard HC–130J aircraft.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8097. Of the amounts appropriated in this Act under the heading ''Shipbuilding and Conversion, Navy'', $635,502,000 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, $95,300,000.

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, $156,978,000;

LPD–17 Amphibious Transport Dock Ship Program, $51,100,000.

Under the heading, ''Shipbuilding and Conversion, Navy, 2000/04'':

DDG–51 Destroyer Program, $24,510,000;

LPD–17 Amphibious Transport Dock Ship Program, $112,778,000.

Under the heading, ''Shipbuilding and Conversion, Navy, 2001/04'':

DDG–51 Destroyer Program, $6,984,000;

New SSN, $62,372,000.

SEC. 8098. 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. 8099. 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. 8100. 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. 8101. The total amount appropriated in title II is hereby reduced by $200,000,000 to reduce cost growth in information technology development, to be derived as follows:

(1) From ''Operation and Maintenance, Army'', $40,000,000.

(2) From ''Operation and Maintenance, Navy'', $60,000,000.

(3) From ''Operation and Maintenance, Air Force'', $60,000,000.

(4) From ''Operation and Maintenance, Defense-Wide'', $40,000,000.

SEC. 8102. In addition to funds made available elsewhere in this Act $5,500,000 is hereby appropriated and shall remain available until expended to provide assistance, by grant or otherwise (such as, but not limited to, the provision of funds for repairs, maintenance, construction, and/or for the purchase of information technology, text books, teaching resources), to public schools that have unusually high concentrations of special needs military dependents enrolled: Provided, That in selecting school systems to receive such assistance, special consideration shall be given to school systems in States that are considered overseas assignments, and all schools within these school systems shall be eligible for assistance: Provided further, That up to $2,000,000 shall be available for the Department of Defense to establish a non-profit trust fund to assist in the public-private funding of public school repair and maintenance projects, or provide directly to non-profit organizations who in return will use these monies to provide assistance in the form of repair, maintenance, or renovation to public school systems that have high concentrations of special needs military dependents and are located in States that are considered overseas assignments, and of which 2 percent shall be available to support the administration and execution of the funds: Provided further, That to the extent a federal agency provides this assistance, by contract, grant, or otherwise, it may accept and expend non-federal funds in combination with these federal funds to provide assistance for the authorized purpose, if the non-federal entity requests such assistance and the non-federal funds are provided on a reimbursable basis.

SEC. 8103. 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. 8104. The amounts appropriated in title II are hereby reduced by $372,000,000 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'', $220,000,000.

SEC. 8105. The amount appropriated in title II for ''Operation and Maintenance, Navy'' is hereby reduced by $44,000,000 to reduce excess funded carryover.

SEC. 8106. (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 nonprofit 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 Cooperation Act of 1978 (29 U.S.C. 175a note).

SEC. 8107. 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. 8108. Of the funds made available in this Act, not less than $40,600,000 shall be available to maintain an attrition reserve force of 18 B–52 aircraft, of which $3,800,000 shall be available from ''Military Personnel, Air Force'', $25,100,000 shall be available from ''Operation and Maintenance, Air Force'', and $11,700,000 shall be available from ''Aircraft Procurement, Air Force'': Provided, That the Secretary of the Air Force shall maintain a total force of 94 B–52 aircraft, including 18 attrition reserve aircraft, during fiscal year 2004: Provided further, That the Secretary of Defense shall include in the Air Force budget request for fiscal year 2005 amounts sufficient to maintain a B–52 force totaling 94 aircraft.

SEC. 8109. Of the funds made available under the heading ''Operation and Maintenance, Air Force'', $8,000,000 shall be available to realign railroad track on Elmendorf Air Force Base and Fort Richardson: Provided, That the Secretary of the Air Force is authorized, using funds available under the heading ''Operation and Maintenance, Air Force'', to complete a phased repair project, which repairs may include upgrades and additions, to the infrastructure of the operational ranges managed by the Air Force in Alaska. The total cost of such phased projects shall not exceed $26,000,000.

(TRANSFER OF FUNDS)

SEC. 8110. Of the amounts appropriated in Public Law 107–206 under the heading ''Defense Emergency Response Fund'', an amount up to the fair market value of the leasehold interest in adjacent properties necessary for the force protection requirements of Tooele Army Depot, Utah, may be made available to resolve any property disputes associated with Tooele Army Depot, Utah, and to acquire such leasehold interest as required: Provided, That none of these funds may be used to acquire fee title to the properties.

SEC. 8111. Up to $3,000,000 of the funds appropriated under the heading ''Operation and Maintenance, Navy'' in this Act for the Pacific Missile Range Facility may be made available to contract for the repair, maintenance, and operation of adjacent off-base water, drainage, and flood control systems, electrical upgrade to support additional missions critical to base operations, and support for a range footprint expansion to further guard against encroachment.

SEC. 8112. In addition to the amounts appropriated or otherwise made available in this Act, $34,950,000 is hereby appropriated to the Department of Defense: Provided, That the Secretary of Defense shall make grants in the amount of $8,500,000 to the Fort Benning Infantry Museum; $6,000,000 to the University of South Florida for establishment and operation of the Joint Military Science Leadership Program; $5,000,000 to the American Red Cross for Armed Forces Emergency Services; $3,500,000 to the National D-Day Museum; $3,000,000 to the Chicago Park District for renovation of the Broadway Armory; $2,100,000 to the National Guard Youth Foundation; $2,100,000 to the Intrepid Sea-Air-Space Foundation; $2,000,000 to the Army Museum of the Southwest at Fort Sill, Oklahoma; $1,500,000 to the Tredegar National Civil War Center; $1,000,000 to the Philadelphia Korean War Memorial; and $250,000 to the CSS Alabama Association.

SEC. 8113. None of the funds appropriated in this Act under the heading ''Overseas Contingency Operations Transfer Account'' 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 Account'': 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. 8114. 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. 8115. The budget of the President for fiscal year 2005 submitted to the Congress pursuant to section 1105 of title 31, United States Code shall include separate budget justification documents for costs of United States Armed Forces' participation in contingency operations for the Military Personnel accounts, the Operation and Maintenance accounts, and the Procurement accounts: Provided, That these documents shall include a description of the funding requested for each contingency operation, for each military service, to include all Active and Reserve components, and for each appropriations account: Provided further, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for each contingency operation, and programmatic data including, but not limited to, troop strength for each Active and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: Provided further, That these documents shall include budget exhibits OP–5 and OP–32 (as defined in the Department of Defense Financial Management Regulation) for all contingency operations for the budget year and the two preceding fiscal years.

SEC. 8116. 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.

(TRANSFER OF FUNDS)

SEC. 8117. Of the amounts appropriated in this Act under the headings ''Research, Development, Test and Evaluation, Navy'' and ''Operation and Maintenance, Defense-Wide'' $56,200,000 shall be transferred to such appropriations available to the Department of Defense as may be required to carry out the intent of Congress as expressed in the Classified Annex accompanying the Department of Defense Appropriations Act, 2004, and amounts so transferred shall be available for the same purposes and for the same time period as the appropriations to which transferred.

SEC. 8118. During the current fiscal year, section 2533a(f) of Title 10, United States Code, shall not apply to any fish, shellfish, or seafood product. This section is applicable to contracts and subcontracts for the procurement of commercial items notwithstanding section 34 of the Office of Federal Procurement Policy Act (41 U.S.C. 430).

SEC. 8119. 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. 8120. 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. 8121. (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. 8122. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd 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: Provided, That the Air Force shall allow the 53rd Weather Reconnaissance Squadron to perform other missions in support of national defense requirements during the non-hurricane season.

SEC. 8123. 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. 8124. 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. 8125. In addition to the amounts appropriated or otherwise made available elsewhere in this Act, and notwithstanding any other provision of law, $17,000,000 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 $17,000,000 to the Silver Valley Unified School District, Silver Valley, California, for the purpose of school construction at Fort Irwin, California.

SEC. 8126. (a) The total amount appropriated or otherwise made available in titles II, III, and IV of this Act is hereby reduced by $1,662,000,000 to reflect savings from outsourcing, management efficiencies, and revised economic assumptions, to be distributed as follows:

''Title II'', $554,000,000;

''Title III'', $554,000,000; and

''Title IV'', $554,000,000.

(b) The Secretary of Defense shall allocate this reduction proportionately to each budget activity, activity group, subactivity group, and each program, project, and activity within each applicable appropriation account: Provided, That appropriations made available in this Act for the pay and benefits of military personnel are exempt from reductions under this provision.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8127. (a) The amount appropriated in title II for ''Operation and Maintenance, Air Force'' is hereby reduced by $451,000,000 to reflect cash balance and rate stabilization adjustments in the Department of Defense Transportation Working Capital Fund.

(b) Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall transfer $451,000,000 from the Department of Defense Transportation Working Capital Fund to ''Operation and Maintenance, Air Force'' to offset the reduction made by subsection (a). The transfer required by this subsection is in addition to any other transfer authority provided to the Department of Defense.

(RESCISSION)

SEC. 8128. 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'', $3,490,000,000 are hereby rescinded.

SEC. 8129. Of the total amount appropriated by this Act under the heading ''Operation and Maintenance, Defense-Wide'', 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. 7703a) 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.

SEC. 8130. 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 therefore.

SEC. 8131. (a) Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available in this or any other Act may be obligated for the Terrorism Information Awareness Program: Provided, That this limitation shall not apply to the program hereby authorized for Processing, analysis, and collaboration tools for counterterrorism foreign intelligence, as described in the Classified Annex accompanying the Department of Defense Appropriations Act, 2004, for which funds are expressly provided in the National Foreign Intelligence Program for counterterrorism foreign intelligence purposes.

(b) None of the funds provided for Processing, analysis, and collaboration tools for counterterrorism foreign intelligence shall be available for deployment or implementation except for:

(1) lawful military operations of the United States conducted outside the United States; or

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

(c) In this section, the term ''Terrorism Information Awareness Program'' means the program known either as Terrorism Information Awareness or Total Information Awareness, or any successor program, funded by the Defense Advanced Research Projects Agency, or any other Department or element of the Federal Government, including the individual components of such Program developed by the Defense Advanced Research Projects Agency.

SEC. 8132. (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 6 months after enactment of this Act.

(b) IMPLEMENTATION.—The closure provided for in subsection (a), and subsequent disposal, shall be carried out in accordance with the procedures and authorities contained in the Defense Base Closure and Realignment Act of 1990 (title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(c) OFFICE OF ECONOMIC ADJUSTMENT ACTIVITIES.—Notwithstanding any other provision of law, the Office of Economic Adjustment of the Department of Defense may make grants and supplement other Federal funds using funds made available by this Act under the heading ''Operation and Maintenance, Defense-Wide'', and the projects so supported shall be considered to be authorized by law.

SEC. 8133. Up to $2,000,000 of the funds appropriated by this Act under the heading, ''Operation and Maintenance, Army'', may be made available to contract for services required to solicit non-Federal donations to support construction and operation of the United States Army Museum at Fort Belvoir, Virginia: Provided, That notwithstanding any other provision of

law, the Army is authorized to receive future payments in this or the subsequent fiscal year from any non-profit organization chartered to support the United States Army Museum to reimburse amounts expended by the Army pursuant to this section: Provided further, That any reimbursements received pursuant to this section shall be merged with ''Operation and Maintenance, Army'' and shall be made available for the same purposes and for the same time period as that appropriation account.

SEC. 8134. DESIGNATION OF AMERICA'S NATIONAL WORLD WAR II MUSEUM. (a) FINDINGS.—Congress makes the following findings:

(1) The National D-Day Museum, operated in New Orleans, Louisiana by an educational foundation, has been established with the vision ''to celebrate the American Spirit''.

(2) The National D-Day Museum is the only museum in the United States that exists for the exclusive purpose of interpreting the American experience during the World War II years (1939–1945) on both the battlefront and the home front and, in doing so, covers all of the branches of the Armed Forces and the Merchant Marine.

(3) The National D-Day Museum was founded by the preeminent American historian, Stephen E. Ambrose, as a result of a conversation with President Dwight D. Eisenhower in 1963, when the President and former Supreme Commander, Allied Expeditionary Forces in Europe, credited Andrew Jackson Higgins, the chief executive officer of Higgins Industries in New Orleans, as the ''man who won the war for us'' because the 12,000 landing craft designed by Higgins Industries made possible all of the amphibious invasions of World War II and carried American soldiers into every theatre of the war.

(4) The National D-Day Museum, since its grand opening on June 6, 2000, the 56th anniversary of the D-Day invasion of Normandy, has attracted nearly 1,000,000 visitors from around the world, 85 percent of whom have been Americans from across the country.

(5) American World War II veterans, called the ''greatest generation'' of the Nation, are dying at the rapid rate of more than 1,200 veterans each day, creating an urgent need to preserve the stories, artifacts, and heroic achievements of that generation.

(6) The United States has a need to preserve forever the knowledge and history of the Nation's most decisive achievement in the 20th century and to portray that history to citizens, visitors, and school children for centuries to come.

(7) Congress, recognizing the need to preserve this knowledge and history, appropriated funds in 1992 to authorize the design and construction of The National D-Day Museum in New Orleans to commemorate the epic 1944 Normandy invasion, and subsequently appropriated additional funds in 1998, 2000, 2001, 2002, and 2003 to help expand the exhibits in the museum to include the D-Day invasions in the Pacific Theatre of Operations and the other campaigns of World War II.

(8) The State of Louisiana and thousands of donors and foundations across the country have contributed millions of dollars to help build this national institution.

(9) The Board of Trustees of The National D-Day Museum is national in scope and diverse in its makeup.

(10) The World War II Memorial now under construction on the National Mall in Washington, the District of Columbia, will always be the memorial in our Nation where people come to remember America's sacrifices in World War II, while The National D-Day Museum will always be the museum of the American experience in the World War II years (1939–1945), where people come to learn about Americans' experiences during that critical period, as well as a place where the history of our Nation's monumental struggle against worldwide aggression by would-be oppressors is preserved so that future generations can understand the role the United States played in the preservation and advancement of democracy and freedom in the middle of the 20th century.

(11) The National D-Day Museum seeks to educate a diverse group of audiences through its collection of artifacts, photographs, letters, documents, and first-hand personal accounts of the participants in the war and on the home front during one of history's darkest hours.

(12) The National D-Day Museum is devoted to the combat experience of United States citizen soldiers in all of the theatres of World War II and to the heroic efforts of the men and women on the home front who worked tirelessly to support the troops and the war effort.

(13) The National D-Day Museum continues to add to and maintain one of the largest personal history collections in the United States of the men and women who fought in World War II and who served on the home front.

(14) No other museum describes as well the volunteer spirit that arose throughout the United States and united the country during the World War II years.

(15) The National D-Day Museum is engaged in a 250,000 square foot expansion to include the Center for the Study of the American Spirit, an advanced format theatre, and a new United States pavilion.

(16) The planned ''We're All in this Together'' exhibit will describe the role every State, commonwealth, and territory played in World War II, and the computer database and software of The National D-Day Museum's educational program will be made available to the teachers and school children of every State, commonwealth, and territory.

(17) The National D-Day Museum is an official Smithsonian affiliate institution with a formal agreement to borrow Smithsonian artifacts for future exhibitions.

(18) Le Memorial de Caen in Normandy, France has formally recognized The National D-Day Museum as its official partner in a Patriotic Alliance signed on October 16, 2002, by both museums.

(19) The official Battle of the Bulge museums in Luxembourg and the American Battlefield Monuments Commission are already collaborating with The National D-Day Museum on World War II exhibitions.

(20) For all of these reasons, it is appropriate to designate The National D-Day Museum as ''America's National World War II Museum''.

(b) PURPOSES.—The purposes of this section are, through the designation of The National D-Day Museum as ''America's National World War II Museum'', to express the United States Government's support for—

(1) the continuing preservation, maintenance, and interpretation of the artifacts, documents, images, and history collected by the museum;

(2) the education of the American people as to the American experience in combat and on the home front during the World War II years, including the conduct of educational outreach programs for teachers and students throughout the United States;

(3) the operation of a premier facility for the public display of artifacts, photographs, letters, documents, and personal histories from the World War II years (1939–1945);

(4) the further expansion of the current European and Pacific campaign exhibits in the museum, including the Center for the Study of the American Spirit for education; and

(5) ensuring the understanding by all future generations of the magnitude of the American contribution to the Allied victory in World War II, the sacrifices made to preserve freedom and democracy, and the benefits of peace for all future generations in the 21st century and beyond.

(c) DESIGNATION OF ''AMERICA'S NATIONAL WORLD WAR II MUSEUM''.—The National D-Day Museum, New Orleans, Louisiana, is designated as ''America's National World War II Museum''.

SEC. 8135. NATIVE AMERICAN VETERAN HOUSING LOANS. (a) Title I of Division K of the Consolidated Appropriations Resolution, 2003 (Public Law 108–7) is amended by striking out ''expenses: Provided, That no new loans in excess of $5,000,000 may be made in fiscal year 2003.'' from the paragraph under the heading ''Native American Veteran Housing Loan Program Account'' and inserting in lieu thereof ''expenses.''.

(b) The amendment made by subsection (a) of this section is effective on the date of the enactment of Public Law 108–7, February 20, 2003.

SEC. 8136. None of the funds appropriated in this Act shall be used to study, demonstrate, or implement any plans privatizing, divesting or transferring of any Civil Works missions, functions, or responsibilities for the United States Army Corps of Engineers to other government agencies without specific direction in a subsequent Act of Congress.

SEC. 8137. None of the funds provided in this Act may be used to pay any fee charged by the Department of State for the purpose of constructing new United States diplomatic facilities.

SEC. 8138. (a) The Secretary of Defense—

(1) shall review—

(A) contractual offset arrangements to which the policy established under section 2532 of title 10, United States Code, applies that are in effect on the date of the enactment of this Act;

(B) memoranda of understanding and related agreements to which the limitation in section 2531(c) of such title applies that have been entered into with a country with respect to which such contractual offset arrangements have been entered into and are in effect on such date; and

(C) waivers granted with respect to a foreign country under section 2534(d)(3) of title 10, United States Code, that are in effect on such date; and

(2) shall determine the effects of the use of such arrangements, memoranda of understanding, agreements, and waivers on the national technology and industrial base.

(b) The Secretary shall submit a report on the results of the review under subsection (a) to Congress not later than March 1, 2005. The report shall include a discussion of each of the following:

(1) The effects of the contractual offset arrangements on specific subsectors of the industrial base of the United States and what actions have been taken to prevent or ameliorate any serious adverse effects on such subsectors.

(2) The extent, if any, to which the contractual offset arrangements and memoranda of understanding and related agreements have provided for technology transfer that would significantly and adversely affect the national technology and industrial base.

(3) The extent to which the use of such contractual offset arrangements is consistent with—

(A) the limitation in section 2531(c) of title 10, United States Code, that prohibits implementation of a memorandum of understanding and related agreements if the President, taking into consideration the results of the interagency review, determines that such memorandum of understanding or a related agreement has or is likely to have a significant adverse effect on United States industry that outweighs the benefits of entering into or implementing such memorandum or agreement; and

(B) the requirements under section 2534(d) of such title that—

(i) a waiver granted under such section not impede cooperative programs entered into between the Department of Defense and a foreign country and not impede the reciprocal procurement of defense items that is entered into in accordance with section 2531 of such title; and

(ii) the country with respect to which the waiver is granted not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.

(c) The Secretary shall submit to the President any recommendations regarding the use or administration of contractual offset arrangements and memoranda of understanding and related agreements referred to in subsection (a) that the Secretary considers an appropriate response to the findings resulting from the Secretary's review.

SEC. 8139. It is the sense of the Senate that—

(1) any request for funds for a fiscal year for an ongoing overseas military operation, including operations in Afghanistan and Iraq, should be included in the annual budget of the President for such fiscal year as submitted to Congress under section 1105(a) of title 31, United States Code; and

(2) any funds provided for such fiscal year for such a military operation should be provided in appropriations Acts for such fiscal year through appropriations to specific accounts set forth in such Acts.

SEC. 8140. STUDY REGARDING MAIL DELIVERY IN THE MIDDLE EAST. (a) STUDY.—The Comptroller General of the United States shall conduct a review of the delivery of mail to troops in the Middle East and the study should:

(1) Determine delivery times, reliability, and losses for mail and parcels to and from troops stationed in the Middle East.

(2) Identify and analyze mail and parcel delivery service efficiency issues during Operations Desert Shield/Desert Storm, compared to such services which occurred during Operation Iraqi Freedom.

(3) Identify cost efficiencies and benefits of alternative delivery systems or modifications to existing delivery systems to improve the delivery times of mail and parcels.

(b) REPORT.—Not later than 60 days after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the congressional defense committees on their findings and recommendations.

SEC. 8141. (a) LIMITATION ON USE OF FUNDS.—Notwithstanding any other provision of law, no funds appropriated or otherwise made available by this Act may be obligated or expended to decommission a Naval or Marine Corps Reserve aviation squadron until the report required by subsection (b) is submitted to the committees of Congress referred to in that subsection.

(b) REPORT ON NAVY AND MARINE CORPS TACTICAL AVIATION REQUIREMENTS.—

(1) Not later than February 1, 2004, the Comptroller General of the United States shall submit to the congressional defense committees a report on the requirements of the Navy and the Marine Corps for tactical aviation, including mission requirements, recapitalization requirements, and the role of Naval and Marine Corps Reserve assets in meeting such requirements.

(2) The report shall include the recommendations of the Comptroller General on an appropriate force structure for the active and reserve aviation units of the Navy and the Marine Corps, and related personnel requirements, for the 10-year period beginning on the date of the report.

SEC. 8142. The Secretary of the Air Force, in consultation with the Chief of Air Force Reserve, shall study the mission of the 932nd Airlift Wing, Scott Air Force Base, Illinois, and evaluate whether it would be appropriate to substitute for that mission a mixed mission of transporting patients, passengers, and cargo that would increase the airlift capability of the Air Force while continuing the use and training of aeromedical evacuation personnel. The Secretary shall submit a report on the results of the study and evaluation to the congressional defense committees not later than January 16, 2004.

SEC. 8143. REPORTS ON SAFETY ISSUES DUE TO DEFECTIVE PARTS. (a) REPORT FROM THE SECRETARY.—The Secretary shall by March 31, 2004, examine and report back to the congressional defense committees on—

(1) how to implement a system for tracking safety-critical parts so that parts discovered to be defective, including due to faulty or fraudulent work by a contractor or subcontractor, can be identified and found;

(2) appropriate standards and procedures to ensure timely notification of contracting agencies and contractors about safety issues including parts that may be defective, and whether the Government Industry Data Exchange Program should be made mandatory;

(3) efforts to find and test airplane parts that have been heat treated by companies alleged to have done so improperly; and

(4) whether contracting agencies and contractors have been notified about alleged improper heat treatment of airplane parts.

(b) REPORT FROM THE COMPTROLLER GENERAL.—The Comptroller General shall examine and report back to the congressional defense committees on—

(1) the oversight of subcontractors by prime contractors, and testing and quality assurance of the work of the subcontractors; and

(2) the oversight of prime contractors by the Department, the accountability of prime contractors for overseeing subcontractors, and the use of enforcement mechanisms by the Department.

SEC. 8144. Section 8149(b) of the Department of Defense Appropriations Act, 2003 (Public Law 107–248; 116 Stat. 1572) is amended by adding at the end the following new paragraph:

''(3) This subsection shall remain in effect for fiscal year 2004.''.

SEC. 8145. (a) The Secretary of the Navy shall transfer by gift under section 7306 of title 10, United States Code, the Sturgeon Class submarine NARWHAL (SSN–671) to the National Submarine Science Discovery Center, Newport, Kentucky, upon receipt of an application for donation of such vessel to the Center that is satisfactory to the Secretary.

(b) Before transferring the submarine as required under subsection (a), the Secretary shall remove the nuclear reactor compartment and the other classified or otherwise sensitive military equipment of the submarine.

(c) Subsection (c) of section 7306 of title 10, United States Code, does not apply to the cost of carrying out subsection (b) of this section, any other cost of dismantling the submarine, and the cost of any recycling or disposal of equipment and materiel removed from the submarine before transfer.

(d) Subsection (d) of section 7306 of title 10, United States Code, does not apply to the transfer required under subsection (a).

SEC. 8146. FISCAL YEAR 2004 EXEMPTION FOR CERTAIN MEMBERS OF THE ARMED FORCES FROM REQUIREMENT TO PAY SUBSISTENCE CHARGES WHILE HOSPITALIZED. (a) IN GENERAL.—Section 1075 of title 10, United States Code, is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''When''; and

(2) by striking the second sentence and inserting the following:

''(b) EXCEPTIONS.—Subsection (a) shall not apply to any of the following:

''(1) An enlisted member, or former enlisted member, of a uniformed service who is entitled to retired or retainer pay or equivalent pay.

''(2) An officer or former officer of a uniformed service, or an enlisted member or former enlisted member of a uniformed service not described in paragraph (1), who is hospitalized under section 1074 because of an injury incurred (as determined under criteria prescribed by the Secretary of Defense)—

''(A) as a direct result of armed conflict;

''(B) while engaged in hazardous service;

''(C) in the performance of duty under conditions simulating war; or

''(D) through an instrumentality of war.

''(c) APPLICABILITY.—The exception provided in paragraph (2) of subsection (b) shall apply only during fiscal year 2004.''.

(b) EFFECTIVE DATE.—Subsections (b) and (c) of section 1075 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 2003, and apply with respect to injuries incurred before, on, or after that date.

This Act may be cited as the ''Department of Defense Appropriations Act, 2004''.

And the Senate agree to the same.

JERRY LEWIS,
C. W. BILL YOUNG,
DAVID L. HOBSON,
HENRY BONILLA,
GEORGE R. NETHERCUTT, Jr.,
RANDY ''DUKE'' CUNNINGHAM,
RODNEY P. FRELINGHUYSEN,
TODD TIAHRT,
ROGER F. WICKER,
JOHN P. MURTHA,
NORMAN D. DICKS,
MARTIN OLAV SABO,
PETER J. VISCLOSKY,
JAMES P. MORAN,
DAVID R. OBEY,
Managers on the Part of the House.

TED STEVENS,
THAD COCHRAN,
ARLEN SPECTER,
PETE V. DOMENICI,
CHRISTOPHER S. BOND,
MITCH MCCONNELL,
RICHARD C. SHELBY,
JUDD GREGG,
KAY BAILEY HUTCHISON,
CONRAD BURNS,
DANIEL K. INOUYE,
ERNEST F. HOLLINGS,
ROBERT C. BYRD,
PATRICK J. LEAHY,
TOM HARKIN,
BYRON L. DORGAN,
RICHARD J. DURBIN,
HARRY REID,
DIANNE FEINSTEIN,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2658), making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The conference agreement on the Department of Defense Appropriations Act, 2004, incorporates some of the provisions of both the House and Senate versions of the bill. The language and allocations set forth in House Report 108–187 and Senate Report 108–87 should be complied with unless specifically addressed in the accompanying bill and statement of the managers to the contrary.

Senate Amendment: The Senate deleted the entire House bill after the enacting clause and inserted the Senate bill. The conference agreement includes a revised bill.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

The conferees agree that for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177) as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100–119) and by the Budget Enforcement Act of 1990 (Public Law 101–508), the term program, project, and activity for appropriations contained in this Act shall be defined as the most specific level of budget

items identified in the Department of Defense Appropriations Act, 2004, the accompanying House and Senate Committee reports, the conference report and accompanying joint explanatory statement of the managers of the Committee of Conference, the related classified annexes and reports, and the P–1 and R–1 budget justification documents as subsequently modified by Congressional action. The following exception to the above definition shall apply: for the Military Personnel and the Operation and Maintenance accounts, the term ''program, project, and activity'' is defined as the appropriations accounts contained in the Department of Defense Appropriations Act.

At the time the President submits his budget for fiscal year 2005, the conferees direct the Department of Defense to transmit to the congressional defense committees budget justification documents to be known as the ''M–1'' and ''O–1'' which shall identify, at the budget activity, activity group, and subactivity group level, the amounts requested by the President to be appropriated to the Department of Defense for military personnel and operation and maintenance in any budget request, or amended budget request, for fiscal year 2005.

SPECIAL INTEREST ITEMS

Items for which additional funds have been provided as shown in the project level adjustment tables or items identified in paragraphs using the phrase ''only for'' or ''only to'' in this Statement, are congressional interest items for the purpose of the Base for Reprogramming (DD 1414). Each of these items must be carried on the DD Form 1414 at the stated amount, or a revised amount if changed during the conference or if otherwise specifically addressed in the conference report. These items remain special interest items whether or not they are repeated in a subsequent conference report or Statement.

REPROGRAMMING GUIDANCE

The conferees note that the conference report accompanying Public Law 108–7 provided a temporary increase in the thresholds for the prior approval reprogramming of funds for the procurement and research, development, test and evaluation accounts of the Department of Defense. The conferees wish to emphasize that this revision was intended to effect only the execution of funds available for fiscal year 2003.

The conferees are aware that the Department of Defense believes a greater degree of latitude is needed to best utilize the resources appropriated by the Congress. The conferees have long held that better management and budget preparation is the solution to DoD's needs, not greater fiscal flexibility which would result in less accountability to America's taxpayers. It is true that the effect of inflation has diluted the value of numerical below threshold limits. The conferees, therefore, agree to continue the temporary reprogramming threshold increases, approved for fiscal year 2003, for procurement and research, development, test and evaluation funds provided in this Act for fiscal year 2004. The conferees believe the Defense Department needs to provide more convincing arguments if it expects the Committees to approve this change permanently. The conferees also want to be clear that the approved below threshold reprogramming limitations are the specific dollar threshold allowed for fiscal year 2003, or 20 percent of any specific line item, which ever is less.

The conferees direct that the Secretary of Defense provide guidance to this effect to the military Services and Defense-Wide activities within 15 days of enactment of this Act and provide the congressional defense committees with a copy of this guidance.

TIMELINESS OF BUDGET JUSTIFICATION MATERIALS

The conferees concur with Senate Report 108–87 regarding the timeliness of budget justification materials received from the Department of Defense, and expect the problem to be resolved with the fiscal year 2005 budget estimate.

CLASSIFIED ANNEX

Adjustments to classified programs are addressed in the classified annex accompanying this report.

TITLE I -- MILITARY PERSONNEL

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
30800 RECAPITULATION				
30850 MILITARY PERSONNEL, ARMY	37,386,380	28,233,436	28,282,764	28,247,667
30900 MILITARY PERSONNEL, NAVY	25,282,454	23,052,001	23,309,791	23,217,298
30950 MILITARY PERSONNEL, MARINE CORPS	9,559,441	8,962,197	8,994,426	8,971,897
31000 MILITARY PERSONNEL, AIR FORCE	26,715,990	23,121,003	22,993,072	22,910,868
31050 RESERVE PERSONNEL, ARMY	---	3,568,625	3,584,735	3,568,725
31100 RESERVE PERSONNEL, NAVY	---	1,983,153	2,027,945	2,002,727
31150 RESERVE PERSONNEL, MARINE CORPS	---	571,444	587,619	571,444
31200 RESERVE PERSONNEL, AIR FORCE	---	1,267,888	1,332,301	1,288,088
31250 NATIONAL GUARD PERSONNEL, ARMY	---	5,382,719	5,598,504	5,500,369
31300 NATIONAL GUARD PERSONNEL, AIR FORCE	---	2,140,598	2,228,830	2,174,598
31350 GRAND TOTAL, MILITARY PERSONNEL	98,944,265	98,283,064	98,939,987	98,453,681

ACCURACY OF OBLIGATIONS

The conferees recommend a reduction of $115,000,000 to the budget request, based on a General Accounting Office (GAO) review of prior year unobligated and unexpended military personnel account balances. The Services certify the accuracy of present and prior year obligation balances annually; however, not all of the funds obligated are expended, and those unexpended balances are not always identified in the annual review certification process. Because the Services account data continue to show a pattern of underspending their appropriated funds, the conferees believe that the fiscal year 2004 military personnel budget request is overstated and can be reduced.

The conferees believe the Services can improve their appropriation balance review below the budget activity to ensure that funds are properly obligated and expended. The conferees direct the Secretary of Defense to ensure that the Services strengthen the annual review process by including a review of the accuracy of prior year appropriations below the budget activity level. To facilitate this review, the financial management improvement initiative should include financial decision-making processes that provide transparency of disbursements at the same level as the budget submission.

FAMILY SEPARATION ALLOWANCE AND IMMINENT DANGER PAY

The conferees recommend $128,000,000 above the budget request for Family Separation Allowance and Imminent Danger Pay instead of $210,205,000 as proposed by the Senate. These funds are provided for increases in Family Separation Allowance and Imminent Danger Pay as authorized in Public Law 108–11.

FORCE STRUCTURE CHANGES

The conferees recommend a total of $147,100,000 in the military personnel, operation and maintenance, and procurement accounts for force structure that was not included in the budget request, as follows:

[In thousands of dollars]

	Milpers	O&M	Proc.	Total
Air Force B–52 aircraft	$3,800	25,100	$11,700	40,600
National Guard Full-Time Support:				
ARNG Civil Support Teams AGRs	18,000	39,300	26,900	88,200
ANG Civil Support Teams AGRs	4,000	.....	.....	4,000
Ground-Based Mid-course Missile Defense Program AGRs	14,300	.....	.....	14,300

ACTIVE END STRENGTH

[Fiscal year 2004]

	Budget	Conference	Conference vs. budget
Army	480,000	480,000	.....
Navy	373,800	373,800	.....
Marine Corps	175,000	175,000	.....
Air Force	359,300	359,300	.....
Total, Active Personnel	1,388,100	1,388,100	.....

MILITARY PERSONNEL, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) Budget	House	Senate	Conference
50 MILITARY PERSONNEL, ARMY				
100 ACTIVITY 1: PAY AND ALLOWANCES OF OFFICER				
150 BASIC PAY	4,412,910	4,412,910	4,412,910	4,412,910
200 RETIRED PAY ACCRUAL	1,195,923	1,195,923	1,195,923	1,195,923
250 DEFENSE HEALTH PROGRAM ACCRUAL	361,924	361,924	361,924	361,924
300 BASIC ALLOWANCE FOR HOUSING	811,721	811,721	811,721	811,721
350 BASIC ALLOWANCE FOR SUBSISTENCE	168,721	168,721	168,721	168,721
400 INCENTIVE PAYS	77,194	77,194	77,194	77,194
450 SPECIAL PAYS	209,965	209,965	212,498	209,965
500 ALLOWANCES	68,583	68,583	77,084	68,583
550 SEPARATION PAY	66,865	66,865	66,865	66,865
600 SOCIAL SECURITY TAX	336,736	336,736	336,736	336,736
700 TOTAL, BUDGET ACTIVITY 1	7,710,542	7,710,542	7,721,576	7,710,542
750 ACTIVITY 2: PAY AND ALLOW OF ENLISTED PERS				
800 BASIC PAY	9,574,058	9,574,058	9,574,058	9,574,058
850 RETIRED PAY ACCRUAL	2,594,570	2,594,570	2,594,570	2,594,570
900 DEFENSE HEALTH PROGRAM ACCRUAL	1,856,387	1,856,387	1,856,387	1,856,387
950 BASIC ALLOWANCE FOR HOUSING	2,046,666	2,046,666	2,046,666	2,046,666
1000 INCENTIVE PAYS	71,540	71,540	71,540	71,540
1050 SPECIAL PAYS	497,276	474,776	500,119	480,776
1100 ALLOWANCES	448,776	448,776	494,100	448,776
1150 SEPARATION PAY	271,029	271,029	271,029	271,029
1200 SPEC COMP FOR COMBAT-RELATED DISABLED	151,000	151,000	151,000	151,000
1250 SOCIAL SECURITY TAX	725,951	725,951	725,951	725,951
1350 TOTAL, BUDGET ACTIVITY 2	18,237,253	18,214,753	18,285,420	18,220,753

	(In thousands of dollars) Budget	House	Senate	Conference
1400 ACTIVITY 3: PAY AND ALLOW OF CADETS 1450 ACADEMY CADETS	49,667	49,667	49,667	49,667
1500 ACTIVITY 4: SUBSISTENCE OF ENLISTED PERS 1550 BASIC ALLOWANCE FOR SUBSISTENCE	853,758	853,758	853,758	853,758
1600 SUBSISTENCE-IN-KIND	550,205	550,205	550,205	550,205
1650 FAMILY SUBSISTENCE SUPPLEMENTAL ALLOWANCE	1,598	1,598	1,598	1,598
1750 TOTAL, BUDGET ACTIVITY 4	1,405,561	1,405,561	1,405,561	1,405,561
1800 ACTIVITY 5: PERMANENT CHANGE OF STATION 1850 ACCESSION TRAVEL	196,036	196,036	196,036	196,036
1900 TRAINING TRAVEL	56,557	56,557	56,557	56,557
1950 OPERATIONAL TRAVEL	218,847	218,847	218,847	218,847
2000 ROTATIONAL TRAVEL	376,968	376,968	376,968	376,968
2050 SEPARATION TRAVEL	167,205	167,205	167,205	167,205
2100 TRAVEL OF ORGANIZED UNITS	1,946	1,946	1,946	1,946
2150 NON-TEMPORARY STORAGE	26,535	26,535	26,535	26,535
2200 TEMPORARY LODGING EXPENSE	18,996	18,996	18,996	18,996
2300 TOTAL, BUDGET ACTIVITY 5	1,063,090	1,063,090	1,063,090	1,063,090
2350 ACTIVITY 6: OTHER MILITARY PERS COSTS 2400 APPREHENSION OF MILITARY DESERTERS	615	615	615	615
2450 INTEREST ON UNIFORMED SERVICES SAVINGS	202	202	202	202
2500 DEATH GRATUITIES	3,366	3,366	3,366	3,366
2550 UNEMPLOYMENT BENEFITS	78,195	78,195	78,195	78,195
2600 SURVIVOR BENEFITS	4,519	4,519	4,519	4,519
2650 EDUCATION BENEFITS	4,268	4,268	4,268	4,268
2700 ADOPTION EXPENSES	250	250	250	250
2750 SPECIAL COMPENSATION FOR SEVERELY DISABLED RETIREES	9,200	9,200	9,200	9,200
2800 TRANSPORTATION SUBSIDY	4,364	4,364	4,364	4,364
2850 OTHER (PARTIAL DISLOCATION ALLOWANCE)	2,500	2,500	2,500	2,500
2950 TOTAL, BUDGET ACTIVITY 6	107,479	107,479	107,479	107,479

	(In thousands of dollars) Budget	House	Senate	Conference
3000 LESS REIMBURSABLES	-285,156	-285,156	-285,156	-285,156
3010 INCREASED PAY TABLES AUTHORIZED	---	---	9,296	---
3020 ONW/OSW CONOPS	---	---	-74,169	-74,169
3200 UNOBLIGATED BALANCES	---	-32,500	---	-32,500
3255 INCREASE IN DEATH GRATUITY	---	---	---	3,400
3260 INCREASE IN FSA/IDP	---	---	---	79,000
3300 TOTAL, ACTIVE FORCES, ARMY	28,288,436	28,233,436	28,282,764	28,247,667
3400 ACTIVITY 7: RESERVE PERSONNEL, ARMY				
3450 UNIT AND INDIVIDUAL TRAINING:				
3500 PAY GROUP A TRAINING (15 DAYS & DRILLS 24/48)	1,142,059	---	---	---
3550 PAY GROUP B TRAINING (BACKFILL FOR ACT DUTY)	41,615	---	---	---
3600 PAY GROUP F TRAINING (RECRUITS)	168,541	---	---	---
3650 PAY GROUP P TRAINING (PIPELINE RECRUITS)	13,364	---	---	---
3700 DEFENSE HEALTH PROGRAM ACCRUAL	353,984	---	---	---
3800 TOTAL, UNIT AND INDIVIDUAL TRAINING	1,719,563	---	---	---
3850 OTHER TRAINING AND SUPPORT:				
3900 MOBILIZATION TRAINING	18,548	---	---	---
3950 SCHOOL TRAINING	111,285	---	---	---
4000 SPECIAL TRAINING	157,879	---	---	---
4050 ADMINISTRATION AND SUPPORT	1,286,251	---	---	---
4100 EDUCATION BENEFITS	47,182	---	---	---
4150 ROTC - SENIOR, JUNIOR	116,560	---	---	---
4200 HEALTH PROFESSION SCHOLARSHIP	29,648	---	---	---
4250 DEFENSE HEALTH PROGRAM ACCRUAL	65,087	---	---	---
4300 OTHER PROGRAMS	34,122	---	---	---
4400 TOTAL, OTHER TRAINING AND SUPPORT	1,866,562	---	---	---
4450 UNDISTRIBUTED ADJUSTMENT	-2,500	---	---	---
4750 TOTAL, BUDGET ACTIVITY 7	3,583,625	---	---	---

	Budget	House	Senate	Conference
	(In thousands of dollars)			
4800 ACTIVITY 8: NATIONAL GUARD PERSONNEL, ARMY				
4850 UNIT AND INDIVIDUAL TRAINING:				
4900 PAY GROUP A TRAINING (15 DAYS & DRILLS 24/48).....	1,936,855	---	---	---
4950 PAY GROUP F TRAINING (RECRUITS).....	237,886	---	---	---
5000 PAY GROUP P TRAINING (PIPELINE RECRUITS).....	26,327	---	---	---
5050 DEFENSE HEALTH PROGRAM ACCRUAL.....	605,970	---	---	---
5200 TOTAL, UNIT AND INDIVIDUAL TRAIINING.....	2,807,038	---	---	---
5250 OTHER TRAINING AND SUPPORT:				
5300 SCHOOL TRAINING.....	225,190	---	---	---
5350 SPECIAL TRAINING.....	198,365	---	---	---
5400 ADMINISTRATION AND SUPPORT.....	2,061,781	---	---	---
5450 EDUCATION BENEFITS.....	109,636	---	---	---
5500 DEFENSE HEALTH PROGRAM ACCRUAL.....	112,309	---	---	---
5650 TOTAL, OTHER TRAINING AND SUPPORT.....	2,707,281	---	---	---
6150 TOTAL, BUDGET ACTIVITY 8.....	5,514,319	---	---	---
6300 TOTAL, MILITARY PERSONNEL, ARMY.....	37,386,380	28,233,436	28,282,764	28,247,667

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[in thousands of dollars]

Budget Activity 2: Pay and Allowances of Enlisted Personnel:	
1050 Special Pays/Selective Reenlistment Bonuses	−16,500
Other Adjustments:	
3020 ONW/OSW/ODS CONOPS	−74,169
3200 Unobligated Balances	−32,500
3255 Increase in Death Gratuity	3,400
3260 Increase in FSA/IDP	79,000

MILITARY PERSONNEL, NAVY

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) Budget	House	Senate	Conference
6350 MILITARY PERSONNEL, NAVY				
6400 ACTIVITY 1: PAY AND ALLOWANCES OF OFFICER				
6450 BASIC PAY	3,029,230	3,029,230	3,029,230	3,029,230
6500 RETIRED PAY ACCRUAL	820,921	820,921	820,921	820,921
6550 DEFENSE HEALTH PROGRAM ACCRUAL	247,898	247,898	247,898	247,898
6600 BASIC ALLOWANCE FOR HOUSING	830,513	830,513	830,513	830,513
6650 BASIC ALLOWANCE FOR SUBSISTENCE	111,221	111,221	111,221	111,221
6700 INCENTIVE PAYS	181,696	181,696	181,696	181,696
6750 SPECIAL PAYS	245,270	245,270	247,688	245,270
6800 ALLOWANCES	58,182	58,182	63,629	58,182
6850 SEPARATION PAY	37,085	37,085	37,085	37,085
6900 SOCIAL SECURITY TAX	230,716	230,716	230,716	230,716
7000 TOTAL, BUDGET ACTIVITY 1	5,792,732	5,792,732	5,800,597	5,792,732
7050 ACTIVITY 2: PAY AND ALLOW OF ENLISTED PERS				
7100 BASIC PAY	7,833,599	7,833,599	7,833,599	7,833,599
7150 RETIRED PAY ACCRUAL	2,122,905	2,122,905	2,122,905	2,122,905
7200 DEFENSE HEALTH PROGRAM ACCRUAL	1,465,143	1,465,143	1,465,143	1,465,143
7250 BASIC ALLOWANCE FOR HOUSING	2,355,412	2,355,412	2,355,412	2,355,412
7300 INCENTIVE PAYS	101,680	101,680	101,680	101,680
7350 SPECIAL PAYS	885,452	865,152	888,002	865,152
7400 ALLOWANCES	400,383	261,383	439,520	400,383
7450 SEPARATION PAY	180,251	148,251	180,251	154,251
7500 SPEC COMP FOR COMBAT-RELATED DISABLED	64,000	64,000	64,000	64,000
7550 SOCIAL SECURITY TAX	594,271	594,271	594,271	594,271
7650 TOTAL, BUDGET ACTIVITY 2	16,003,096	15,811,796	16,044,783	15,956,796

	(In thousands of dollars) Budget	House	Senate	Conference
7700 ACTIVITY 3: PAY AND ALLOW OF MIDSHIPMEN				
7750 MIDSHIPMEN	52,851	52,851	52,851	52,851
7800 ACTIVITY 4: SUBSISTENCE OF ENLISTED PERS				
7850 BASIC ALLOWANCE FOR SUBSISTENCE	577,540	577,540	577,540	577,540
7900 SUBSISTENCE-IN-KIND	398,881	398,881	398,881	398,881
7950 FAMILY SUBSISTENCE SUPPLEMENTAL ALLOWANCE	500	500	500	500
8050 TOTAL, BUDGET ACTIVITY 4	976,921	976,921	976,921	976,921
8100 ACTIVITY 5: PERMANENT CHANGE OF STATION				
8150 ACCESSION TRAVEL	59,115	59,115	59,115	59,115
8200 TRAINING TRAVEL	54,924	54,924	54,924	54,924
8250 OPERATIONAL TRAVEL	168,055	168,055	168,055	168,055
8300 ROTATIONAL TRAVEL	255,429	255,429	255,429	255,429
8350 SEPARATION TRAVEL	106,978	106,978	106,978	106,978
8400 TRAVEL OF ORGANIZED UNITS	25,000	25,000	25,000	25,000
8450 NON-TEMPORARY STORAGE	11,354	11,354	11,354	11,354
8500 TEMPORARY LODGING EXPENSE	13,446	13,446	13,446	13,446
8550 OTHER	7,424	7,424	7,424	7,424
8650 TOTAL, BUDGET ACTIVITY 5	701,725	701,725	701,725	701,725
8700 ACTIVITY 6: OTHER MILITARY PERSONNEL COSTS				
8750 APPREHENSION OF MILITARY DESERTERS	825	825	825	825
8800 INTEREST ON UNIFORMED SERVICES SAVINGS	209	209	209	209
8850 DEATH GRATUITIES	1,470	1,470	1,470	1,470
8900 UNEMPLOYMENT BENEFITS	57,794	57,794	57,794	57,794
8950 SURVIVOR BENEFITS	853	853	853	853
9000 EDUCATION BENEFITS	1,370	1,370	1,370	1,370
9050 ADOPTION EXPENSES	236	236	236	236
9100 SPECIAL COMPENSATION FOR SEVERELY DISABLED RETIREES	5,433	5,433	5,433	5,433
9150 TRANSPORTATION SUBSIDY	4,391	4,391	4,391	4,391
9200 OTHER	500	500	500	500
9300 TOTAL, BUDGET ACTIVITY 6	73,081	73,081	73,081	73,081
9350 LESS REIMBURSABLES	-336,805	-336,805	-336,805	-336,805
9400 UNDISTRIBUTED ADJUSTMENT	-9,300	-9,300	---	---
9410 INCREASED PAY TABLES AUTHORIZED	---	---	7,141	---
9420 ONW/OSW CONOPS	---	---	-1,203	-1,203
9450 LEGISLATIVE PROPOSALS NOT ADOPTED	---	---	-9,300	-9,300
9550 UNOBLIGATED BALANCES	---	-11,000	---	-11,000

	Budget	House	Senate	Conference
	(In thousands of dollars)			
9610 INCREASE IN DEATH GRATUITY	---	---	---	1,500
9620 INCREASE IN FSA/IDP	---	---	---	20,000
9650 TOTAL, ACTIVE FORCES, NAVY	23,254,301	23,052,001	23,309,791	23,217,298
9750 ACTIVITY 7: RESERVE PERSONNEL, NAVY				
9800 UNIT AND INDIVIDUAL TRAINING:				
9850 PAY GROUP A TRAINING (15 DAYS & DRILLS 24/48)	722,921	---	---	---
9900 PAY GROUP B TRAINING (BACKFILL FOR ACT DUTY)	4,052	---	---	---
9950 PAY GROUP F TRAINING (RECRUITS)	2,273	---	---	---
10000 DEFENSE HEALTH PROGRAM ACCRUAL	133,994	---	---	---
10150 TOTAL, UNIT AND INDIVIDUAL TRAINING	863,240	---	---	---
10200 OTHER TRAINING AND SUPPORT:				
10250 MOBILIZATION TRAINING	6,599	---	---	---
10300 SCHOOL TRAINING	23,013	---	---	---
10350 SPECIAL TRAINING	59,797	---	---	---
10400 ADMINISTRATION AND SUPPORT	937,333	---	---	---
10450 EDUCATION BENEFITS	865	---	---	---
10500 ROTC - SENIOR, JUNIOR	39,120	---	---	---
10550 HEALTH PROFESSION SCHOLARSHIP	31,695	---	---	---
10600 DEFENSE HEALTH PROGRAM ACCRUAL	66,491	---	---	---
10750 TOTAL, OTHER TRAINING AND SUPPORT	1,164,913	---	---	---
11150 TOTAL, BUDGET ACTIVITY 7	2,028,153	---	---	---
11350 TOTAL, MILITARY PERSONNEL, NAVY	25,282,454	23,052,001	23,309,791	23,217,298

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[in thousands of dollars]

Budget Activity 2: Pay and Allowances of Enlisted Personnel:	
7350 Special Pays/Selective Reenlistment Bonuses	−20,300
7450 Separation Pay	−26,000
Other Adjustments:	
9420 ONW/OSW/ODS CONOPS	−1,203
9550 Unobligated Balances	−11,000
9610 Increase in Death Gratuity	1,500
9620 Increase in FSA/IDP	20,000

MILITARY PERSONNEL, MARINE CORPS

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) Budget	House	Senate	Conference
11400 MILITARY PERSONNEL, MARINE CORPS				
11450 ACTIVITY 1: PAY AND ALLOWANCES OF OFFICER				
11500 BASIC PAY	996,480	996,480	996,480	996,480
11550 RETIRED PAY ACCRUAL	270,031	270,031	270,031	270,031
11600 DEFENSE HEALTH PROGRAM ACCRUAL	83,253	83,253	83,253	83,253
11650 BASIC ALLOWANCE FOR HOUSING	235,530	235,530	235,530	235,530
11700 BASIC ALLOWANCE FOR SUBSISTENCE	38,608	38,608	38,608	38,608
11750 INCENTIVE PAYS	47,559	47,559	47,559	47,559
11800 SPECIAL PAYS	2,598	2,598	2,997	2,598
11850 ALLOWANCES	21,181	21,181	23,053	21,181
11900 SEPARATION PAY	10,393	10,393	10,393	10,393
11950 SOCIAL SECURITY TAX	75,768	75,768	75,768	75,768
12050 TOTAL, BUDGET ACTIVITY 1	1,781,401	1,781,401	1,783,672	1,781,401
12100 ACTIVITY 2: PAY AND ALLOW OF ENLISTED PERS				
12150 BASIC PAY	3,434,846	3,434,846	3,434,846	3,434,846
12200 RETIRED PAY ACCRUAL	929,781	929,781	929,781	929,781
12250 DEFENSE HEALTH PROGRAM ACCRUAL	715,607	715,607	715,607	715,607
12300 BASIC ALLOWANCE FOR HOUSING	733,024	733,024	733,024	733,024
12350 INCENTIVE PAYS	8,360	8,360	8,360	8,360
12400 SPECIAL PAYS	112,820	111,020	114,323	111,020
12450 ALLOWANCES	162,247	162,247	178,202	162,247
12500 SEPARATION PAY	57,683	57,683	57,683	57,683
12550 SPECIAL COMP FOR COMBAT-RELATED DISABLED	18,000	18,000	18,000	18,000
12600 SOCIAL SECURITY TAX	262,463	262,463	262,463	262,463
12700 TOTAL, BUDGET ACTIVITY 2	6,434,831	6,433,031	6,452,289	6,433,031

	Budget	House	Senate	Conference
	(In thousands of dollars)			
12750 ACTIVITY 4: SUBSISTENCE OF ENLISTED PERSONNEL				
12800 BASIC ALLOWANCE FOR SUBSISTENCE	268,450	268,450	268,450	268,450
12850 SUBSISTENCE-IN-KIND	185,762	185,762	185,762	185,762
12900 FAMILY SUBSISTENCE SUPPLEMENTAL ALLOWANCE	750	750	750	750
13000 TOTAL, BUDGET ACTIVITY 4	454,962	454,962	454,962	454,962
13050 ACTIVITY 5: PERMANENT CHANGE OF STATION				
13100 ACCESSION TRAVEL	42,555	42,555	42,555	42,555
13150 TRAINING TRAVEL	8,351	8,351	8,351	8,351
13200 OPERATIONAL TRAVEL	72,626	72,626	72,626	72,626
13250 ROTATIONAL TRAVEL	103,070	103,070	103,070	103,070
13300 SEPARATION TRAVEL	41,799	41,799	41,799	41,799
13350 TRAVEL OF ORGANIZED UNITS	2,513	2,513	2,513	2,513
13400 NON-TEMPORARY STORAGE	4,901	4,901	4,901	4,901
13450 TEMPORARY LODGING EXPENSE	10,167	10,167	10,167	10,167
13500 OTHER	2,268	2,268	2,268	2,268
13600 TOTAL, BUDGET ACTIVITY 5	288,250	288,250	288,250	288,250
13650 ACTIVITY 6: OTHER MILITARY PERSONNEL COSTS				
13700 APPREHENSION OF MILITARY DESERTERS	1,577	1,577	1,577	1,577
13750 INTEREST ON UNIFORMED SERVICES SAVINGS	16	16	16	16
13800 DEATH GRATUITIES	984	984	984	984
13850 UNEMPLOYMENT BENEFITS	35,054	35,054	35,054	35,054
13900 SURVIVOR BENEFITS	1,539	1,539	1,539	1,539
13950 EDUCATION BENEFITS	2,785	2,785	2,785	2,785
14000 ADOPTION EXPENSES	81	81	81	81
14050 SPECIAL COMPENSATION FOR SEVERELY DISABLED RETIREES	900	900	900	900
14100 TRANSPORTATION SUBSIDY	952	952	952	952
14150 OTHER	615	615	615	615
14250 TOTAL, BUDGET ACTIVITY 6	44,503	44,503	44,503	44,503

	(In thousands of dollars) Budget	House	Senate	Conference
14300 LESS REIMBURSABLES	-31,950	-31,950	-31,950	-31,950
14310 INCREASED PAY TABLES AUTHORIZED	---	---	3,000	---
14320 ONW/OSW CONOPS	---	---	-300	-300
14560 UNOBLIGATED BALANCES	---	-8,000	---	-8,000
14570 INCREASE IN DEATH GRATUITY	---	---	---	1,000
14575 INCREASE IN FSA/IDP	---	---	---	9,000
14600 TOTAL, ACTIVE FORCES, MARINE CORPS	8,971,997	8,962,197	8,994,426	8,971,897
14700 ACTIVITY 7: RESERVE PERSONNEL, MARINE CORPS				
14750 UNIT AND INDIVIDUAL TRAINING:				
14800 PAY GROUP A TRAINING (15 DAYS & DRILLS 24/48)	180,764	---	---	---
14850 PAY GROUP B TRAINING (BACKFILL FOR ACT DUTY)	17,333	---	---	---
14900 PAY GROUP F TRAINING (RECRUITS)	75,213	---	---	---
14950 PAY GROUP P TRAINING (PIPELINE RECRUITS)	183	---	---	---
15000 DEFENSE HEALTH PROGRAM ACCRUAL	69,282	---	---	---
15150 TOTAL, UNIT AND INDIVIDUAL TRAINING	342,775	---	---	---
15200 OTHER TRAINING AND SUPPORT:				
15250 MOBILIZATION TRAINING	2,319	---	---	---
15300 SCHOOL TRAINING	10,990	---	---	---
15350 SPECIAL TRAINING	33,730	---	---	---
15400 ADMINISTRATION AND SUPPORT	151,919	---	---	---
15450 EDUCATION BENEFITS	17,820	---	---	---
15500 ROTC - SENIOR, JUNIOR	5,007	---	---	---
15550 DEFENSE HEALTH PROGRAM ACCRUAL	10,475	---	---	---
15600 OTHER PROGRAMS	12,409	---	---	---
15700 TOTAL, OTHER TRAINING AND SUPPORT	244,669	---	---	---
16000 TOTAL, BUDGET ACTIVITY 7	587,444	---	---	---
16250 TOTAL, MILITARY PERSONNEL, MARINE CORPS	9,559,441	8,962,197	8,994,426	8,971,897

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[in thousands of dollars]

Budget Activity 2: Pay and Allowances of Enlisted Personnel:	
12400 Special Pays/Selective Reenlistment Bonuses	−1,800
Other Adjustments:	
14320 ONW/OSW/ODS CONOPS	−300
14560 Unobligated Balances	−8,000
14570 Increase in Death Gratuity	1,000
14575 Increase in FSA/IDP	9,000

MILITARY PERSONNEL, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
16300 MILITARY PERSONNEL, AIR FORCE				
16350 ACTIVITY 1: PAY AND ALLOWANCES OF OFFICER				
16400 BASIC PAY	4,015,299	4,015,299	4,015,299	4,015,299
16450 RETIRED PAY ACCRUAL	1,088,146	1,088,146	1,088,146	1,088,146
16500 DEFENSE HEALTH PROGRAM ACCRUAL	324,881	324,881	324,881	324,881
16550 BASIC ALLOWANCE FOR HOUSING	889,301	889,301	889,301	889,301
16600 BASIC ALLOWANCE FOR SUBSISTENCE	144,656	144,656	144,656	144,656
16650 INCENTIVE PAYS	309,672	309,672	309,672	309,672
16700 SPECIAL PAYS	217,363	217,363	219,191	217,363
16750 ALLOWANCES	62,369	62,369	67,085	62,369
16800 SEPARATION PAY	103,486	103,486	103,486	103,486
16850 SOCIAL SECURITY TAX	306,073	306,073	306,073	306,073
16950 TOTAL, BUDGET ACTIVITY 1	7,461,246	7,461,246	7,467,790	7,461,246
17000 ACTIVITY 2: PAY AND ALLOW OF ENLISTED PERS				
17050 BASIC PAY	7,348,882	7,348,882	7,348,882	7,348,882
17100 RETIRED PAY ACCRUAL	1,991,547	1,991,547	1,991,547	1,991,547
17150 DEFENSE HEALTH PROGRAM ACCRUAL	1,317,958	1,317,958	1,317,958	1,317,958
17200 BASIC ALLOWANCE FOR HOUSING	1,898,484	1,898,484	1,898,484	1,898,484
17250 INCENTIVE PAYS	33,086	33,086	33,086	33,086
17300 SPECIAL PAYS	382,279	382,278	402,276	382,279
17350 ALLOWANCES	370,087	370,087	403,268	370,087
17400 SPECIAL COMP FOR COMBAT-RELATED DISABLED	122,000	122,000	122,000	122,000
17450 SEPARATION PAY	99,543	99,543	99,543	99,543
17500 SOCIAL SECURITY TAX	562,190	562,190	562,190	562,190
17600 TOTAL, BUDGET ACTIVITY 2	14,126,056	14,126,055	14,179,234	14,126,056

	Budget	House	Senate	Conference
	(In thousands of dollars)			
17650 ACTIVITY 3: PAY AND ALLOWANCES OF CADETS 17700 ACADEMY CADETS	50,362	50,362	50,362	50,362
17750 ACTIVITY 4: SUBSISTENCE OF ENLISTED PERS 17800 BASIC ALLOWANCE FOR SUBSISTENCE	713,180	713,180	713,180	713,180
17850 SUBSISTENCE-IN-KIND	149,061	149,061	149,061	149,061
17900 FAMILY SUBSISTENCE SUPPLEMENTAL ALLOWANCE	1,215	1,215	1,215	1,215
18000 TOTAL, BUDGET ACTIVITY 4	863,456	863,456	863,456	863,456
18050 ACTIVITY 5: PERMANENT CHANGE OF STATION 18100 ACCESSION TRAVEL	82,538	82,538	82,538	82,538
18150 TRAINING TRAVEL	83,524	83,524	83,524	83,524
18200 OPERATIONAL TRAVEL	163,847	163,847	163,847	163,847
18250 ROTATIONAL TRAVEL	463,149	463,149	463,149	463,149
18300 SEPARATION TRAVEL	115,407	115,407	115,407	115,407
18350 TRAVEL OF ORGANIZED UNITS	9,192	9,192	9,192	9,192
18400 NON-TEMPORARY STORAGE	25,076	25,076	25,076	25,076
18450 TEMPORARY LODGING EXPENSE	35,184	35,184	35,184	35,184
18550 TOTAL, BUDGET ACTIVITY 5	977,917	977,917	977,917	977,917
18600 ACTIVITY 6: OTHER MILITARY PERS COSTS 18650 APPREHENSION OF MILITARY DESERTERS	100	100	100	100
18700 INTEREST ON UNIFORMED SERVICES SAVINGS	595	595	595	595
18750 DEATH GRATUITIES	1,494	1,494	1,494	1,494
18800 UNEMPLOYMENT BENEFITS	31,069	31,069	31,069	31,069
18850 SURVIVOR BENEFITS	3,178	3,178	3,178	3,178
18900 EDUCATION BENEFITS	4,140	4,140	4,140	4,140
18950 ADOPTION EXPENSES	800	800	800	800
19000 SPECIAL COMPENSATION FOR SEVERELY DISABLED RETIREES	9,400	9,400	9,400	9,400
19050 TRANSPORTATION SUBSIDY	11,030	11,030	11,030	11,030
19100 OTHER	2,612	2,612	2,612	2,612
19200 TOTAL, BUDGET ACTIVITY 6	64,418	64,418	64,418	64,418

	(In thousands of dollars) Budget	House	Senate	Conference
19250 LESS REIMBURSABLES	-382,451	-382,451	-382,451	-382,451
19253 INCREASED PAY TABLES AUTHORIZED	---	---	7,782	---
19255 ONW/OSW CONOPS	---	---	-235,436	-235,436
19620 UNOBLIGATED BALANCES	---	-40,000	---	-40,000
19625 B-52 ATTRITION RESERVE	---	---	---	3,800
19630 INCREASE IN DEATH GRATUITY	---	---	---	1,500
19635 INCREASE IN FSA/IDP	---	---	---	20,000
19650 TOTAL, ACTIVE FORCES, AIR FORCE	23,161,004	23,121,003	22,993,072	22,910,868
19700 ACTIVITY 7: RESERVE PERSONNEL, AIR FORCE				
19750 UNIT AND INDIVIDUAL TRAINING:				
19800 PAY GROUP A TRAINING (15 DAYS & DRILLS 24/48)	538,831	---	---	---
19850 PAY GROUP B TRAINING (BACKFILL FOR ACT DUTY)	108,553	---	---	---
19900 PAY GROUP F TRAINING (RECRUITS)	23,513	---	---	---
19950 DEFENSE HEALTH PROGRAM ACCRUAL	100	---	---	---
20000 OTHER	136,841	---	---	---
20100 TOTAL, UNIT AND INDIVIDUAL TRAINING	807,838	---	---	---
20150 OTHER TRAINING AND SUPPORT:				
20200 MOBILIZATION TRAINING	1,800	---	---	---
20250 SCHOOL TRAINING	77,959	---	---	---
20300 SPECIAL TRAINING	157,925	---	---	---
20350 ADMINISTRATION AND SUPPORT	163,163	---	---	---
20400 EDUCATION BENEFITS	10,530	---	---	---
20450 ROTC - SENIOR, JUNIOR	77,104	---	---	---
20500 HEALTH PROFESSION SCHOLARSHIP	28,359	---	---	---
20550 DEFENSE HEALTH PROGRAM ACCRUAL	7,210	---	---	---
20700 TOTAL, OTHER TRAINING AND SUPPORT	524,050	---	---	---
21050 TOTAL, BUDGET ACTIVITY 7	1,331,888	---	---	---

	(In thousands of dollars) Budget	House	Senate	Conference
21100 ACTIVITY 8: NATIONAL GUARD PERSONNEL, AIR FORCE				
21150 UNIT AND INDIVIDUAL TRAINING				
21200 PAY GROUP A TRAINING (15 DAYS & DRILLS 24/48)	788,738	---	---	---
21250 PAY GROUP F TRAINING (RECRUITS)	64,797	---	---	---
21300 PAY GROUP P TRAINING (PIPELINE RECRUITS)	1,208	---	---	---
21350 DEFENSE HEALTH PROGRAM ACCRUAL	178,118	---	---	---
21500 TOTAL, UNIT AND INDIVIDUAL TRAINING	1,032,861	---	---	---
21550 OTHER TRAINING AND SUPPORT:				
21600 SCHOOL TRAINING	142,196	---	---	---
21650 SPECIAL TRAINING	76,243	---	---	---
21700 ADMINISTRATION AND SUPPORT	878,399	---	---	---
21750 EDUCATION BENEFITS	40,443	---	---	---
21800 DEFENSE HEALTH PROGRAM ACCRUAL	52,956	---	---	---
21950 TOTAL, OTHER TRAINING AND SUPPORT	1,190,237	---	---	---
22250 TOTAL, BUDGET ACTIVITY 8	2,223,098	---	---	---
22550 TOTAL, MILITARY PERSONNEL, AIR FORCE	26,715,990	23,121,003	22,993,072	22,910,868

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Other Adjustments:	
19255 ONW/OSW/ODS CONOPS	−235,436
19620 Unobligated Balances	−40,000
19625 B–52 attrition reserve	3,800
19630 Increase in Death Gratuity	1,500
19635 Increase in FSA/IDP	20,000

NATIONAL GUARD AND RESERVE FORCES

The conferees agree to provide $15,105,951,000 in Reserve personnel appropriations, $14,296,667,000 in Reserve operation and maintenance appropriations, and $400,000,000 in the National Guard and Reserve Equipment appropriation. These funds support a Selected Reserve end strength of 863,300 as shown below.

SELECTED RESERVE END STRENGTH

[Fiscal year 2004]

	Budget	Conference	Conference vs. Budget
Selected Reserve:			
Army Reserve	205,000	205,000	
Navy Reserve	85,900	85,900	
Marine Corps Reserve	39,600	39,600	
Air Force Reserve	75,800	75,800	
Army National Guard	350,000	350,000	
Air National Guard	107,000	107,000	
Total	863,300	863,300	

SELECTED RESERVE END STRENGTH—Continued

[Fiscal year 2004]

	Budget	Conference	Conference vs. Budget
AGR/TARS:			
Army Reserve	14,374	14,374	
Navy Reserve	14,384	14,384	
Marine Corps Reserve	2,261	2,261	
Air Force Reserve	1,660	1,660	
Army National Guard	25,386	25,597	+211
Air National Guard	12,140	12,193	+53
Total	70,205	70,469	+264
Technicans:			
Army Reserve	7,594	7,594	
Air Force Reserve	10,081	10,081	
Army National Guard	26,189	26,189	
Air National Guard	23,156	23,156	
Total	67,020	67,020	

RESERVE PERSONNEL, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) Budget	House	Senate	Conference
22600 RESERVE PERSONNEL, ARMY				
22650 ACTIVITY 1: UNIT AND INDIVIDUAL TRAINING				
22700 PAY GROUP A TRAINING (15 DAYS & DRILLS 24/48).....	---	1,142,059	1,142,059	1,142,059
22750 PAY GROUP B TRAINING (BACKFILL FOR ACT DUTY).....	---	41,615	41,615	41,615
22800 PAY GROUP F TRAINING (RECRUITS).....	---	168,541	168,541	168,541
22850 PAY GROUP P TRAINING (PIPELINE RECRUITS).....	---	13,364	13,364	13,364
22900 DEFENSE HEALTH PROGRAM ACCRUAL.....	---	353,984	353,984	353,984
23050 TOTAL, BUDGET ACTIVITY 1.....	---	1,719,563	1,719,563	1,719,563
23150 MOBILIZATION TRAINING.....	---	18,548	18,548	18,548
23200 SCHOOL TRAINING.....	---	111,285	111,285	111,285
23250 SPECIAL TRAINING.....	---	157,879	157,879	157,879
23300 ADMINISTRATION AND SUPPORT.....	---	1,286,251	1,286,251	1,286,251
23350 EDUCATION BENEFITS.....	---	47,182	47,182	47,182
23400 ROTC - SENIOR, JUNIOR.....	---	116,560	116,560	116,560
23450 HEALTH PROFESSION SCHOLARSHIP	---	29,648	29,648	29,648
23500 DEFENSE HEALTH PROGRAM ACCRUAL.....	---	65,087	65,087	65,087
23550 OTHER PROGRAMS	---	34,122	34,122	34,122
23650 TOTAL, BUDGET ACTIVITY 2.....	---	1,866,562	1,866,562	1,866,562
23700 UNDISTRIBUTED ADJUSTMENT.....	---	-2,500	---	---
23705 LEGISLATIVE PROPOSALS NOT ADOPTED.....	---	---	-2,500	-2,500
23710 INCREASED PAY TABLES AUTHORIZED.....	---	---	1,110	---
23900 UNOBLIGATED BALANCES.....	---	-5,000	---	-5,000
23950 RESERVES COST AVOIDANCE.....	---	-10,000	---	-10,000
23955 INCREASE IN DEATH GRATUITY.....	---	---	---	100
24000 TOTAL RESERVE PERSONNEL, ARMY.....	---	3,568,625	3,584,735	3,568,725

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Other Adjustments:	
23900 Unobligated Balances	−5,000
23950 Reserves Cost Avoidance	−10,000
23955 Increase in Death Gratuity	100

RESERVE PERSONNEL, NAVY

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) Budget	House	Senate	Conference
24050 RESERVE PERSONNEL, NAVY				
24100 ACTIVITY 1: UNIT AND INDIVIDUAL TRAINING				
24150 PAY GROUP A TRAINING (15 DAYS & DRILLS 24/48).....	---	722,921	722,921	722,921
24200 PAY GROUP B TRAINING (BACKFILL FOR ACT DUTY).....	---	4,052	4,052	4,052
24250 PAY GROUP F TRAINING (RECRUITS).....	---	2,273	2,273	2,273
24300 DEFENSE HEALTH PROGRAM ACCRUAL.....	---	133,994	133,994	133,994
24450 TOTAL, BUDGET ACTIVITY 1.....	---	863,240	863,240	863,240
24500 ACTIVITY 2: OTHER TRAINING AND SUPPORT				
24550 MOBILIZATION TRAINING.....	---	6,599	6,599	6,599
24600 SCHOOL TRAINING.....	---	23,013	23,013	23,013
24650 SPECIAL TRAINING.....	---	59,797	59,797	59,797
24700 ADMINISTRATION AND SUPPORT.....	---	937,333	937,333	937,333
24750 EDUCATION BENEFITS.....	---	865	865	865
24800 ROTC - SENIOR, JUNIOR.....	---	39,120	39,120	39,120
24850 HEALTH PROFESSION SCHOLARSHIP.....	---	31,695	31,695	31,695
24900 DEFENSE HEALTH PROGRAM ACCRUAL.....	---	66,491	66,491	66,491
25050 TOTAL, BUDGET ACTIVITY 2.....	---	1,164,913	1,164,913	1,164,913
25055 INCREASED PAY TABLES AUTHORIZED.....	---	---	618	---
25060 ONW/OSW CONOPS.....	---	---	-826	-826
25300 UNOBLIGATED BALANCES.....	---	-5,000	---	-5,000
25370 RESERVES COST AVOIDANCE.....	---	-40,000	---	-20,000
25380 INCREASE IN DEATH GRATUITY.....	---	---	---	400
25450 TOTAL, RESERVE PERSONNEL, NAVY.....	---	1,983,153	2,027,945	2,002,727

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Other Adjustments:	
25060 ONW/OSW/ODS CONOPS	−826
25300 Unobligated Balances	−5,000
25370 Reserves Cost Avoidance	−20,000
25380 Increase in Death Gratuity	400

RESERVE PERSONNEL, MARINE CORPS

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) Budget	House	Senate	Conference
25500 RESERVE PERSONNEL, MARINE CORPS				
25550 ACTIVITY 1: UNIT AND INDIVIDUAL TRAINING				
25600 PAY GROUP A TRAINING (15 DAYS & DRILLS 24/48).....	---	180,764	180,764	180,764
25650 PAY GROUP B TRAINING (BACKFILL FOR ACT DUTY).....	---	17,333	17,333	17,333
25700 PAY GROUP F TRAINING (RECRUITS).....	---	75,213	75,213	75,213
25750 PAY GROUP P TRAINING (PIPELINE RECRUITS).....	---	183	183	183
25800 DEFENSE HEALTH PROGRAM ACCRUAL.....	---	69,282	69,282	69,282
25950 TOTAL, BUDGET ACTIVITY 1.....	---	342,775	342,775	342,775
26000 ACTIVITY 2: OTHER TRAINING AND SUPPORT				
26050 MOBILIZATION TRAINING.....	---	2,319	2,319	2,319
26100 SCHOOL TRAINING.....	---	10,990	10,990	10,990
26150 SPECIAL TRAINING.....	---	33,730	33,730	33,730
26200 ADMINISTRATION AND SUPPORT.....	---	151,919	151,919	151,919
26250 EDUCATION BENEFITS.....	---	17,820	17,820	17,820
26300 ROTC - SENIOR, JUNIOR.....	---	5,007	5,007	5,007
26350 DEFENSE HEALTH PROGRAM ACCRUAL.....	---	10,475	10,475	10,475
26400 OTHER PROGRAMS	---	12,409	12,409	12,409
26500 TOTAL, BUDGET ACTIVITY 2.....	---	244,669	244,669	244,669
26520 INCREASED PAY TABLES AUTHORIZED.....	---	---	175	---
26600 UNOBLIGATED BALANCES.....	---	-2,000	---	-2,000
26650 RESERVES COST AVOIDANCE.....	---	-14,000	---	-14,000
26750 TOTAL, RESERVE PERSONNEL, MARINE CORPS.....	---	571,444	587,619	571,444

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Other Adjustments:	
26600 Unobligated Balances	−2,000
26650 Reserves Cost Avoidance	−14,000

RESERVE PERSONNEL, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) Budget	House	Senate	Conference
26800 RESERVE PERSONNEL, AIR FORCE				
26850 ACTIVITY 1: UNIT AND INDIVIDUAL TRAINING				
26900 PAY GROUP A TRAINING (15 DAYS & DRILLS 24/48)	---	538,831	538,831	538,831
26950 PAY GROUP B TRAINING (BACKFILL FOR ACT DUTY)	---	108,553	108,553	108,553
27000 PAY GROUP F TRAINING (RECRUITS)	---	23,513	23,513	23,513
27050 DEFENSE HEALTH PROGRAM ACCRUAL	---	100	100	100
27100 OTHER	---	136,841	136,841	136,841
27200 TOTAL, BUDGET ACTIVITY 1	---	807,838	807,838	807,838
27250 ACTIVITY 2: OTHER TRAINING AND SUPPORT				
27300 MOBILIZATION TRAINING	---	1,800	1,800	1,800
27350 SCHOOL TRAINING	---	77,959	77,959	77,959
27400 SPECIAL TRAINING	---	157,925	157,925	157,925
27450 ADMINISTRATION AND SUPPORT	---	163,163	163,163	163,163
27500 EDUCATION BENEFITS	---	10,530	10,530	10,530
27550 ROTC - SENIOR, JUNIOR	---	77,104	77,104	77,104
27600 HEALTH PROFESSION SCHOLARSHIP	---	28,359	28,359	28,359
27650 DEFENSE HEALTH PROGRAM ACCRUAL	---	7,210	7,210	7,210
27800 TOTAL, BUDGET ACTIVITY 2	---	524,050	524,050	524,050
27810 INCREASED PAY TABLES AUTHORIZED	---	---	413	---
27900 UNOBLIGATED BALANCES	---	-4,000	---	-4,000
27910 RESERVES COST AVOIDANCE	---	-60,000	---	-40,000
27920 INCREASE IN DEATH GRATUITY	---	---	---	200
28150 TOTAL, RESERVE PERSONNEL, AIR FORCE	---	1,267,888	1,332,301	1,288,088

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Other Adjustments:	
27900 Unobligated Balances	−4,000
27910 Reserves Cost Avoidance	−40,000
27920 Increase in Death Gratuity	200

NATIONAL GUARD PERSONNEL, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) Budget	House	Senate	Conference
28200 NATIONAL GUARD PERSONNEL, ARMY				
28250 ACTIVITY 1: UNIT AND INDIVIDUAL TRAINING				
28300 PAY GROUP A TRAINING (15 DAYS & DRILLS 24/48)	---	1,936,855	1,936,855	1,936,855
28350 PAY GROUP F TRAINING (RECRUITS)	---	237,886	237,886	237,886
28400 PAY GROUP P TRAINING (PIPELINE RECRUITS)	---	26,327	26,327	26,327
28450 DEFENSE HEALTH PROGRAM ACCRUAL	---	605,970	605,970	605,970
28600 TOTAL, BUDGET ACTIVITY 1	---	2,807,038	2,807,038	2,807,038
28650 ACTIVITY 2: OTHER TRAINING AND SUPPORT				
28700 SCHOOL TRAINING	---	225,190	225,190	225,190
28750 SPECIAL TRAINING	---	198,365	198,365	198,365
28800 ADMINISTRATION AND SUPPORT	---	2,061,781	2,144,281	2,131,881
28850 EDUCATION BENEFITS	---	109,636	109,636	109,636
28900 DEFENSE HEALTH PROGRAM ACCRUAL	---	112,309	112,309	112,309
29050 TOTAL, BUDGET ACTIVITY 2	---	2,707,281	2,789,781	2,777,381
29070 INCREASED PAY TABLES AUTHORIZED	---	---	1,685	---
29350 UNOBLIGATED BALANCES	---	-5,000	---	-5,000
29410 RESERVES COST AVOIDANCE	---	-80,000	---	-50,000
29420 SUSTAIN AGR GROWTH	---	24,400	---	---
29430 MOBILIZED AGRS	---	-71,000	---	-30,000
29435 LEWIS AND CLARK BICENTENNIAL ACTIVITIES	---	---	---	750
29440 INCREASE IN DEATH GRATUITY	---	---	---	200
29500 TOTAL, NATIONAL GUARD PERSONNEL, ARMY	---	5,382,719	5,598,504	5,500,369

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 2: Other Training and Support	
28800 Administration and Support/Full Time Manning for AGRs	37,800
28800 Administration and Support/Civil Support Teams AGRs	18,000
28800 Administration and Support/Ground-Based Midcourse Missile Defense AGRs	14,300
Other Adjustments:	
29350 Unobligated Balances	−5,000
29410 Reserves Cost Avoidance	−50,000
29430 Mobilized AGRs ...	−30,000
29435 Lewis and Clark Bicentennial Activities	750
29440 Increase in Death Gratuity	200

NATIONAL GUARD PERSONNEL, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) Budget	House	Senate	Conference
29550 NATIONAL GUARD PERSONNEL, AIR FORCE				
29600 ACTIVITY 1: UNIT AND INDIVIDUAL TRAINING				
29650 PAY GROUP A TRAINING (15 DAYS & DRILLS 24/48).....	---	788,738	788,738	788,738
29700 PAY GROUP F TRAINING (RECRUITS).....	---	64,797	64,797	64,797
29750 PAY GROUP P TRAINING (PIPELINE RECRUITS).....	---	1,208	1,208	1,208
29800 DEFENSE HEALTH PROGRAM ACCRUAL.....	---	178,118	178,118	178,118
29950 TOTAL, BUDGET ACTIVITY 1.....	---	1,032,861	1,032,861	1,032,861
30000 ACTIVITY 2: OTHER TRAINING AND SUPPORT				
30050 SCHOOL TRAINING.....	---	142,196	142,196	142,196
30100 SPECIAL TRAINING.....	---	76,243	76,243	76,243
30150 ADMINISTRATION AND SUPPORT.....	---	878,399	883,399	882,399
30200 EDUCATION BENEFITS.....	---	40,443	40,443	40,443
30250 DEFENSE HEALTH PROGRAM ACCRUAL.....	---	52,956	52,956	52,956
30400 TOTAL, BUDGET ACTIVITY 2.....	---	1,190,237	1,195,237	1,194,237
30410 INCREASED PAY TABLES AUTHORIZED.....	---	---	732	---
30550 UNOBLIGATED BALANCES.....	---	-2,500	---	-2,500
30600 RESERVES COST AVOIDANCE.....	---	-80,000	---	-50,000
30750 TOTAL, NATIONAL GUARD PERSONNEL, AIR FORCE.....	---	2,140,598	2,228,830	2,174,598

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 2: Other Training and Support	
30150 Administration and Support/Civil Support Teams AGRs	4,000
Other Adjustments:	
30550 Unobligated Balances	−2,500
30600 Reserves Cost Avoidance	−50,000

TITLE II – OPERATION AND MAINTENANCE

The conference agreement on the items addressed by either the House or the Senate is as follows:

		(In thousands of dollars) Budget	House	Senate	Conference
50000	RECAPITULATION				
50050	O & M, ARMY	24,958,842	24,903,992	24,922,949	25,029,346
50150	O & M, NAVY	28,287,690	28,060,240	28,183,284	28,146,658
50250	O & M, MARINE CORPS	3,406,656	3,440,456	3,418,023	3,440,323
50300	O & M, AIR FORCE	27,793,931	26,689,043	26,698,375	26,904,731
50400	O & M, DEFENSEWIDE	16,570,847	16,124,455	16,279,006	16,226,841
50500	O & M, ARMY RESERVE	1,952,009	2,031,309	1,964,009	1,998,609
50550	O & M, NAVY RESERVE	1,171,921	1,171,921	1,172,921	1,172,921
50600	O & M, MARINE CORPS RESERVE	173,952	173,952	173,952	173,952
50650	O & M, AIR FORCE RESERVE	2,179,188	2,144,188	2,179,188	2,179,388
50700	O & M, ARMY NATIONAL GUARD	4,211,331	4,325,231	4,273,131	4,340,581
50750	O & M, AIR NATIONAL GUARD	4,402,646	4,424,046	4,418,616	4,431,216
50790	OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND	50,000	5,000	10,000	5,000
50800	UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES	10,333	10,333	10,333	10,333
50850	ENVIRONMENTAL RESTORATION, ARMY	396,018	396,018	396,018	396,018
50900	ENVIRONMENTAL RESTORATION, NAVY	256,153	256,153	256,153	256,153
50950	ENVIRONMENTAL RESTORATION, AIR FORCE	384,307	384,307	384,307	384,307
51000	ENVIRONMENTAL RESTORATION, DEFENSE-WIDE	24,081	24,081	24,081	24,081
51050	ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES	212,619	221,369	312,619	284,619
51200	OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID	59,000	59,000	59,000	59,000
51300	FORMER SOVIET UNION THREAT REDUCTION	450,800	450,800	450,800	450,800
51600	GRAND TOTAL, O & M	116,952,324	115,295,894	115,586,765	115,914,877

TRAVEL OF MILITARY DEPENDENTS

The conferees are concerned that spouses and dependents of deployed military personnel often do not have the financial means to visit their family members. Such travel could help ease the difficult burden of managing a household. The conferees direct the Secretary of Defense to submit a proposal for a program that would provide travel assistance to spouses and dependents of deployed military personnel. This proposal is to be submitted to the congressional defense committees before presentation of the fiscal year 2005 budget estimate.

OPERATION AND MAINTENANCE, ARMY

The conference agreement on items addressed by either the House or the Senate is a follows:

	(In thousands of dollars) Budget	House	Senate	Conference
100 OPERATION AND MAINTENANCE, ARMY				
150 BUDGET ACTIVITY 1: OPERATING FORCES				
200 LAND FORCES				
250 DIVISIONS	1,506,922	1,518,422	1,516,922	1,521,622
300 CORPS COMBAT FORCES	478,563	478,563	478,563	478,563
350 CORPS SUPPORT FORCES	383,755	383,755	383,755	383,755
400 ECHELON ABOVE CORPS SUPPORT FORCES	467,026	467,026	467,026	467,026
450 LAND FORCES OPERATIONS SUPPORT	1,078,757	1,078,757	1,113,757	1,108,757
500 LAND FORCES READINESS				
550 FORCE READINESS OPERATIONS SUPPORT	1,568,900	1,572,400	1,568,900	1,594,162
600 LAND FORCES SYSTEMS READINESS	488,918	488,918	488,918	488,918
650 LAND FORCES DEPOT MAINTENANCE	1,007,481	1,007,481	1,007,481	1,007,481
700 LAND FORCES READINESS SUPPORT				
750 BASE OPERATIONS SUPPORT	2,651,539	2,659,539	---	5,000,930
800 FAC SUSTAINMENT, RESTORATION & MOD (OP FORCES)	1,094,309	1,094,309	---	1,816,376
850 MANAGEMENT & OPERATIONAL HEADQUARTERS	243,033	243,033	260,180	257,733
900 UNIFIED COMMANDS	85,115	85,115	85,115	85,115
950 MISCELLANEOUS ACTIVITIES	1,562,793	1,562,793	1,527,757	1,534,193
1045 TOTAL, BUDGET ACTIVITY 1	12,617,111	12,640,111	8,898,374	15,744,631
1050 BUDGET ACTIVITY 2: MOBILIZATION				
1100 MOBILITY OPERATIONS				
1200 STRATEGIC MOBILIZATION	378,432	378,432	382,432	381,232
1250 ARMY PREPOSITIONED STOCKS	145,728	145,728	145,728	145,728
1300 INDUSTRIAL PREPAREDNESS	7,753	7,753	7,753	7,753
1325 FAC SUSTAINMENT, RESTORATION & MODERNIZATION	6,933	6,933	---	---
1350 TOTAL, BUDGET ACTIVITY 2	538,846	538,846	535,913	534,713

	(In thousands of dollars) Budget	House	Senate	Conference
1400 BUDGET ACTIVITY 3: TRAINING AND RECRUITING				
1450 ACCESSION TRAINING				
1500 OFFICER ACQUISITION	89,853	89,853	89,853	89,853
1550 RECRUIT TRAINING	22,977	22,977	22,977	22,977
1600 ONE STATION UNIT TRAINING	39,106	39,106	39,106	39,106
1650 SENIOR RESERVE OFFICERS' TRAINING CORPS	214,264	215,764	216,264	215,764
1700 BASE OPERATIONS SUPPORT (ACCESSION TRAINING)	80,110	80,110	---	---
1750 FAC SUSTAINMENT, RESTORATION & MODERNIZATION	61,096	61,096	---	---
1800 BASIC SKILL/ ADVANCE TRAINING				
1850 SPECIALIZED SKILL TRAINING	306,272	313,972	308,272	313,072
1900 FLIGHT TRAINING	499,040	499,040	504,040	501,540
1950 PROFESSIONAL DEVELOPMENT EDUCATION	142,038	142,038	142,038	144,038
2000 TRAINING SUPPORT	478,903	482,003	485,403	484,403
2050 BASE OPERATIONS SUPPORT (BASIC SKILL/ADV TRAINING)	819,604	828,204	---	---
2100 FAC SUSTAINMENT, RESTORATION & MODERNIZATION	392,550	392,550	---	---
2150 RECRUITING/OTHER TRAINING				
2200 RECRUITING AND ADVERTISING	468,035	468,035	468,035	468,035
2250 EXAMINING	83,269	83,269	83,269	83,269
2300 OFF-DUTY AND VOLUNTARY EDUCATION	226,011	226,011	227,011	227,011
2350 CIVILIAN EDUCATION AND TRAINING	92,536	94,536	92,536	93,936
2400 JUNIOR RESERVE OFFICERS' TRAINING CORPS	129,978	129,978	129,978	129,978
2450 BASE OPERATIONS SUPPORT (RECRUIT/OTHER TRAINING)	238,993	238,993	---	---
2500 TOTAL, BUDGET ACTIVITY 3	4,384,635	4,407,535	2,808,782	2,812,982
2550 BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
2600 SECURITY PROGRAMS				
2650 SECURITY PROGRAMS	591,622	591,622	606,622	606,997
2700 LOGISTICS OPERATIONS				
2750 SERVICEWIDE TRANSPORTATION	661,551	661,551	661,551	661,551
2800 CENTRAL SUPPLY ACTIVITIES	491,835	499,835	491,835	497,735
2850 LOGISTICS SUPPORT ACTIVITIES	1,058,760	1,059,760	1,077,760	1,073,360
2900 AMMUNITION MANAGEMENT	330,129	330,129	330,129	330,129

	(In thousands of dollars) Budget	House	Senate	Conference
2950 SERVICEWIDE SUPPORT				
3000 ADMINISTRATION	664,135	664,135	664,135	664,135
3050 SERVICEWIDE COMMUNICATIONS	623,102	628,602	623,102	627,773
3100 MANPOWER MANAGEMENT	210,202	210,202	210,202	210,202
3150 OTHER PERSONNEL SUPPORT	198,716	202,216	202,716	202,216
3200 OTHER SERVICE SUPPORT	707,558	707,558	747,508	742,708
3250 ARMY CLAIMS	116,691	116,691	116,691	116,691
3300 REAL ESTATE MANAGEMENT	50,173	50,173	50,173	50,173
3350 BASE OPERATIONS SUPPORT (SERVICEWIDE SUPPORT)	1,194,134	1,200,584	---	---
3400 FAC SUSTAINMENT, RESTORATION & MODERNIZATION	260,288	262,288	---	---
3550 SUPPORT OF OTHER NATIONS				
3600 INTERNATIONAL MILITARY HEADQUARTERS	207,125	207,125	207,125	207,125
3650 MISC. SUPPORT OF OTHER NATIONS	58,729	58,729	58,729	58,729
3700 TOTAL, BUDGET ACTIVITY 4	7,424,750	7,451,200	6,048,278	6,049,524
3705 BASE OPERATIONS SUPPORT	---	---	4,984,380	---
3707 FACILITIES SUSTAINMENT, RESTORATION AND MODERNIZATION	---	---	1,815,176	---
3710 CLASSIFIED PROGRAMS UNDISTRIBUTED	---	177,000	177,000	177,000
3711 WCF EXCESS CASH BALANCES	---	---	-107,000	---
3720 MEMORIAL EVENTS	---	400	---	400
3970 UNOBLIGATED BALANCES	---	-51,500	-21,300	-51,500
4080 UNDISTRIBUTED REDUCTION	-6,500	-6,500	---	---
4081 LEGISLATIVE PROPOSAL NOT ADOPTED	---	---	-6,500	-6,500
4090 SWA CONOPS	---	-200,400	-200,304	-200,304
4100 ADMINISTRATION AND SERVICEWIDE ACTIVITIES	---	-33,000	---	-33,000
4110 CIVILIAN PAY OVERSTATEMENT	---	-19,700	-9,850	-21,900
4120 WMD CIVIL SUPPORT TEAMS	---	---	---	23,300
4180 TOTAL, OPERATION AND MAINTENANCE, ARMY	24,958,842	24,903,992	24,922,949	25,029,346

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 1: Operating Forces:	
250 Modular Lightweight Load-Carrying Equipment (MOLLE)	1,800
250 Hydration on the Move System Basic/Chemical/Biological	1,000
250 Expandable Light Air Mobility Shelters	5,100
250 Clear Water Rinse Facility	2,000
250 Extended Cold Weather Clothing System (ECWCS)	3,000
250 Fort Riley Readiness	1,800
450 SBCT Implementation	30,000
550 C4I O&M requirements transferred from OPA	22,262
550 Enhance Urbanized Training at Fort Irwin and Support JNTC Initiatives	3,000
750 Training and Support Facilities	6,800
750 Army Worker Safety Program Expansion	5,100
750 Feasibility Study for Homeland Defense and National Security Applications at Watervliet Arsenal	450
750 Fort Knox University of Mounted Warfare Campus Area Network infrastructure	1,200
750 Repave Road to Ammo Facility at Fort Benning	3,000
750 Realign BOS/FSRM resources to BA–1	80,110
750 Realign BOS/FSRM resources to BA–1	819,604
750 Realign BOS/FSRM resources to BA–1	238,993
750 Realign BOS/FSRM resources to BA–1	1,194,134
800 Army Chapel Renovation Matching Funds Program	1,200
800 Realign BOS/FSRM resources to BA–1	6,933
800 Realign BOS/FSRM resources to BA–1	61,096
800 Realign BOS/FSRM resources to BA–1	392,550
800 Realign BOS/FSRM resources to BA–1	260,288
850 Deployable C4ISR	1,000
850 Network and IT Infrastructure Capabilities	7,900
850 PACMERS	5,800
950 Joint POW/MIA Accounting Command (JPAC) (transferred to OMN)	−26,600
950 Northern Edge Realignment of funds (transferred to OMN)	−2,000
Budget Activity 2: Mobilization:	
1200 Quadrangle Containers	2,800
1325 Realign BOS/FSRM resources to BA–1	−6,933
Budget Activity 3: Training and Recruiting:	
1650 Air Battle Captain Program	1,500
1700 Realign BOS/FSRM resources to BA–1	−80,110
1700 Realign BOS/FSRM resources to BA–1	−61,096
1850 Gauntlet Training and Instrumentation Facility Upgrade, Fort Knox	1,000
1850 U.S. Army Engineer School	2,800
1850 Military Police MCTFT Joint Training	1,000
1850 Satellite Communications for Learning (SCOLA) Language Training	2,000
1900 Army Aviation Transformation Training Initiatives (Flight School XXI)	2,500
1950 Civil Rights Education and History	2,000
2000 Defense Language Institute (DLI) LangNet Project	1,000
2000 Military Distance Learning Demonstration	1,000
2000 Fort Knox University of Mounted Warfare Classroom Automation Resources	1,000
2000 Online Technology Training Pilot Program in USARAK	2,500
2050 Realign BOS/FSRM resources to BA–1	−819,604
2050 Realign BOS/FSRM resources to BA–1	−392,550
2300 Shakespeare in American Military Communities	1,000
2350 Online Technology Training Pilot Program at Fort Lewis	1,400
2450 Realign BOS/FSRM resources to BA–1	−238,993
Budget Activity 4: Administration and Service wide Activities:	
2650 Classified	15,375
2800 Army Military Vehicle Batteries	1,400
2800 Pulse Technology—Army Battery Management Program	3,500
2800 TACOM electronic Maintenance System	1,000
2850 Integrated Digital Environments (IDE) Information Portal	1,000
2850 Corrosion Prevention and Control Program	4,800
2850 Field Pack-Up (FPU) System	1,800
2850 Skidsteer Loaders	6,000
2850 Regional Agile Port Intermodal Distribution (RAPID)	1,000
3050 C4I O&M Requirements (transferred from OPA)	671
3050 Army Knowledge Online	3,500
3050 Army Knowledge Online Labs in Korea	500
3150 Servicemembers Benefit Analysis Online (SMBAOnline)	3,500
3200 Army Conservation and Ecosystem Management	3,000
3200 Centralized Range Residue Recycling Facility (CRRRF)	1,500
3200 Fort Wainwright CHPP Renovation	18,700
3200 Fort Wainwright Utilidor Repair	9,000
3200 Rock Island Arsenal Bridge Repairs	2,450
3200 Tanana Flats Training Area Cleanup Program	500
3350 Realign BOS/FSRM resources to BA–1	−1,194,134
3400 Realign BOS/FSRM resources to BA–1	−260,288
Undistributed:	
3710 Classified Programs	177,000
3720 Memorial Events	400
3970 Un-obligated Balance	−51,500
4090 Southwest Asia CONOPS Costs	−200,304
4100 Administration and Service wide Activities	−33,000
4110 Civilian Pay Overstatement	−21,900
4120 WMD Civil Support Teams	23,300

REALIGNMENT OF BASE OPERATIONS SUPPORT (BOS) AND FACILITIES SUSTAINMENT, RESTORATION AND MODERNIZATION (FSRM) RESOURCES

The conferees concur with Senate Report 108–87 regarding the realignment of BOS and FSRM resources, which will allow for more careful management of installation resources and better oversight. However, rather than create a new budget activity, the conferees have consolidated Army BOS and FSRM resources in budget activity one, as detailed in the table above.

SERVICEMEMBERS BENEFIT ANALYSIS ONLINE (SMBA ONLINE)

The conferees have provided an additional $3,500,000 in Operation and Maintenance, Army for a pilot program to implement and evaluate this unique benefit analysis system. The conferees direct the Assistant Secretary of Defense (Force Management Policy) to report on the implementation and benefits of this pilot program, and submit this report to the congressional defense committees before presentation of the fiscal year 2005 budget.

STRYKER BRIGADE COMBAT TEAM (SBCT) IMPLEMENTATION

The conferees have included an additional $30,000,000 only to provide equipment and fielding of SBCTs, with appropriate consideration given to entities that are located in the same geographical region as the fielded SBCT, to include analytical and logistics support.

RECRUITING AND ADVERTISING

The conferees direct that no less than $6,000,000 of the funds provided for Operation and Maintenance, Army be used to maintain existing production efforts directed toward certain audiences, including Hispanic recruits.

ARMY WORKER SAFETY PROGRAM EXPANSION

The conferees are pleased with the progress of the Army's safety initiative underway at Fort Bragg and at the Watervliet Arsenal, and encourage the Secretary of the Army to expand the initiative to other Army installations. The conference agreement provides an additional $5,100,000 in Operation and Maintenance, Army to enhance and expand the current safety initiative for U.S. Army civilian and military personnel.

INTEGRATED DIGITAL ENVIRONMENTS INFORMATION PORTAL

The conference agreement provides an additional $500,000 in Operation and Maintenance, Army only for the program Executive Officer (PEO) Ground Combat Systems at TACOM to expand the use of the eBusiness Portal IDE's among all their weapon program managers and the Army's Research and

Development command structure. The conference agreement also provides an additional $500,000 in Operation and Maintenance, Army only for AMCOM's Prototype Integration Facility to expand an IDE environment in order to streamline rapid prototyping and the airworthiness qualification and release process. The Secretary of the Army shall provide a report to the congressional defense committees no later than March 31, 2004, evaluating the effectiveness of IDEs as weapon program management tools and the advantages they may provide to weapon program stakeholders throughout the life cycle.

ENHANCE URBANIZED TRAINING AT FORT IRWIN AND SUPPORT FOR JNTC INITIATIVES

The conference agreement provides an additional $3,000,000 in Operation and Maintenance, Army only to improve training at the National Training Center, as follows: $750,000 for NTC MOUT training; $750,000 for NTC training; and $1,500,000 for NTC anti-terrorism training.

TACONY WAREHOUSE

The conferees agree that of the funds made available in Operation and Maintenance, Army, $10,000,000 be used only to demolish the Army's Tacony Warehouse. The conferees further instruct the Secretary of the Army to ensure that the reuse of the Tacony Warehouse site its consistent with proposals outlined in the City of Philadelphia's North Delaware Riverfront Redevelopment Plan.

OPERATION AND MAINTENANCE, NAVY

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) Budget	House	Senate	Conference
4250 OPERATION AND MAINTENANCE, NAVY				
4300 BUDGET ACTIVITY 1: OPERATING FORCES				
4350 AIR OPERATIONS				
4400 MISSION AND OTHER FLIGHT OPERATIONS	3,262,507	3,262,507	3,262,507	3,263,507
4450 FLEET AIR TRAINING	1,025,326	1,025,326	1,025,326	1,025,326
4500 INTERMEDIATE MAINTENANCE	73,961	73,961	73,961	73,961
4550 AIR OPERATIONS AND SAFETY SUPPORT	105,559	105,559	105,559	105,559
4600 AIRCRAFT DEPOT MAINTENANCE	980,136	980,136	980,136	980,136
4650 AIRCRAFT DEPOT OPERATIONS SUPPORT	50,725	59,725	50,725	59,025
4800 SHIP OPERATIONS				
4850 MISSION AND OTHER SHIP OPERATIONS	2,485,605	2,485,605	2,490,605	2,489,105
4900 SHIP OPERATIONAL SUPPORT AND TRAINING	614,525	614,525	614,525	614,525
5000 SHIP DEPOT MAINTENANCE	3,567,545	3,567,545	3,567,545	3,575,745
5050 SHIP DEPOT OPERATIONS SUPPORT	1,087,587	1,091,087	1,099,587	1,101,787
5200 COMBAT OPERATIONS/SUPPORT				
5250 COMBAT COMMUNICATIONS	377,493	382,493	380,493	382,093
5300 ELECTRONIC WARFARE	15,574	15,574	15,574	15,574
5350 SPACE SYSTEMS & SURVEILLANCE	125,107	125,107	125,107	125,107
5400 WARFARE TACTICS	235,237	232,237	238,037	235,037
5450 OPERATIONAL METEOROLOGY & OCEANOGRAPHY	257,475	257,475	257,475	257,475
5500 COMBAT SUPPORT FORCES	892,241	864,241	897,241	875,841
5550 EQUIPMENT MAINTENANCE	166,033	168,033	166,033	167,433
5600 DEPOT OPERATIONS SUPPORT	2,733	2,733	2,733	2,733

	Budget	House	Senate	Conference
	(In thousands of dollars)			
5750 WEAPONS SUPPORT				
5800 CRUISE MISSILE	151,456	151,456	151,456	151,456
5850 FLEET BALLISTIC MISSILE	806,058	806,058	806,058	806,058
5900 IN-SERVICE WEAPONS SYSTEMS SUPPORT	44,092	44,092	44,092	44,092
5950 WEAPONS MAINTENANCE	466,425	471,425	478,425	478,425
6150 NWCF SUPPORT	-447,755	-447,755	-447,755	-447,755
6200 BASE SUPPORT				
6210 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	1,079,723	1,085,723	---	1,386,824
6220 BASE SUPPORT	2,609,334	2,618,334	---	3,246,155
6230 TOTAL, BUDGET ACTIVITY 1	20,034,702	20,043,202	16,385,445	21,015,224
6250 BUDGET ACTIVITY 2: MOBILIZATION				
6300 READY RESERVE AND PREPOSITIONING FORCES				
6350 SHIP PREPOSITIONING AND SURGE	506,690	496,990	506,690	496,990
6400 ACTIVATIONS/INACTIVATIONS				
6450 AIRCRAFT ACTIVATIONS/INACTIVATIONS	8,217	8,217	8,217	8,217
6500 SHIP ACTIVATIONS/INACTIVATIONS	167,127	168,127	177,127	174,127
6550 MOBILIZATION PREPAREDNESS				
6600 FLEET HOSPITAL PROGRAM	25,361	25,361	25,361	25,361
6650 INDUSTRIAL READINESS	1,702	1,702	1,702	1,702
6700 COAST GUARD SUPPORT	18,137	18,137	18,137	18,137
6750 TOTAL, BUDGET ACTIVITY 2	727,234	718,534	737,234	724,534
6800 BUDGET ACTIVITY 3: TRAINING AND RECRUITING				
6850 ACCESSION TRAINING				
6900 OFFICER ACQUISITION	116,022	116,022	116,022	116,022
6950 RECRUIT TRAINING	8,693	8,693	8,693	8,693
7000 RESERVE OFFICERS TRAINING CORPS	91,788	99,288	91,788	91,788
7150 BASIC SKILLS AND ADVANCED TRAINING				
7200 SPECIALIZED SKILL TRAINING	363,006	359,006	363,006	356,806
7250 FLIGHT TRAINING	441,982	441,982	441,982	441,982
7300 PROFESSIONAL DEVELOPMENT EDUCATION	113,134	113,134	113,134	113,134
7350 TRAINING SUPPORT	300,843	291,143	300,843	294,443

	(In thousands of dollars) Budget	House	Senate	Conference
7500 RECRUITING, AND OTHER TRAINING AND EDUCATION				
7550 RECRUITING AND ADVERTISING	251,507	251,507	252,507	252,507
7600 OFF-DUTY AND VOLUNTARY EDUCATION	98,885	100,135	98,885	99,885
7650 CIVILIAN EDUCATION AND TRAINING	70,628	70,628	70,628	70,628
7700 JUNIOR ROTC	40,333	41,333	42,333	41,833
7800 BASE SUPPORT				
7820 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	201,993	201,993	---	---
7830 BASE SUPPORT	373,377	373,377	---	---
7850 TOTAL, BUDGET ACTIVITY 3	2,472,191	2,468,241	1,899,821	1,887,721
7900 BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
7950 SERVICEWIDE SUPPORT				
8000 ADMINISTRATION	698,422	698,422	698,422	698,422
8050 EXTERNAL RELATIONS	4,026	4,026	4,026	4,026
8100 CIVILIAN MANPOWER & PERSONNEL MGT	104,963	104,963	104,963	104,963
8150 MILITARY MANPOWER & PERSONNEL MGT	221,170	221,170	221,170	221,170
8200 OTHER PERSONNEL SUPPORT	212,060	212,060	245,096	238,660
8250 SERVICEWIDE COMMUNICATIONS	632,682	634,682	647,182	644,782
8450 LOGISTICS OPERATIONS AND TECHNICAL SUPPORT				
8500 SERVICEWIDE TRANSPORTATION	193,045	193,045	193,045	193,045
8550 PLANNING, ENGINEERING & DESIGN	301,365	290,365	301,365	290,365
8600 ACQUISITION AND PROGRAM MANAGEMENT	905,432	906,432	905,432	905,432
8650 AIR SYSTEMS SUPPORT	447,639	454,139	447,639	447,639
8700 HULL, MECHANICAL & ELECTRICAL SUPPORT	62,927	63,927	64,427	65,427
8750 COMBAT/WEAPONS SYSTEMS	40,093	40,093	40,093	40,093
8800 SPACE & ELECTRONIC WARFARE SYSTEMS	66,236	66,236	66,236	66,236
8950 SECURITY PROGRAMS				
9000 SECURITY PROGRAMS	801,509	801,509	814,859	811,969
9150 SUPPORT OF OTHER NATIONS				
9200 INTERNATIONAL HDQTRS & AGENCIES	10,542	10,542	10,542	10,542
9210 BASE SUPPORT				
9220 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	98,108	98,108	---	---
9230 BASE SUPPORT	253,344	257,344	---	---
9250 TOTAL, BUDGET ACTIVITY 4	5,053,563	5,057,063	4,764,497	4,742,771

	(In thousands of dollars) Budget	House	Senate	Conference
9260 BASE OPERATIONS SUPPORT	---	---	3,236,055	---
9265 FACILITIES SUSTAINMENT, RESTORATION AND MODERNIZATION	---	---	1,379,824	---
9277 WCF EXCESS CASH BALANCES	---	---	-92,500	---
9440 UNOBLIGATED BALANCES	---	-99,000	-51,500	-99,000
9540 SWA CONOPS	---	-75,800	-75,592	-75,592
9550 ADMINISTRATION AND SERVICEWIDE ACTIVITIES	---	-52,000	---	-52,000
9560 PACOM THEATER JOINT C4 CAPABILITY	---	---	---	3,000
9750 TOTAL, OPERATION AND MAINTENANCE, NAVY	28,287,690	28,060,240	28,183,284	28,146,658

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 1: Operating Forces:	
4400 CAST 70 Tester	1,000
4650 Navy Depot Production Processes Cycle Time Improvement	1,000
4650 Simulation Modeling Analytical Support System (SMASS)	1,200
4650 Computer Automatic Tester and Radar Communication Automatic Test Equipment (CAT&RAD COM)	5,100
4650 Vertical Lift	1,000
4850 Photonic Sensor Marine Gas Turbine Engine Condition Based Maintenance	3,500
5000 Cruiser Modernization (transferred from SCN)	8,200
5050 Apprentice, Engineering Technician and CO–OP Program IMF Bangor	1,100
5050 Apprentice, Engineering Technician and CO–OP Program NUWC Keyport	1,400
5050 Naval Shipyard Apprenticeship Program	1,700
5050 PHNSY Support	10,000
5250 Collaborative Information Warfare Network SPAWAR Charleston	2,500
5250 Manufacturing Technical Assistance and Production Program (MTAPP)	2,100
5400 Warfare Tactics unjustified growth	−3,000
5400 Northern Edge Realignment of funds (transferred from OMA, OMAF)	2,800
5500 Combat Support Forces unjustified growth	−21,700
5500 Hydration on the Move System Basic/Chemical/Biological	1,000
5500 Center of Excellence for Disaster Management and Humanitarian Assistance	4,300
5550 Manual Reverse Osmosis Desalinator (MROD) Testing, Repair and Replacement	1,400
5950 Mark-45 5'' Gun Depot Overhauls	12,000
6210 Pier 3 Restoration at Puget Sound Naval Shipyard	6,000
6210 Realign BOS/FSRM resources to BA–1	201,993
6210 Realign BOS/FSRM resources to BA–1	98,108
6210 Toledo Shipyard Improvement Plan	1,000
6220 Critical Asset Vulnerability Assessment, Navy Region NW	1,400
6220 Northwest Environmental Resource Center	4,900
6220 Realign BOS/FSRM resources to BA–1	373,377
6220 Realign BOS/FSRM resources to BA–1	253,344
6220 Integrated Safety Management System Expansion	2,800
6220 Combating Terrorism Database System (CTDS)	1,000
Budget Activity 2: Mobilization:	
6350 Ship Prepositioning and Surge unjustified growth	−10,000
6350 Deployment/Mobilization Hub Study, New Orleans NAS/JRB	300
6500 Ship Disposal Program	7,000
Budget Activity 3: Training and Recruiting:	
7200 Specialized Skill Training unjustified growth	−10,000
7200 Blended Learning Initiative/Specialized Skill Training	2,800
7200 Pier-Side Tactical and Simulation Training	1,000
7350 Training Support unjustified growth	−15,000
7350 Prototype System for Embedded Training and Performance Support—CNET	300
7350 Naval Post Graduate Institute for Service to America	4,300
7350 Center for Defense Technology and Education for the Military Services	4,000
7550 Vital Learning Recruitment/Retention Screening Test Program	1,000
7600 Continuing Education Distance Learning	1,000
7700 Naval Sea Cadet Corps	1,500
7820 Realign BOS/FSRM resources to BA–1	−201,993
7830 Realign BOS/FSRM resources to BA–1	−373,377
Budget Activity 4: Administration and Servicewide Activities:	
8200 Joint POW/MIA Accounting Command (JPAC) (transferred from OMA)	26,600
8250 Mobile UHF DAMA Training Program	1,000
8250 Configuration Management Information System (CMIS)	6,500
8250 Navy Critical Infrastructure Protection	2,200
8250 SPAWAR Information Technology Center	2,400
8550 Planning, Engineering and Design unjustified growth	−11,000
8700 Advanced Technical Information Support (ATIS)	1,000
8700 Flame Contaminant Detection System (FCDS)	1,500
9000 Classified	10,460
9220 Realign BOS/FSRM resources to BA–1	−98,108
9230 Realign BOS/FSRM resources to BA–1	−253,344
Undistributed:	
9440 Un-obligated Balance	−99,000
9540 Southwest Asia CONOPS Costs	−75,592
9550 Administration and Servicewide Activities	−52,000
9560 PACOM Theater Joint C4 Capability	3,000

REALIGNMENT OF BASE OPERATIONS SUPPORT (BOS) AND FACILITIES SUSTAINMENT, RESTORATION AND MODERNIZATION (FSRM) RESOURCES

The conferees concur with Senate Report 108–87 regarding the realignment of BOS and FSRM resources, which will allow for more careful management of installation resources and better oversight. However, rather than create a new budget activity, the conferees have consolidated Navy BOS and FSRM resources in budget activity one, as detailed in the table above.

NAVAL SHIPYARD APPRENTICE PROGRAM

The conferees have included an additional $1,700,000 in Operation and Maintenance, Navy for the Naval Shipyard Apprentice Program, bringing total funding for that program to $30,580,000. The conferees direct the Navy to induct classes of no fewer than 125 apprentices, at each of the naval shipyards during fiscal year 2004. The conferees further direct the Navy to include the costs of the fiscal year 2005 class of apprentices in the FY 2005 budget request.

BLENDED LEARNING INITIATIVE/SPECIALIZED SKILL TRAINING

The conferees agree to provide an additional $2,800,000 only for the Blended Learning Initiative to build multi-purpose electronic classrooms capable of delivering Integrated Learning Environment content for the United States Navy. Classrooms will incorporate traditional platform instruction, synchronous and asynchronous video, teletraining/video, teleconferencing, and web-based training.

NORTHERN EDGE REALIGNMENT OF FUNDS

The conferees concur with Senate Report 108–87 regarding the funds for Exercise Northern Edge, and recommend a realignment of funds into Operation and Maintenance, Navy. After this realignment, a total of $4,700,000 is available in Operation and Maintenance, Navy to support Exercise Northern Edge. For fiscal year 2005 and subsequent years, the conferees direct the Secretary of Defense to provide funds in a similar fashion.

CONFIGURATION MANAGEMENT INFORMATION SYSTEM

The conferees provided an additional $6,500,000 in Operation and Maintenance, Navy only for the Configuration Management Information System (CMIS). The funding should be used to further develop a knowledge management approach to maintenance planning processes using Configuration Management Information System data.

ALAMEDA POINT NAVAL STATION

The conferees are aware that the former Alameda Point Naval Station is currently being considered as a candidate for early transfer, based on the pending agreement between the Navy and the City of Alameda for reuse, development, and property preservation. The conferees are further aware that the Administrator of the EPA must approve the deferral of the CERCLA covenant. The conferees believe that early transfer of the land and associated facilities to the City of Alameda could serve as a model for military base conversion in an urban environment. Accordingly, the conferees expect the Secretary of the Navy and the Administrator of the Environmental Protection Agency to work cooperatively to achieve this early transfer in the most expeditious manner possible.

REPAIR OF MILITARY SEALIFT COMMAND SHIPS

The conferees are concerned that a disproportionate number of Military Sealift

Command (MSC) ships are being repaired in foreign shipyards. The Secretary of the Navy is directed to provide a report to the congressional defense committees which describes the Navy's policy for repairing MSC ships in foreign shipyards, analyzes trends in funding for and level of repair work done on MSC ships in foreign and domestic yards, and reviews the consequences of reallocating MSC ship repair work to domestic shipyards. The report should be submitted no later than April 15, 2004.

OPERATION AND MAINTENANCE, MARINE CORPS

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) Budget	House	Senate	Conference
9900 OPERATION AND MAINTENANCE, MARINE CORPS				
9950 BUDGET ACTIVITY 1: OPERATING FORCES				
10000 EXPEDITIONARY FORCES				
10050 OPERATIONAL FORCES	588,653	598,653	597,653	600,253
10100 FIELD LOGISTICS	320,108	320,108	327,108	324,608
10150 DEPOT MAINTENANCE	101,439	106,439	101,439	105,739
10200 BASE SUPPORT	912,934	923,934	912,934	922,334
10250 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	498,007	502,507	498,007	501,807
10300 USMC PREPOSITIONING				
10350 MARITIME PREPOSITIONING	76,996	76,996	76,996	76,996
10400 NORWAY PREPOSITIONING	4,035	4,035	4,035	4,035
10450 TOTAL, BUDGET ACTIVITY 1	2,502,172	2,532,672	2,518,172	2,535,772
10500 BUDGET ACTIVITY 3: TRAINING AND RECRUITING				
10550 ACCESSION TRAINING				
10600 RECRUIT TRAINING	10,242	10,242	10,242	10,242
10650 OFFICER ACQUISITION	348	348	348	348
10800 BASIC SKILLS AND ADVANCED TRAINING				
10850 SPECIALIZED SKILLS TRAINING	41,514	41,514	41,514	41,514
10900 FLIGHT TRAINING	171	171	171	171
10950 PROFESSIONAL DEVELOPMENT EDUCATION	8,863	8,863	8,863	8,863
11000 TRAINING SUPPORT	123,007	120,007	123,007	120,007

	(In thousands of dollars) Budget	House	Senate	Conference
11150 RECRUITING AND OTHER TRAINING EDUCATION				
11200 RECRUITING AND ADVERTISING	115,167	115,167	115,167	115,167
11250 OFF-DUTY AND VOLUNTARY EDUCATION	35,606	35,606	35,606	35,606
11300 JUNIOR ROTC	13,200	13,700	13,200	13,700
11350 BASE SUPPORT	151,071	151,071	151,071	151,071
11400 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	78,073	78,073	78,073	78,073
11450 TOTAL, BUDGET ACTIVITY 3	577,262	574,762	577,262	574,762
11500 BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
11550 SERVICEWIDE SUPPORT				
11650 SPECIAL SUPPORT	229,485	229,485	229,485	229,485
11700 SERVICEWIDE TRANSPORTATION	35,733	35,733	35,733	35,733
11750 ADMINISTRATION	39,377	39,377	39,377	39,377
11800 BASE SUPPORT	18,991	26,991	18,991	25,791
11850 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	3,636	3,636	3,636	3,636
11900 TOTAL, BUDGET ACTIVITY 4	327,222	335,222	327,222	334,022
12010 UNOBLIGATED BALANCES	---	-5,700	-4,100	-5,700
12020 ANTI-CORROSION PROGRAMS	---	4,000	---	2,000
12040 SWA CONOPS	---	-500	-533	-533
12300 TOTAL, OPERATION & MAIN, MARINE CORPS	3,406,656	3,440,456	3,418,023	3,440,323

ADJUSTMENTS OF BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 1: Operating Forces:	
10050 Modular General Purpose Tent System (MGPTS)	1,800
10050 Hydration on the Move System Basic/Chemical/Biological	1,000
10050 Marine Corps U.S. Made Bayonets	3,000
10050 All Purpose Environmental Clothing System (APECS)	3,000
10050 Chem Bio Incident Response Force (CBIRF)	1,400
10050 Mountain/Cold Weather Clothing and Equipment Program (MCWCEP)	1,400
10100 Corrosion Prevention and Control Program	2,500
10100 Lightweight Maintenance Enclosure	1,000
10100 USMC Albany, MATCOM Life Cycle Management	1,000
10100 Depot Maintenance of Radar Systems	4,300
10200 Training and Support Facilities	9,400
10250 Adobe Road Twentynine Palms	3,800
Budget Activity 3: Training and Recruiting:	
11000 Training Support unjusified growth	−3,000
11300 Marine Corps Junior ROTC Operating Costs	500
Budget Activity 4: Administration and Servicewide Activities:	
11800 USMC COOP	6,800
Undistributed:	
12010 Un-obligated Balance	−5,700
12020 Anti-Corrison Programs	2,000
12040 Southwest Asia CONOPS Costs	−533

MARINE CORPS LOGISTICS SYSTEM UPGRADES

The conferees direct that of the funds made available in Operation and Maintenance, Marine Corps, $3,000,000 be used only for upgrades to Marine Corps Logistics Systems.

MARINE CORPS TACTICAL SYSTEMS SUPPORT ACTIVITY (MCTSSA) COMBAT SERVICE SUPPORT ELEMENT

The conferees direct that of the funds made available in Operation and Maintenance, Marine Corps, $3,000,000 be used only for the continuing efforts of the Marine Corps Tactical System Support Activity (MCTSSA) to build out the combat service support element of the System Integration Environment.

HMMWV TIRES

The conferees direct that of the funds made available in Operation and Maintenance, Marine Corps, $3,000,000 be used only for the purchase of HMMWV tires.

OPERATION AND MAINTENANCE, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
12450 OPERATION AND MAINTENANCE, AIR FORCE				
12500 BUDGET ACTIVITY 1: OPERATING FORCES				
12550 AIR OPERATIONS				
12600 PRIMARY COMBAT FORCES	3,496,496	3,504,496	3,532,396	3,526,896
12650 PRIMARY COMBAT WEAPONS	331,972	331,972	331,972	331,972
12700 COMBAT ENHANCEMENT FORCES	332,062	332,062	332,062	332,062
12750 AIR OPERATIONS TRAINING	1,243,900	1,226,900	1,243,900	1,234,900
12775 DEPOT MAINTENANCE	1,817,063	1,817,313	1,817,063	1,817,313
12800 COMBAT COMMUNICATIONS	1,350,589	1,350,589	1,351,789	1,351,589
12850 BASE SUPPORT	2,260,913	2,260,913	2,260,913	2,260,913
12900 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	936,519	945,631	936,519	938,519
12950 COMBAT RELATED OPERATIONS				
13000 GLOBAL C3I AND EARLY WARNING	976,608	976,608	977,608	977,608
13050 NAVIGATION/WEATHER SUPPORT	187,202	187,202	190,202	189,702
13100 OTHER COMBAT OPS SUPPORT PROGRAMS	597,331	597,331	597,331	597,331
13150 JCS EXERCISES	35,543	35,543	34,743	34,743
13200 MANAGEMENT/OPERATIONAL HEADQUARTERS	213,088	218,088	215,088	218,788
13250 TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES	223,946	223,946	223,946	223,946

	(In thousands of dollars) Budget	House	Senate	Conference
13300 SPACE OPERATIONS				
13350 LAUNCH FACILITIES	321,829	321,829	321,829	321,829
13400 LAUNCH VEHICLES	67,232	67,232	67,232	67,232
13450 SPACE CONTROL SYSTEMS	242,294	242,294	242,294	242,294
13500 SATELLITE SYSTEMS	57,046	57,046	57,046	57,046
13550 OTHER SPACE OPERATIONS	243,778	229,778	243,778	233,778
13600 BASE SUPPORT	566,936	566,936	566,936	566,936
13650 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	148,408	148,408	148,408	148,408
13700 TOTAL, BUDGET ACTIVITY 1	15,650,755	15,642,117	15,693,055	15,673,805
13750 BUDGET ACTIVITY 2: MOBILIZATION				
13800 MOBILITY OPERATIONS				
13850 AIRLIFT OPERATIONS	2,167,958	2,167,958	1,967,958	2,167,958
13900 AIRLIFT OPERATIONS C3I	36,758	36,758	36,758	36,758
13950 MOBILIZATION PREPAREDNESS	172,134	172,134	172,134	172,134
13975 DEPOT MAINTENANCE	361,521	361,521	361,521	361,521
14000 PAYMENTS TO TRANSPORTATION BUSINESS AREA	---	---	-110,006	---
14050 BASE SUPPORT	514,123	514,123	514,123	514,123
14100 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	200,836	200,836	200,836	200,836
14150 TOTAL, BUDGET ACTIVITY 2	3,453,330	3,453,330	3,143,324	3,453,330
14200 BUDGET ACTIVITY 3: TRAINING AND RECRUITING				
14250 ACCESSION TRAINING				
14300 OFFICER ACQUISITION	67,763	67,763	67,763	67,763
14350 RECRUIT TRAINING	6,112	6,112	6,112	6,112
14400 RESERVE OFFICER TRAINING CORPS (ROTC)	82,586	82,586	82,586	82,586
14450 BASE SUPPORT (ACADEMIES ONLY)	68,682	68,682	68,682	68,682
14500 FAC SUSTAINMENT, RESTORATION & MODERNIZATION	75,337	75,337	75,337	79,737
14550 BASIC SKILLS AND ADVANCED TRAINING				
14600 SPECIALIZED SKILL TRAINING	324,067	324,067	324,067	324,067
14650 FLIGHT TRAINING	675,173	675,173	675,173	675,173
14700 PROFESSIONAL DEVELOPMENT EDUCATION	154,978	151,978	155,978	152,978
14750 TRAINING SUPPORT	92,652	92,652	96,652	95,452
14775 DEPOT MAINTENANCE	8,461	8,461	8,461	8,461
14800 BASE SUPPORT (OTHER TRAINING)	529,663	529,663	529,663	529,663
14850 FAC SUSTAINMENT, RESTORATION & MODERNIZATION	167,050	167,050	167,050	167,050

	Budget	House	Senate	Conference
	(In thousands of dollars)			
14900 RECRUITING, AND OTHER TRAINING AND EDUCATION				
14950 RECRUITING AND ADVERTISING	150,744	150,744	150,744	150,744
15000 EXAMINING	3,103	3,103	3,103	3,103
15050 OFF DUTY AND VOLUNTARY EDUCATION	114,240	114,240	114,240	114,240
15100 CIVILIAN EDUCATION AND TRAINING	133,706	126,706	133,706	129,706
15150 JUNIOR ROTC	43,413	43,413	43,413	43,413
15200 TOTAL, BUDGET ACTIVITY 3	2,697,730	2,687,730	2,702,730	2,698,930
15250 BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
15300 LOGISTICS OPERATIONS				
15350 LOGISTICS OPERATIONS	965,075	970,075	965,075	967,575
15400 TECHNICAL SUPPORT ACTIVITIES	409,392	411,392	409,392	414,642
15450 SERVICEWIDE TRANSPORTATION	240,064	240,064	243,064	242,664
15475 DEPOT MAINTENANCE	130,930	130,930	130,930	130,930
15500 BASE SUPPORT	1,082,612	1,082,612	1,082,612	1,082,612
15550 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	241,207	241,207	241,207	241,207
15600 SERVICEWIDE ACTIVITIES				
15650 ADMINISTRATION	234,370	234,370	246,370	245,070
15700 SERVICEWIDE COMMUNICATIONS	347,528	347,528	347,528	347,528
15750 PERSONNEL PROGRAMS	213,901	213,901	214,401	214,401
15800 RESCUE AND RECOVERY SERVICES	121,063	121,063	125,563	124,163
15900 ARMS CONTROL	33,640	33,640	33,640	33,640
15950 OTHER SERVICEWIDE ACTIVITIES	679,177	679,177	679,177	679,177
16000 OTHER PERSONNEL SUPPORT	34,655	34,655	34,655	34,655
16050 CIVIL AIR PATROL CORPORATION	21,432	21,432	21,432	21,432
16100 BASE SUPPORT	299,750	300,500	299,750	300,500
16150 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	11,011	11,011	11,011	11,011
16200 SECURITY PROGRAMS				
16250 SECURITY PROGRAMS	907,694	901,194	909,694	903,694
16300 SUPPORT TO OTHER NATIONS				
16350 INTERNATIONAL SUPPORT	18,615	18,615	18,615	18,615
16400 TOTAL, BUDGET ACTIVITY 4	5,992,116	5,993,366	6,014,116	6,013,516

	(In thousands of dollars) Budget	House	Senate	Conference
16408 WCF EXCESS CASH BALANCES	---	---	-114,000	---
16600 THREAT REPRESENTATION AND VALIDATION (TR&V)	---	1,500	---	1,100
16620 INFORMATION ASSURANCE INITIATIVE	---	1,500	---	1,100
16630 UNOBLIGATED BALANCES	---	-13,500	-17,600	-17,600
16700 SWA CONOPS	---	-707,600	-707,550	-707,550
16710 ADMINISTRATION AND SERVICEWIDE ACTIVITIES	---	-45,000	---	-30,000
16720 BASE OPERATIONS SUPPORT	---	-300,000	---	-150,000
16730 CIVILIAN PAY OVERSTATEMENT	---	-31,400	-15,700	-37,600
16740 DEMO PROJECTS FOR CONTRACTORS EMPLOYING PERS W/DISABIL	---	2,000	---	1,400
16750 JOINT PERSONNEL RECOVERY AGENCY	---	4,000	---	2,800
16760 FEASIBILITY STUDY OF BIENNIAL INTERNATIONAL AIRSHOW	---	1,000	---	1,000
16770 PEOPLE MOVER	---	---	---	500
16910 TOTAL, O&M, AIR FORCE	27,793,931	26,689,043	26,698,375	26,904,731

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 1: Operating Forces:	
12600 Extended Cold Weather Clothing System (transferred to OM,ANG)	0
12600 Hydration on the Move System Basic/Chemical/Biological	1,000
12600 F–16 Distributed Mission Training: Night Vision Goggle Enhancement	4,300
12600 B–52 Attrition Reserve	25,100
12750 Air Operations Training efficiencies in contract support	−10,000
12750 F–16 Simulator Motion Upgrade Program	1,000
12900 Aircraft Defect Detection and Performance Management Application	250
12800 11th Air Force Server Consolidation	1,000
12900 Super Typhoon Pongsona Recovery	2,000
12900 Replace Fire Alarm System Basewide, Columbus AFB (transferred to OPAF)	0
13000 Eagle Vision Program	1,000
13050 University Partnership for Operational Support (UPOS)	2,500
13150 Northern Edge realignment of funds (transferred to OMN)	−800
13200 Management Support for Air Force Battle Labs	4,300
13200 Langley AFB Visitor Center	1,400
13550 Other Space Operations—limit growth in management headquarters	−10,000
Budget Activity 3: Training and Recruiting:	
14500 Repair Airfield Pavement, Auxiliary Field, Columbus AFB	3,400
14500 Sanitary Sewer System Repair, Phase 3 Columbus AFB	1,000
14700 Professional Development Education unjustified growth	−3,000
14700 Western Governors University	1,000
14750 Simulations Training for Integrating DoD WMD and Civilian Response Systems	2,800
15100 Civilian Education and Training unjustified growth	−4,000
Budget Activity 4: Administration and Servicewide Activities:	
15350 Logistics-Systems Management and Retrieval Technology (L–SMART) Information System	2,500
15400 Air Force Operational Test and Evaluation Center (AFOTEC) IT Infrastructure and Training	1,000
15400 Wear Debris Data Repository	4,250
15450 Hickman AFB Alternative Fuel Vehicle Program	2,600
15650 Eielson AFB Utilidor Repairs	9,000
15650 Nikolski Power House Clean-up	1,700
15750 Elmendorf AFB Community Center Enhancements	500
15800 Joint Combined Aircrew Tester	1,000
15800 MBU–20/P Oxygen Mask	2,100
16100 William Lehman Aviation Center	750
16250 Security Programs	−4,000
Undistributed:	
16600 Threat Representation and Validation (TR&V)	1,100
16620 Information Assurance Initiative for Air Force Materiel Command	1,100
16630 Un-obligated Balances	−17,600
16700 Southwest Asia CONOPS Costs	−707,550
16710 Administration and Servicewide Activities	−30,000
16720 Base Operations Support	−150,000
16730 Civilian Pay Overstatement	−37,600
16740 Demonstration Projects for Contractors Employing Persons with Disabilities	1,400
16750 Joint Personnel Recovery Agency	2,800
16760 Feasibility Study of Biennial International Air-Trade Show	1,000
16770 People Movers	500

FEASIBILITY STUDY OF BIENNIAL INTERNATIONAL AIR-TRADE SHOW

The conference agreement provides an additional $1,000,000 in Operation and Maintenance, Air Force only to provide assistance to a community, to be selected by the Secretary of Defense, for expenses of a study by that community of the feasibility of the establishment and operation of a biennial international air-trade show in the area of the community, and to support initial implementation of the international air-trade show. The conferees expect that a competitive process will be used to select the community, and that preference will be given to communities that already sponsor an air show, have demonstrated a history of supporting air shows with local resources, and have a significant role in the aerospace community.

F–16 SIMULATOR MOTION UPGRADE PROGRAM

The conferees have provided an additional $1,000,000 in Operation and Maintenance, Air Force, to be used only for phase 1 integration and testing of a pneumatic tactical motion control system for the ACES II ejection seat in the F–16 Mission Training Center.

PEOPLE MOVERS

The conferees have provided an additional $500,000 in Operation and Maintenance, Air Force, to be used only to purchase 50 self-balancing, non-tandem, wheeled individual transportation devices to evaluate military utility of such devices at Tinker Air Force Base for a variety of military functions.

CONTAMINANT AIR PROCESSING SYSTEMS

The conferees commend the Air Force for standardizing mission critical equipment that allows Air Force personnel to be effectively processed after contact with biological, chemical or nuclear agents. The conferees encourage the Secretary of the Air Force to purchase contaminant air processing systems and related components to ensure all Air Force installations are standardized in this methodology and equipment.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

The conference agreement on the items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) Budget	House	Senate	Conference
16950 OPERATION AND MAINTENANCE, DEFENSE-WIDE				
17000 BUDGET ACTIVITY 1: OPERATING FORCES				
17050 JOINT CHIEFS OF STAFF	420,036	410,036	420,036	415,036
17100 SPECIAL OPERATIONS COMMAND	1,851,533	1,854,533	1,874,999	1,877,699
17150 TOTAL, BUDGET ACTIVITY 1	2,271,569	2,264,569	2,295,035	2,292,735
17200 BUDGET ACTIVITY 2: MOBILIZATION				
17250 DEFENSE LOGISTICS AGENCY	49,991	49,991	49,991	49,991
17350 BUDGET ACTIVITY 3: TRAINING AND RECRUITING				
17375 AMERICAN FORCES INFORMATION SERVICE	14,005	14,005	14,005	14,005
17400 CLASSIFIED PROGRAMS	3,058	3,058	3,058	3,058
17460 DEFENSE ACQUISITION UNIVERSITY	101,695	104,695	101,695	104,295
17465 DEFENSE CONTRACT AUDIT AGENCY	5,517	5,517	5,517	5,517
17480 DEFENSE HUMAN RESOURCES ACTIVITY	35,262	42,762	35,262	42,762
17490 DEFENSE SECURITY SERVICE	7,173	7,173	7,173	7,173
17510 DEFENSE THREAT REDUCTION AGENCY	4,796	4,796	4,796	4,796
17600 SPECIAL OPERATIONS COMMAND	92,646	92,646	92,646	92,646
17650 TOTAL, BUDGET ACTIVITY 3	264,152	274,652	264,152	274,252
17700 BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
17725 AMERICAN FORCES INFORMATION SERVICE	105,261	105,261	105,261	105,261
17750 CIVIL MILITARY PROGRAMS	99,030	99,030	99,030	109,030
17775 CLASSIFIED PROGRAMS	6,788,178	6,650,026	6,680,726	6,686,346
17800 DEFENSE CONTRACT AUDIT AGENCY	359,011	359,011	359,011	359,011
17825 DEFENSE CONTRACT MANAGEMENT AGENCY	1,008,908	1,008,908	1,008,908	1,008,908
17850 DEFENSE FINANCE AND ACCOUNTING SERVICE	1,659	1,659	1,659	1,659
17875 DEFENSE HUMAN RESOURCES ACTIVITY	276,802	276,802	276,802	276,802

	(In thousands of dollars) Budget	House	Senate	Conference
17900 DEFENSE INFORMATION SYSTEMS AGENCY	1,129,876	1,072,771	1,037,771	1,037,771
17925 DEFENSE LOGISTICS AGENCY	259,713	245,013	259,713	245,013
17950 DEFENSE LEGAL SERVICES AGENCY	17,757	17,757	17,757	17,757
17975 DEPARTMENT OF DEFENSE DEPENDENTS EDUCATION	1,698,075	1,733,475	1,704,575	1,732,575
18000 DEFENSE POW /MISSING PERSONS OFFICE	15,800	15,800	15,800	15,800
18025 DEFENSE SECURITY COOPERATION AGENCY	284,767	84,767	84,767	84,767
18050 DEFENSE SECURITY SERVICE	200,054	187,554	200,054	187,554
18075 DEFENSE THREAT REDUCTION AGENCY	291,246	290,190	291,246	290,190
18100 OFFICE OF ECONOMIC ADJUSTMENT	14,105	45,605	36,855	60,905
18125 OFFICE OF THE SECRETARY OF DEFENSE	712,567	581,288	732,567	629,688
18150 SPECIAL OPERATIONS COMMAND	61,932	61,932	61,932	61,932
18200 JOINT CHIEFS OF STAFF	234,498	237,498	234,498	237,998
18225 WASHINGTON HEADQUARTERS SERVICES	405,500	405,500	405,500	405,500
18250 DEFENSE TECHNOLOGY SECURITY ADMINISTRATION	20,396	20,396	20,396	20,396
18950 TOTAL, BUDGET ACTIVITY 4	13,985,135	13,500,243	13,634,828	13,574,863
19010 IMPACT AID	---	35,000	30,000	30,000
19015 IMPACT AID FOR CHILDREN WITH DISABILITIES	---	---	5,000	5,000
19450 TOTAL, OPERATION & MAIN, DEFENSE-WIDE	16,570,847	16,124,455	16,279,006	16,226,841

ADJUSTMENTS TO BUDGET ACTIVITIES

The adjustments to the budget activities for Operation and Maintenance, Defense-Wide are shown below:

[In thousands of dollars]

Budget Activity 1: Operating Forces:	
17050 TJS—Combating Terrorism Readiness Initiative Fund	−5,000
17100 SOCOM—Hydration on the Move System Basic/Chemical/Biological	1,000
17100 SOCOM—Knowledge Superiority for Transitional Warfighter Project (continuation only)	1,700
17100 SOCOM—COCOM's TSOCs and CENTCOM CRE	15,406
17100 SOCOM—ONW/OSW/ODS Conops	−15,406
17100 SOCOM—SOCOM Flying Hour Program	23,466
Budget Activity 3: Training and Recruiting:	
17460 DAU—Distance Learning and Performance	2,600
17480 DHRA—Joint Advertising Market Research and Studies Program	7,500
Budget Activity 4: Administration and Servicewide Activities:	
17750 CMP—Challenge/Starbase	5,000
17750 CMP—Innovative Readiness Training Program	5,000
17775 Classified Programs	−101,832
17800 DISA—ONW/OSW/ODS Conops	−57,105
17800 DISA—Excessive Growth	−35,000
17925 DLA—Defense Policy Analysis Office	−15,700
17925 DLA—Theater Support Center Feasibility Study	1,000
17975 DODEA—Jason Foundation	800
17975 DODEA—I-Safe	1,000
17975 DODEA—Lewis Center for Educational Research	3,000
17975 DODEA—Family Advocacy Program	22,000
17975 DODEA—Technology Training in Military Schools (only to provide DODEA teachers and administrators professional development training in classroom technology)	500
17975 DODEA—Professional Development Project for DoDEA (only for improving instruction for students with Dyslexia)	1,200
17975 DODEA—DoDEA Mathematics and Technology Teachers Development	1,000
17975 DODEA—Galena IDEA Distance Learning Program	5,000
18025 DSCA—Counterterrorism Training and Equipment	−200,000
18050 DSS—Program Justification	−12,500
18075 DTRA—ONW/OSW/ODS Conops	−1,056
18100 OEA—George AFB	3,400
18100 OEA—Norton AFB	3,400
18100 OEA—Bayonne Military Ocean Terminal	4,200
18100 OEA—Cecil Field	1,200
18100 OEA—Charles Melvin Price Support Center	1,000
18100 OEA—CCAT	4,500
18100 OEA—March Joint Powers Authority—Arnold Heights Reuse Project	1,000
18100 OEA—Hunters Point Naval Shipyard	2,200
18100 OEA—Asbestos Removal at Eaker AFB	250
18100 OEA—UCHSC—DCH Fitzsimons Medical Center	6,000
18100 OEA—Hangar Renovation at Griffis AFB	500
18100 OEA—McClellan AFB Remediation	4,900
18100 OEA—Port of Anchorage Intermodal Marine Facility Project	5,000
18100 OEA—Environmental Study of the former NIKE Missile Site	250
18100 OEA—David's Island Fort Slocum Remediation	1,500
18100 OEA—Fibers Cleanup at Front Royal	6,000
18100 OEA—Knollwood Special Care Unit	1,500
18125 OSD—Public Affairs	−10,000
18125 OSD—Information Support to SO/LIC	−13,000
18125 OSD—Net Assessment	−5,000
18125 OSD—Office of Force Transformation	−1,200
18125 OSD—OSD Contract and Support	−10,000
18125 OSD—PA&E Long Range Planning	−2,579
18125 OSD—Base Information System	−10,000
18125 OSD—C4I Program Growth	−30,000
18125 OSD—AT&L Program Growth	−30,000
18125 OSD—Middle East Regional Security Program	1,400
18125 OSD—Study on Internet and wireless Technology	1,000
18125 OSD—Arctic Military Environmental Cooperation Program	2,500
18125 OSD—Command Information Superiority Architectures	1,000
18125 OSD—Export Control Information to Foreign Countries	1,400
18125 OSD—Young Patriots Program (National Flag Foundation to expand the Young Patriots Program to include a video which promotes the significance of National Patriotic Holidays)	1,000
18125 OSD—Asia—Pacific Regional Initiative	14,000
18125 OSD—Employer Support of the Guard and Reserve (ESGR)	2,000
18125 OSD—Information Assurance Scholarship Program	2,100
18125 OSD—Dedicated Fiber Optic Network	1,500
18125 OSD—OSD/CSIS Beyond Goldwater-Nichols Study	1,000
18200 TJS—NDU XXI	2,500
18200 TJS—NDU Technology Pilot Program	1,000
Undistributed:	
19010 Impact Aid	30,000
19015 Impact Aid for Children with Disabilities	5,000

FAMILY ADVOCACY PROGRAM

The conferees agree to provide an additional $22,000,000 for the Department's Family Advocacy Program (FAP). These funds are to be used for the activities described under this heading in House Report 108–187. Of the additional amount provided for FAP, the conferees direct that $900,000 be available to initiate the National Domestic Violence Hotline Awareness, Intervention, and Prevention Campaign in the military services.

BEYOND GOLDWATER-NICHOLS STUDY

The conferees agree to provide $1,000,000 to the Office of the Secretary of Defense to support the comprehensive review of the management organization and procedures of the Department of Defense, to include the interagency process for pre- and post-conflict coordination, otherwise known as the ''Beyond Goldwater-Nichols'' study.

WOMEN IN MILITARY SERVICE IN AMERICA

The conferees urge that $500,000 of the funds under the heading ''Operation and Maintenance, Defense-Wide'', be made available for the Women in Military Service for America Memorial Foundation.

OFFICE OF ECONOMIC ADJUSTMENT

The conferees have transferred Environmental Study of Former NIKE Missile Site, David's Island Fort Slocum Remediation and Fibers Clean-up Front Royal to the OEA account within Operation and Maintenance, Defense-Wide.

OPERATION AND MAINTENANCE, ARMY RESERVE

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
19500 OPERATION AND MAINTENANCE, ARMY RESERVE				
19510 BUDGET ACTIVITY 1: OPERATING FORCES				
19520 LAND FORCES				
19530 DIVISION FORCES	14,791	14,791	21,791	18,991
19540 CORPS COMBAT FORCES	35,798	35,798	35,798	35,798
19550 CORPS SUPPORT FORCES	309,462	309,462	309,462	309,462
19560 ECHELON ABOVE CORPS FORCES	135,342	135,342	135,342	135,342
19570 LAND FORCES OPERATIONS SUPPORT	467,097	467,097	472,097	472,097
19630 LAND FORCES READINESS				
19640 FORCES READINESS OPERATIONS SUPPORT	122,020	122,020	122,020	122,020
19650 LAND FORCES SYSTEM READINESS	59,846	59,846	59,846	59,846
19660 DEPOT MAINTENANCE	62,947	62,947	62,947	62,947
19670 LAND FORCES READINESS SUPPORT				
19680 BASE SUPPORT	323,592	417,392	323,592	363,592
19690 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	182,079	182,079	182,079	182,079
19700 ADDITIONAL ACTIVITIES	3,672	3,672	3,672	3,672
19900 TOTAL, BUDGET ACTIVITY 1	1,716,646	1,810,446	1,728,646	1,765,846
19950 BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
19960 ADMINISTRATION AND SERVICEWIDE ACTIVITIES				
19980 ADMINISTRATION	47,714	47,714	47,714	47,714
19990 SERVICEWIDE COMMUNICATIONS	37,862	37,862	37,862	37,862
20000 PERSONNEL/FINANCIAL ADMIN (MANPOWER MGT)	47,092	47,092	47,092	47,092
20010 RECRUITING AND ADVERTISING	102,695	102,695	102,695	102,695
20075 TOTAL, BUDGET ACTIVITY 4	235,363	235,363	235,363	235,363

(In thousands of dollars)

	Budget	House	Senate	Conference
20180 ALL TERRAIN MILITARY UTILITY VEHICLES	---	4,500	---	---
20190 MILITARY TECHNICIANS COST AVOIDANCE	---	-23,000	---	-7,000
20200 CONTROLLED HUMIDITY PROTECTION	---	4,000	---	3,400
20210 SOFTWARE ENGINEERING INSTITUTE	---	---	---	1,000
20700 TOTAL, OPERATION AND MAINTENANCE, ARMY RESERVE	1,952,009	2,031,309	1,964,009	1,998,609

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 1: Operating Forces:	
19530 Extended Cold Weather Clothing System	4,200
19570 All Terrain Military Utility Vehicles	4,000
19570 Equipment Storage Site Initial Operation	1,000
19680 Base Support/Unfunded Requirements	40,000
Other Adjustments:	
20190 Military Technicians Cost Avoidance	–7,000
20200 Controlled Humidity Protection	3,400
20210 Software Engineering Institute	1,000

CONTROLLED HUMIDITY PROTECTION

The conferees recommend $3,400,000 above the budget request for implementation of the Controlled Humidity Protection program for critical equipment storage. Of the funds provided, $1,700,000 is only for the U.S. Army Reserve 9th Regional Support Command.

OPERATION AND MAINTENANCE, NAVY RESERVE

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
20850 OPERATION AND MAINTENANCE, NAVY RESERVE				
20900 BUDGET ACTIVITY 1: OPERATING FORCES				
20950 RESERVE AIR OPERATIONS				
21000 MISSION AND OTHER FLIGHT OPERATIONS	417,743	417,743	417,743	417,743
21100 INTERMEDIATE MAINTENANCE	16,464	16,464	16,464	16,464
21150 AIR OPERATION AND SAFETY SUPPORT	2,166	2,166	2,166	2,166
21200 AIRCRAFT DEPOT MAINTENANCE	138,135	138,135	138,135	138,135
21250 AIRCRAFT DEPOT OPS SUPPORT	362	362	362	362
21400 RESERVE SHIP OPERATIONS				
21450 MISSION AND OTHER SHIP OPERATIONS	67,211	67,211	67,211	67,211
21500 SHIP OPERATIONAL SUPPORT AND TRAINING	537	537	537	537
21600 SHIP DEPOT MAINTENANCE	83,577	83,577	83,577	83,577
21650 SHIP DEPOT OPERATIONS SUPPORT	3,440	3,440	3,440	3,440
21700 RESERVE COMBAT OPERATIONS SUPPORT				
21800 COMBAT SUPPORT FORCES	65,347	65,347	66,347	66,347
21950 RESERVE WEAPONS SUPPORT				
22000 WEAPONS MAINTENANCE	5,544	5,544	5,544	5,544
22020 BASE SUPPORT				
22030 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	61,929	61,929	61,929	61,929
22040 BASE SUPPORT	131,109	131,109	131,109	131,109
22090 TOTAL, BUDGET ACTIVITY 1	993,564	993,564	994,564	994,564

	(In thousands of dollars) Budget	House	Senate	Conference
22100 BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
22150 ADMINISTRATION AND SERVICEWIDE ACTIVITIES				
22200 ADMINISTRATION	12,560	12,560	12,560	12,560
22250 CIVILIAN MANPOWER & PERSONNEL	2,269	2,269	2,269	2,269
22300 MILITARY MANPOWER & PERSONNEL	36,276	36,276	36,276	36,276
22350 SERVICEWIDE COMMUNICATIONS	120,733	120,733	120,733	120,733
22400 COMBAT/WEAPONS SYSTEM	5,665	5,665	5,665	5,665
22450 OTHER SERVICEWIDE SUPPORT	854	854	854	854
22600 TOTAL, BUDGET ACTIVITY 4	178,357	178,357	178,357	178,357
23150 TOTAL, OPERATION & MAIN, NAVY RESERVE	1,171,921	1,171,921	1,172,921	1,172,921

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustment to the budget activities is as follows:

[In thousands of dollars]

Budget Activity 1: Operating Forces:	
21800 Littoral Surveillance System SCIF	1,000

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
23300 OPERATION AND MAINTENANCE, MC RESERVE				
23350 BUDGET ACTIVITY 1: OPERATING FORCES				
23400 MISSION FORCES				
23450 OPERATING FORCES	61,261	61,261	61,261	61,261
23500 DEPOT MAINTENANCE	10,231	10,231	10,231	10,231
23550 BASE SUPPORT	33,621	33,621	33,621	33,621
23600 TRAINING SUPPORT	25,953	25,953	25,953	25,953
23650 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	8,770	8,770	8,770	8,770
23700 TOTAL, BUDGET ACTIVITY 1	139,836	139,836	139,836	139,836
23750 BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
23800 ADMINISTRATION AND SERVICEWIDE ACTIVITIES				
23850 SPECIAL SUPPORT	8,956	8,956	8,956	8,956
23900 SERVICEWIDE TRANSPORTATION	578	578	578	578
23950 ADMINISTRATION	9,721	9,721	9,721	9,721
24000 BASE SUPPORT	6,701	6,701	6,701	6,701
24050 RECRUITING AND ADVERTISING	8,160	8,160	8,160	8,160
24100 TOTAL, BUDGET ACTIVITY 4	34,116	34,116	34,116	34,116
24600 TOTAL, O&M, MARINE CORPS RESERVE	173,952	173,952	173,952	173,952

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) Budget	House	Senate	Conference
24750 OPERATION AND MAINTENANCE, AF RESERVE				
24800 BUDGET ACTIVITY 1: OPERATING FORCES				
24850 AIR OPERATIONS 24900 PRIMARY COMBAT FORCES	1,351,819	1,351,819	1,351,819	1,351,819
24950 MISSION SUPPORT OPERATIONS	69,058	69,058	69,058	69,058
24970 DEPOT MAINTENANCE	319,109	319,109	319,109	319,109
25000 BASE SUPPORT	61,783	61,783	61,783	61,783
25050 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	272,603	272,603	272,603	272,603
25150 TOTAL, BUDGET ACTIVITY 1	2,074,372	2,074,372	2,074,372	2,074,372
25200 BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
25250 ADMINISTRATION AND SERVICEWIDE ACTIVITIES 25300 ADMINISTRATION	59,138	59,138	59,138	59,138
25350 MILITARY MANPOWER AND PERSONNEL MANAGEMENT	24,253	24,253	24,253	24,253
25400 RECRUITING AND ADVERTISING	14,162	14,162	14,162	14,162
25450 OTHER PERSONNEL SUPPORT	6,642	6,642	6,642	6,642
25500 AUDIOVISUAL	621	621	621	621
25520 TOTAL, BUDGET ACTIVITY 4	104,816	104,816	104,816	104,816
25660 MILITARY TECHNICIANS COST AVOIDANCE	---	-35,000	---	-12,000
25665 932ND AIRLIFT WING OPERATIONS AND TRAINING	---	---	---	12,200
25950 TOTAL, O&M, AIR FORCE RESERVE	2,179,188	2,144,188	2,179,188	2,179,388

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Other Adjustments:	
25660 Military Technicians Cost Avoidance ...	−12,000
25665 932nd Airlift Wing Operations and Training	12,200

AERIAL SPRAY SYSTEM

The conferees recommend $1,000,000 from funds available for Operation and Maintenance, Air Force Reserve only for Aerial Spray System enhancements for the Youngstown, Ohio Air Station.

932ND AIRLIFT WING

The conferees recommend $12,200,000 above the budget request for operations at the 932nd Airlift Wing, Scott Air Force Base, during fiscal year 2004. Of this amount, $10,200,000 is to continue operations of C–9 aeromedical evacuation aircraft and $2,000,000 is for aircrew training in support of a successor mission/airframe (such as the C–40). The conferees also recommend a general provision, section 8142, which directs the Secretary of the Air Force to study the current mission of this airlift wing, and evaluate the possibility of a mixed mission of transporting patients, passengers and cargo.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) Budget	House	Senate	Conference
26100 OPERATION & MAINTENANCE, ARMY NATL GUARD				
26120 BUDGET ACTIVITY 1: OPERATING FORCES				
26140 LAND FORCES 26180 DIVISIONS	669,748	669,748	674,748	672,748
26200 CORPS COMBAT FORCES	651,273	651,273	651,273	651,273
26220 CORPS SUPPORT FORCES	343,180	343,180	343,180	343,180
26240 ECHELON ABOVE CORPS FORCES	563,199	563,199	563,199	563,199
26260 LAND FORCES OPERATIONS SUPPORT	21,913	23,413	21,913	22,913
26280 LAND FORCES READINESS 26320 FORCE READINESS OPERATIONS SUPPORT	128,036	128,036	131,536	130,636
26340 LAND FORCES SYSTEMS READINESS	106,760	106,760	106,760	106,760
26350 LAND FORCES DEPOT MAINTENANCE	194,149	194,149	194,149	194,149
26370 LAND FORCES READINESS SUPPORT 26420 BASE OPERATIONS SUPPORT	448,167	518,467	448,167	478,167
26440 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	380,226	380,226	380,226	380,226
26460 MANAGEMENT & OPERATIONAL HEADQUARTERS	398,017	398,017	398,017	398,017
26480 MISCELLANEOUS ACTIVITIES	42,175	42,175	71,475	67,175
26580 TOTAL, BUDGET ACTIVITY 1	3,946,843	4,018,643	3,984,643	4,008,443
26600 BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
26620 ADMINISTRATION AND SERVICEWIDE ACTIVITIES 26660 STAFF MANAGEMENT	102,752	102,752	102,752	102,752
26680 INFORMATION MANAGEMENT	13,529	13,529	37,529	32,129
26720 PERSONNEL ADMINISTRATION	51,667	51,667	51,667	51,667
26740 RECRUITING AND ADVERTISING	96,540	96,540	96,540	96,540
26760 TOTAL, BUDGET ACTIVITY 4	264,488	264,488	288,488	283,088

	(In thousands of dollars) Budget	House	Senate	Conference
26820 ANGEL GATE ACADEMY	---	4,000	---	3,400
26830 NATIONAL EMERGENCY AND DISASTER INFORMATION CENTER	---	3,000	---	2,500
26890 JOINT TRAINING AND EXPERIMENTATION PROGRAM	---	5,000	---	4,200
26940 RURAL ACCESS TO BROADBAND TECHNOLOGY	---	4,000	---	3,400
26970 NATIONAL GUARD GLOBAL EDUCATION PROJECT	---	500	---	500
27010 INFORMATION ASSURANCE	---	2,000	---	1,700
27057 SE REGIONAL TERRORISM TRAINING	---	6,800	---	3,400
27080 SUSTAIN MILITARY TECHNICIANS GROWTH	---	16,000	---	---
27090 NATIONAL RESPONSE CENTER WMD FACILITY	---	3,000	---	1,500
27100 ADV EMERGENCY MEDICAL RESPONSE TRAINING PROGRAM	---	3,000	---	1,500
27110 HOMELAND OPERATIONAL PLANNING SYSTEM	---	4,000	---	2,000
27120 NATIONAL GUARD MULTIMEDIA SECURITY TECHNOLOGY	---	3,000	---	---
27130 INFORMATION TECHNOLOGY LEADERSHIP PROGRAM	---	2,000	---	1,700
27140 ADVANCED INFORMATION TECHNOLOGY SERVICES C4ISR	---	7,000	---	1,400
27150 EXPANDABLE LIGHT AIR MOBILITY SHELTERS (ELAMS)	---	1,500	---	1,300
27160 GAS CHROMATOGRAPH - MASS SPECTROMETERS	---	300	---	300
27170 DOMESTIC EMERGENCY AND TERRORIST RESPONSE INFORMATION	---	2,000	---	1,700
27180 NORTHEAST COUNTER-DRUG TRAINING CENTER	---	6,000	---	5,100
27190 INTEGRATED EMERGENCY OPERATIONS CENTER	---	4,000	---	3,400
27200 WEAPONS OF MASS DESTRUCTION EDUCATION AND TRAINING	---	2,000	---	1,700
27310 MILITARY TECHNICIAN COST AVOIDANCE	---	-39,000	---	-13,000
27320 CONSTRUCTION TRANSITION PROGRAM	---	2,000	---	1,400
27330 LEWIS AND CLARK BICENTENNIAL ACTIVITIES	---	---	---	250
27335 WMD CIVIL SUPPORT TEAMS	---	---	---	16,000
27340 SALUTE OUR SERVICES	---	---	---	2,000
27341 NATIONAL GUARD TRACKING SYSTEM	---	---	---	1,700
27350 TOTAL, O & M, ARMY NATIONAL GUARD	4,211,331	4,325,231	4,273,131	4,340,581

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 1: Operating Forces:	
26180 Extended Cold Weather Clothing System	3,000
26260 Military Vehicle Tires	1,000
26320 Cannon Bore Cleaning	1,000
26320 Communicator-Automated Emergency Notification System	1,100
26320 Ethan Allen Range Improvements	500
26420 Base Operations Support/Unfunded Requirements	30,000
26480 Sustain Fiscal Year 2003 Increase in Military Technicians	25,000
Budget Activity 4: Administration and Servicewide Activities:	
26680 Information Operations Training and Operations	2,800
26680 Advanced Information Technology Services (AITS)	12,800
26680 Multimedia Security Technology	3,000
Other Adjustments:	
26820 Angel Gate Academy	3,400
26830 National Emergency and Disaster Information Center	2,500
26890 Joint Training and Experimentation Program	4,200
26490 Rural Access to Broadband Technology	3,400
26970 National Guard Global Education Project	500
27010 Information Assurance	1,700
27057 Southeast Regional Terrorism Training	3,400
27090 National Response Center WMD Facility	1,500
27100 Advance Emergency Medical Response Training Program	1,500
27110 Homeland Operational Planning System	2,000
27130 Information Technology Leadership Program	1,700
27140 Advanced Information Technology Services C4ISR	1,400
27150 Expandable Light Air Mobility Shelters (ELAMS)	1,300
27160 Gas Chromatograph-Mass Spectrometers	300
27170 Domestic Emergency and Terrorist Response Information	1,700
27180 Northeast Counter-Drug Training Center	5,100
27190 Integrated Emergency Operations Center	3,400
27200 Weapons of Mass Destruction Education and Training	1,700
27310 Military Technician Cost Avoidance	−13,000
27320 Construction Transition Program	1,400
27330 Lewis and Clark Bicentennial Activities	250
27335 WMD Civil Support Teams	16,000
27340 Salute Our Services	2,000
27341 National Guard Tracking System	1,700

NORTHEAST COUNTER DRUG TRAINING CENTER

The conferees recommend $5,100,000 above the budget request for the Northeast Counter Drug Training Center only to continue in-service evaluation of the CL–415 multi-mission aircraft.

CIVIL SUPPORT TEAMS

The conferees agree to provide funding for 12 additional National Guard Weapons of Mass Destruction Civil Support Teams (WMD–CST). The conferees believe that, as the National Guard begins establishing these new civil support teams, priority should be given to states facing significant port security and other coastal security challenges.

NATIONAL RESPONSE CENTER

The conferees applaud the success of the National Response Center WMD Consequence Management and Counter-Terrorism facility, which provides a unique training and equipment testing venue for local, state and federal agencies responsible for responding to WMD emergencies.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
27500 OPERATION & MAINTENANCE, AIR NATIONAL GUARD				
27550 BUDGET ACTIVITY 1: OPERATING FORCES				
27600 AIR OPERATIONS				
27650 AIRCRAFT OPERATIONS	2,842,931	2,842,931	2,844,431	2,843,931
27700 MISSION SUPPORT OPERATIONS	336,979	338,479	340,979	340,779
27750 BASE SUPPORT	410,627	477,527	410,627	440,627
27800 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	154,798	156,798	154,798	156,198
27850 DEPOT MAINTENANCE	621,060	621,060	621,060	621,060
27900 TOTAL, BUDGET ACTIVITY 1	4,366,395	4,436,795	4,371,895	4,402,595
27950 BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
28000 SERVICEWIDE ACTIVITIES				
28050 ADMINISTRATION	26,547	26,547	32,547	30,747
28100 RECRUITING AND ADVERTISING	9,704	9,704	9,704	9,704
28110 TOTAL, BUDGET ACTIVITY 4	36,251	36,251	42,251	40,451
28160 NATIONAL GUARD STATE PARTNERSHIP PROGRAM	---	1,000	2,500	2,100
28170 PROJECT ALERT	---	---	1,970	1,970
28290 MILITARY TECHNICIANS COST AVOIDANCE	---	-53,000	---	-18,000
28310 IT CONSOLIDATION	---	3,000	---	2,100
28550 TOTAL, O&M, AIR NATIONAL GUARD	4,402,646	4,424,046	4,418,616	4,431,216

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 1: Operating Forces:	
27650 Defense Systems Evaluation Joint Test Support Program	1,000
27700 Surveying Systems	1,000
27700 All Terrain Military Utility Vehicles	1,400
27700 Extended Cold Weather Clothing System	1,400
27750 Base Support/Unfunded Requirements	30,000
27800 Facilities Sustainment, Restoration and Modernization/Rickenbacker Air National Guard Base	1,400
Budget Activity 4: Administration and Servicewide Activities:	2,100
28050 Information Assurance Activities	2,100
28050 IT Consolidation/Storage Area Network	2,100
Other Adjustments:	
28160 National Guard State Partnership Program	2,100
28170 Project Alert	1,970
28290 Military Technicians Cost Avoidance	−18,000
28310 IT Consolidation	2,100

JEFFERSON PROVING GROUND

The conferees direct the Departments of the Army and the Air Force to finalize the real property instruments that would provide the Indiana Air National Guard the immediate use of the 50-acre laser bombing range located at Jefferson Proving Ground in southeastern Indiana.

OVERSEAS CONTINGENCY OPERATIONS TRANSFER ACCOUNT

The conference agreement provides $5,000,000 for the Overseas Contingency Operations Transfer Account.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

The conference agreement provides $10,333,000 for the United States Court of Appeals for the Armed Forces.

ENVIRONMENTAL RESTORATION, ARMY

The conference agreement provides $396,018,000 for Environmental Restoration, Army.

ENVIRONMENTAL RESTORATION, NAVY

The conference agreement provides $256,153,000 for Environmental Restoration, Navy.

WALKER RIVER PAIUTE TRIBAL LANDS

Not later than September 30, 2004, the Secretary of the Navy shall report to the congressional defense committees on the impact of naval aircraft live ordnance training on the lands of Walker River Paiute Tribe in Nevada since the establishment of the training area currently known as Bravo 19 in support of Fallon Naval Air Station. The report should also include the estimated fair market value and remediation costs associated with the environmental impact to the tribal lands.

ENVIRONMENTAL RESTORATION, AIR FORCE

The conference agreement provides $384,307,000 for Environmental Restoration, Air Force.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

The conference agreement provides $24,081,000 for Environmental Restoration, Defense-Wide.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

The conference agreement provides $284,619,000 for Environmental Restoration, Formerly Used Defense Sites, instead of $221,369,000 as proposed by the House and $312,619,000 as proposed by the Senate.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

The conference agreement provides $59,000,000 for Overseas Humanitarian, Disaster, and Civic Aid.

FORMER SOVIET UNION THREAT REDUCTION

The conference agreement provides that $10,000,000 of the funds appropriated under this heading shall be available only to support the dismantling and disposal of nuclear submarines, submarine reactor components, and warheads in the Russian Far East, as proposed by the Senate. The House bill did not address this matter.

The House report provided that $39,400,000 requested for the Proliferation Prevention Initiative (PPI) be redirected for the elimination of strategic nuclear delivery systems and for the establishment of on-site management offices. The Senate report did not address this matter. The managers direct that not to exceed $29,400,000 be made available for the PPI, and that the remaining funds be allocated as indicated in the House report. In addition, the managers direct that no funds shall be obligated for the Proliferation Prevention Initiative (PPI) until 15 days after the Under Secretary of Defense (Comptroller) reports in writing to the congressional defense committees on the following: (1) the degree to which the PPI is fully consistent with the authorization for, and core functions of, the Cooperative Threat Reduction (CRT) program; and (2) an explanation of how each proposed PPI country program leverages, rather than duplicates or replaces, other U.S. government programs.

TITLE III—PROCUREMENT

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
SUMMARY				
ARMY				
AIRCRAFT	2,128,485	2,180,785	2,027,285	2,154,035
MISSILES	1,459,462	1,533,462	1,444,462	1,505,462
WEAPONS, TRACKED COMBAT VEHICLES	1,640,704	1,956,504	1,732,004	1,857,054
AMMUNITION	1,309,966	1,355,466	1,419,759	1,387,759
OTHER	4,216,854	4,547,596	4,573,902	4,774,452
TOTAL, ARMY	10,755,471	11,573,813	11,197,412	11,678,762
NAVY				
AIRCRAFT	8,788,148	9,030,148	9,017,548	9,110,848
WEAPONS	1,991,821	2,205,634	1,967,934	2,095,784
AMMUNITION	922,355	941,855	924,355	934,905
SHIPS	11,438,984	11,453,098	11,682,623	11,467,623
OTHER	4,679,443	4,784,742	4,734,808	4,941,098
MARINE CORPS	1,070,999	1,200,499	1,090,399	1,165,727
TOTAL, NAVY	28,891,750	29,615,976	29,417,667	29,715,985
AIR FORCE				
AIRCRAFT	12,079,360	11,877,051	11,997,460	12,086,201
MISSILES	4,393,039	4,235,505	4,215,333	4,165,633
AMMUNITION	1,284,725	1,279,725	1,265,582	1,262,725
OTHER	11,583,659	11,195,159	11,536,097	11,558,799
TOTAL, AIR FORCE	29,340,783	28,587,440	29,014,472	29,073,358
DEFENSE-WIDE				
DEFENSE-WIDE	3,665,506	3,803,776	3,568,851	3,709,926
NATIONAL GUARD AND RESERVE EQUIPMENT	---	100,000	700,000	400,000
DEFENSE PRODUCTION ACT PURCHASES	67,516	67,516	77,516	78,016
TOTAL PROCUREMENT	72,721,026	73,748,521	73,975,918	74,656,047

LEAD SYSTEM INTEGRATOR

The conferees direct the Undersecretary of Defense for Acquisition, Logistics, and Technology to submit a report to the congressional defense committees within 120-days of enactment of the fiscal year 2004 Defense Appropriations Act on steps the Department of Defense has taken to ensure that the Lead Systems Integrator (LSI) contracting mechanism maintains adequate safeguards. The report should include a thorough review of how the Department intends to assure that adequate firewalls exist between the parent company and the LSI entity on active contracts.

AIRCRAFT PROCUREMENT, ARMY

The conference agreement on items addressed by either the House or Senate is as follows:

	Budget	House	Senate	Conference
	(In thousands of dollars)			
AIRCRAFT PROCUREMENT, ARMY				
AIRCRAFT				
FIXED WING				
UTILITY F/W AIRCRAFT	---	43,000	---	43,000
ROTARY				
UH-60 BLACKHAWK (MYP)	138,859	251,659	187,559	228,459
UH-60 BLACKHAWK (MYP) (AP-CY)	28,141	28,141	28,141	28,141
TOTAL, AIRCRAFT	167,000	322,800	215,700	299,600
MODIFICATION OF AIRCRAFT				
GUARDRAIL MODS (TIARA)	3,176	3,176	3,176	3,176
ARL MODS (TIARA)	5,707	5,707	5,707	5,707
AH-64 MODS	58,879	64,879	64,079	65,479
CH-47 CARGO HELICOPTER MODS	495,525	495,525	454,425	493,525
CH-47 CARGO HELICOPTER MODS (AP-CY)	20,515	20,515	20,515	20,515
UTILITY/CARGO AIRPLANE MODS	10,448	10,448	10,448	10,448
OH-58 MODS	477	477	477	477
AIRCRAFT LONG RANGE MODS	762	762	762	762
LONGBOW	762,464	766,964	752,464	754,714
LONGBOW (AP-CY)	14,204	14,204	14,204	14,204
UH-60 MODS	136,496	36,496	42,496	36,496
KIOWA WARRIOR	45,051	49,051	51,051	51,251
AIRBORNE AVIONICS	71,206	77,206	71,206	74,606
GATM ROLLUP	59,104	24,104	24,104	24,104
AIRBORNE DIGITIZATION	1,906	1,906	1,906	1,906
SPARE PARTS (AIR)	11,299	11,299	11,299	11,299
TOTAL, MODIFICATION OF AIRCRAFT	1,697,219	1,582,719	1,528,319	1,568,669

	Budget	House	Senate	Conference
	(In thousands of dollars)			
SUPPORT EQUIPMENT AND FACILITIES				
GROUND SUPPORT AVIONICS				
AIRCRAFT SURVIVABILITY EQUIPMENT	14,879	16,879	19,879	17,379
ASE INFRARED CM	75,713	75,713	75,713	75,713
OTHER SUPPORT				
AIRBORNE COMMAND & CONTROL	26,594	29,594	26,594	29,144
AVIONICS SUPPORT EQUIPMENT	13,295	19,295	23,295	25,545
COMMON GROUND EQUIPMENT	16,597	16,597	16,597	16,597
AIRCREW INTEGRATED SYSTEMS	28,894	28,894	32,894	33,094
AIR TRAFFIC CONTROL	59,963	59,963	59,963	59,963
INDUSTRIAL FACILITIES	1,203	1,203	1,203	1,203
LAUNCHER, 2.75 ROCKET	2,512	2,512	2,512	2,512
AIRBORNE COMMUNICATIONS	24,616	24,616	24,616	24,616
TOTAL, SUPPORT EQUIPMENT AND FACILITIES	264,266	275,266	283,266	285,766
TOTAL, AIRCRAFT PROCUREMENT, ARMY	2,128,485	2,180,785	2,027,285	2,154,035

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		Budget Request	House	Senate	Conference
1	**UTILITY F/W (MR) AIRCRAFT**	**0**	**43,000**	**0**	**43,000**
	US Army Priority Air Transport-Modernization Strategy		+35,000		+35,000
	(1) UC-35B		+8,000		+8,000
2	**UH-60 BLACKHAWK (MYP)**	**138,859**	**251,659**	**187,559**	**228,459**
	Additional Aircraft (Note: only for 9 additional aircraft including 5 UH-60L models, and 4 HH-60L MEDEVAC models)		+112,800	0	+111,600
	7 Blackhawk Helicopters			+70,700	
	Option price savings			-20,000	-20,000
	Unjustified program administration costs			-2,000	-2,000
7	**AH-64 MODS**	**58,879**	**64,879**	**64,079**	**65,479**
	AH-64 "Combo-PAK" Crashworthy Self-Sealing Internal Fuel System and Ammunition Storage Magazine		+6,000	0	+3,000
	Vibration management enhancement program			+5,200	+3,600
8	**CH-47 CARGO HELICOPTER MODS**	**495,525**	**495,525**	**454,425**	**493,525**
	Unexpended balances			-39,100	0
	Unjustified Other Support costs			-2,000	-2,000
13	**LONGBOW**	**762,464**	**766,964**	**752,464**	**754,714**
	APG-78 Longbow Fire Control Radar for the AH-64D Apache Helicopter-South Carolina Army National Guard (2)		+4,500		+2,250
	Unjustified Other Support costs			-10,000	-10,000
15	**UH-60 MODS**	**136,496**	**36,496**	**42,496**	**36,496**
	UH-60M program delays (transfer to RDTE,A)		-100,000	-100,000	-100,000
	1/207th CSAR and Medevac upgrades			+6,000	0
16	**KIOWA WARRIOR**	**45,051**	**49,051**	**51,051**	**51,251**
	Kiowa Warrior Helmet Mounted Display (Note: for use only with a commercially developed Retinal Scanning Display for system installation in the OH-58D.)		+4,000		+2,000
	Safety Enhancement Program GAU-19			+6,000	+4,200
17	**AIRBORNE AVIONICS**	**71,206**	**77,206**	**71,206**	**74,606**
	Improved Data Modem (IDM)		+4,000		+3,400
	Cockpit Air Bag System (CABS) (Note: transferred to line 26)		+2,000		0
18	**GATM ROLLUP**	**59,104**	**24,104**	**24,104**	**24,104**
	GATM		-35,000	-35,000	-35,000
21	**AIRCRAFT SURVIVABILITY EQUIPMENT**	**14,879**	**16,879**	**19,879**	**17,379**
	Laser Detection Set, AN/AVR-2A (Note: only for new production AN/AVR-2A laser detecting sets for use on remaining Army National Guard AH-64 Apache helicopters.)		+2,000	+5,000	+2,500
23	**AIRBORNE COMMAND & CONTROL**	**26,594**	**29,594**		**29,144**
	Army Airborne Command and Control System (A2C2S)		+3,000		+2,550

P-1		Budget Request	House	Senate	Conference
24	**AVIONICS SUPPORT EQUIPMENT**	**13,295**	**19,295**	**23,295**	**25,545**
	ANVIS 6B Goggles for Pilots		+5,000		+4,250
	Tasers		+1,000		+1,000
	Aviator Night Vision Imaging System			+10,000	+7,000
26	**AIRCREW INTEGRATED SYSTEMS**	**28,894**	**28,894**	**32,894**	**33,094**
	Heli-Basket Technology			+4,000	+2,800
	Cockpit Air Bag System (CABS) (Note: transferred from line 17)				+1,400

MISSILE PROCUREMENT, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
MISSILE PROCUREMENT, ARMY				
OTHER MISSILES				
SURFACE-TO-AIR MISSILE SYSTEM				
PATRIOT SYSTEM SUMMARY	561,555	651,555	561,555	621,555
STINGER SYSTEM SUMMARY	2,942	2,942	2,942	2,942
SURFACE-LAUNCHED AMRAAM SYSTEM SUMMARY:	7,452	7,452	7,452	7,452
AIR-TO-SURFACE MISSILE SYSTEM				
HELLFIRE SYS SUMMARY	33,061	33,061	25,061	25,061
ANTI-TANK/ASSAULT MISSILE SYSTEM				
JAVELIN (AAWS-M) SYSTEM SUMMARY	133,115	133,115	133,115	133,115
JAVELIN ADVANCE PROCUREMENT (CY)	7,600	7,600	7,600	7,600
LINE OF SIGHT ANTI-TANK (LOSAT) SYSTEM SUM	43,232	43,232	43,232	43,232
TOW 2 SYSTEM SUMMARY	10,010	10,010	10,010	10,010
TOW 2 ADVANCE PROCUREMENT (CY)	16,366	16,366	16,366	16,366
GUIDED MLRS ROCKET (GMLRS)	107,759	107,759	107,759	107,759
MLRS REDUCED RANGE PRACTICE ROCKETS (RRPR)	14,646	14,646	7,646	7,646
MLRS LAUNCHER SYSTEMS	40,155	40,155	40,155	40,155
HIMARS LAUNCHER	124,191	124,191	124,191	124,191
ARMY TACTICAL MSL SYS (ATACMS) - SYS SUM	50,301	57,801	50,301	57,801
TOTAL, OTHER MISSILES	1,152,385	1,249,885	1,137,385	1,204,885
MODIFICATION OF MISSILES				
MODIFICATIONS				
PATRIOT MODS	212,575	182,075	212,575	202,575
STINGER MODS	973	973	973	973
ITAS/TOW MODS	15,707	22,707	15,707	19,207
MLRS MODS	19,918	19,918	19,918	19,918
HIMARS MODIFICATIONS: (NON AAO)	467	467	467	467
TOTAL, MODIFICATION OF MISSILES	249,640	226,140	249,640	243,140

	(In thousands of dollars)			
	Budget	House	Senate	Conference
SPARES AND REPAIR PARTS	50,542	50,542	50,542	50,542
SUPPORT EQUIPMENT AND FACILITIES				
AIR DEFENSE TARGETS	3,464	3,464	3,464	3,464
ITEMS LESS THAN $5.0M (MISSILES)	10	10	10	10
PRODUCTION BASE SUPPORT	3,421	3,421	3,421	3,421
TOTAL, SUPPORT EQUIPMENT AND FACILITIES	6,895	6,895	6,895	6,895
TOTAL, MISSILE PROCUREMENT, ARMY	1,459,462	1,533,462	1,444,462	1,505,462

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		Budget Request	House	Senate	Conference
1	**PATRIOT SYSTEM SUMMARY**	**561,555**	**651,555**	**561,555**	**621,555**
	Increase quantity of missiles (for a quantity of not less than 27 additional missiles)		+90,000		+60,000
5	**HELLFIRE SYS SUMMARY**	**33,061**	**33,061**	**25,061**	**25,061**
	CAP Kits			-8,000	-8,000
15	**MLRS REDUCED RANGE PRACTICE ROCKETS (RRPR)**	**14,646**	**14,646**	**7,646**	**7,646**
	Execution Delays			-7,000	-7,000
18	**ARMY TACTICAL MSL SYS (ATACMS) - SYS SUM**	**50,301**	**57,801**	**50,301**	**57,801**
	ATACMS unitary production increase (Note: for 10 additional missiles)		+7,500		+7,500
21	**PATRIOT MODS**	**212,575**	**182,075**	**212,575**	**202,575**
	Patriot-MEADS consolidation efficiencies		-30,500		-10,000
24	**ITAS/TOW MODS**	**15,707**	**22,707**	**15,707**	**19,207**
	Improved Target Acquisition System (ITAS)		+7,000		+3,500

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
PROCUREMENT OF W&TCV, ARMY				
TRACKED COMBAT VEHICLES				
ABRAMS TRNG DEV MOD	6,252	6,252	6,252	6,252
BRADLEY BASE SUSTAINMENT	113,302	372,102	175,202	334,502
BRADLEY FVS TRAINING DEVICES (MOD)	3,397	3,397	3,397	3,397
STRYKER	955,027	990,027	990,027	990,027
MODIFICATION OF TRACKED COMBAT VEHICLES				
CARRIER, MOD	---	---	25,000	17,500
FIST VEHICLE (MOD)	16,756	16,756	16,756	16,756
MOD OF IN-SVC EQUIP, FIST VEHICLE	676	676	676	676
BFVS SERIES (MOD)	23,126	23,126	48,126	41,876
HOWITZER, MED SP FT 155MM M109A6 (MOD)	36,092	36,092	34,592	34,592
FAASV PIP TO FLEET	10,981	10,981	10,981	10,981
M1 ABRAMS TANK (MOD)	268,644	160,644	196,644	117,144
SYSTEM ENHANCEMENT PGM: SEP M1A2	---	155,000	---	155,000
ABRAMS UPGRADE PROGRAM	92,942	60,942	94,942	3,342
SUPPORT EQUIPMENT AND FACILITIES				
ITEMS LESS THAN $5.0M (TCV-WTCV)	489	489	489	489
PRODUCTION BASE SUPPORT (TCV-WTCV)	10,188	10,188	10,188	10,188
TOTAL, TRACKED COMBAT VEHICLES	1,537,872	1,846,672	1,613,272	1,742,722

	Budget	House	Senate	Conference
	(In thousands of dollars)			
WEAPONS AND OTHER COMBAT VEHICLES				
ARMOR MACHINE GUN, 7.62MM M240 SERIES	16,559	16,559	16,559	16,559
MACHINE GUN, 5.56MM (SAW)	---	5,000	6,900	5,000
MORTAR SYSTEMS	10,102	10,102	10,102	10,102
XM107, CAL. 50, SNIPER RIFLE	8,753	8,753	8,753	8,753
5.56 CARBINE M4	8,978	8,978	8,978	8,978
HOWITZER LT WT 155MM (T)	4,998	6,998	8,998	7,998
MOD OF WEAPONS AND OTHER COMBAT VEH				
MARK-19 MODIFICATIONS	3,845	3,845	3,845	3,845
M4 CARBINE MODS	6,660	6,660	6,660	6,660
SQUAD AUTOMATIC WEAPON (MOD)	5,096	5,096	5,096	5,096
MEDIUM MACHINE GUNS (MODS)	2,970	2,970	2,970	2,970
HOWITZER, TOWED, 155MM, M198 (MODS)	882	882	882	882
M16 RIFLE MODS	2,369	2,369	2,369	2,369
MODIFICATIONS LESS THAN $5.0M (WOCV-WTCV)	2,220	2,220	2,220	2,220
SUPPORT EQUIPMENT AND FACILITIES				
ITEMS LESS THAN $5.0M (WOCV-WTCV)	489	489	489	489
PRODUCTION BASE SUPPORT (WOCV-WTCV)	7,089	7,089	7,089	7,089
INDUSTRIAL PREPAREDNESS	2,675	2,675	7,675	6,175
SMALL ARMS (SOLDIER ENH PROG)	1,117	1,117	1,117	1,117
TOTAL, WEAPONS AND OTHER COMBAT VEHICLES	84,802	91,802	100,702	96,302
SPARES AND REPAIR PARTS (WTCV)	18,030	18,030	18,030	18,030
TOTAL, PROCUREMENT OF W&TCV, ARMY	1,640,704	1,956,504	1,732,004	1,857,054

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		Budget Request	House	Senate	Conference
2	**BRADLEY BASE SUSTAINMENT**	**113,302**	**372,102**	**175,202**	**334,502**
	3rd ACR ODS+		+258,800		+221,200
	Bradley AO to ODS+ for the Army National Guard			+61,900	0
6	**STRYKER**	**955,027**	**990,027**	**990,027**	**990,027**
	Long Lead items, Brigades 5 and 6		+35,000	+35,000	+35,000
8	**CARRIER, MOD**	**0**	**0**	**25,000**	**17,500**
	M113 Carrier MOD Upgrade			+25,000	+17,500
11	**BFVS SERIES (MOD)**	**23,126**	**23,126**	**48,126**	**41,876**
	Reactive Armor Tiles for Bradley			+25,000	+18,750
12	**HOWITZER, MED SP FT 155MM M109A6 (MOD)**	**36,092**	**36,092**	**34,592**	**34,592**
	Procurement of MACS prior to IOC			-1,500	-1,500
17	**M1 ABRAMS TANK (MOD)**	**268,644**	**160,644**	**196,644**	**117,144**
	LV-100 Engine		-108,000	-75,000	-153,000
	x1100-3B Recap Program			+3,000	+1,500
19	**SYSTEM ENHANCEMENT PGM: SEP M1A2**	**0**	**155,000**	**0**	**155,000**
	3rd ACR M1A2 SEP		+155,000		+155,000
20	**ABRAMS UPGRADE PROGRAM**	**92,942**	**60,942**	**94,942**	**3,342**
	System Technical Support		-32,000		-91,000
	M1A1 Fleet Embedded Diagnostics			+2,000	+1,400
25	**MACHINE GUN, 5.56MM (SAW)**	**0**	**5,000**	**6,900**	**5,000**
	M249 Squad Automatic Weapon (SAW)		+5,000	+6,900	+5,000
31	**HOWITZER LT WT 155MM (T)**	**4,998**	**6,998**	**8,998**	**7,998**
	M777 Lightweight Towed 155mm Howitzer		+2,000	+4,000	+3,000
42	**INDUSTRIAL PREPAREDNESS**	**2,675**	**2,675**	**7,675**	**6,175**
	Arsenal Support Initiative			+5,000	+3,500

STRYKER BRIGADE COMBAT TEAM

In order to enhance Army transformation, the conferees agree to provide an additional $35,000,000 to ensure fielding of the fifth and sixth Stryker Brigade Combat Teams (SBCT). The conferees direct that funding be made available specifically for the advanced procurement for the fifth SBCT, 2/25 Infantry Division and sixth SBCT, 56th ARNG Brigade. The Department of Defense shall ensure that future budgetary and programmatic plans provide for fielding no fewer than six SBCTs by 2008.

PROCUREMENT OF AMMUNITION, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
PROCUREMENT OF AMMUNITION, ARMY				
AMMUNITION				
SMALL/MEDIUM CAL AMMUNITION				
CTG, 5.56MM, ALL TYPES	183,731	183,731	183,731	183,731
CTG, 7.62MM, ALL TYPES	65,414	65,414	65,414	65,414
CTG, 9MM, ALL TYPES	5,557	5,557	5,557	5,557
CTG, .50 CAL, ALL TYPES	60,484	61,484	60,484	61,484
CTG, 25MM, ALL TYPES	8,812	18,812	18,812	18,812
CTG, 30MM, ALL TYPES	12,941	12,941	13,941	13,941
CTG, 40MM, ALL TYPES	126,994	126,994	126,994	126,994
MORTAR AMMUNITION				
60MM MORTAR, ALL TYPES	45,408	26,908	45,408	26,908
81MM MORTAR, ALL TYPES	14,104	14,104	17,104	15,104
CTG, MORTAR, 120MM, ALL TYPES	53,621	55,621	84,960	83,860
TANK AMMUNITION				
CTG TANK 105MM: ALL TYPES	20,607	20,607	20,607	20,607
120MM TANK TRAINING, ALL TYPES	134,270	134,270	128,724	128,724
CTG, TANK, 120MM TACTICAL, ALL TYPES	42,408	42,408	42,408	42,408
ARTILLERY AMMUNITION				
CTG, ARTY, 75MM: ALL TYPES	34	34	34	34
CTG, ARTY, 105MM: ALL TYPES	30,151	30,151	30,151	30,151
CTG, ARTY, 155MM, ALL TYPES	77,781	77,781	60,781	60,781
MODULAR ARTILLERY CHARGE SYSTEM (MACS), ALL T	78,949	81,949	78,949	79,949

	Budget	House	Senate	Conference
	(In thousands of dollars)			
ARTILLERY FUZES				
ARTILLERY FUZES, ALL TYPES	47,400	47,400	47,400	47,400
MINES				
MINE AT VOLCANO; ALL TYPES	---	---	5,000	2,500
MINE, CLEARING CHARGE, ALL TYPES	14,564	14,564	14,564	14,564
ROCKETS				
SHOULDER FIRED ROCKETS, ALL TYPES	13,836	13,836	13,836	13,836
ROCKET, HYDRA 70, ALL TYPES	21,981	21,981	61,981	41,981
OTHER AMMUNITION				
DEMOLITION MUNITIONS, ALL TYPES	24,959	27,959	33,959	31,959
GRENADES, ALL TYPES	27,010	27,010	27,010	27,010
SIGNALS, ALL TYPES	8,999	8,999	8,999	8,999
SIMULATORS, ALL TYPES	9,035	9,035	9,035	9,035
MISCELLANEOUS				
AMMO COMPONENTS, ALL TYPES	10,529	10,529	10,529	10,529
CAD/PAD ALL TYPES	4,808	4,808	4,808	4,808
ITEMS LESS THAN $5 MILLION	7,697	7,697	7,697	7,697
AMMUNITION PECULIAR EQUIPMENT	7,415	7,415	7,415	7,415
FIRST DESTINATION TRANSPORTATION (AMMO)	11,868	11,868	11,868	11,868
CLOSEOUT LIABILITIES	98	98	98	98
TOTAL, AMMUNITION	1,171,465	1,171,965	1,248,258	1,204,158
AMMUNITION PRODUCTION BASE SUPPORT				
PRODUCTION BASE SUPPORT				
PROVISION OF INDUSTRIAL FACILITIES	33,570	67,570	39,570	59,070
LAYAWAY OF INDUSTRIAL FACILITIES	13,020	13,020	13,020	13,020
MAINTENANCE OF INACTIVE FACILITIES	9,664	9,664	9,664	9,664
CONVENTIONAL AMMO DEMILITARIZATION	77,592	83,592	94,592	90,192
ARMS INITIATIVE	4,655	9,655	14,655	11,655
TOTAL, AMMUNITION PRODUCTION BASE SUPPORT	138,501	183,501	171,501	183,601
TOTAL, PROCUREMENT OF AMMUNITION, ARMY	1,309,966	1,355,466	1,419,759	1,387,759

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		Budget Request	House	Senate	Conference
4	**CTG, .50 CAL, ALL TYPES**	**60,484**	**61,484**	**60,484**	**61,484**
	.50 Caliber Ammunition SLAP production		+1,000		+1,000
6	**CTG, 25MM, ALL TYPES**	**8,812**	**18,812**	**18,812**	**18,812**
	M919 production		+10,000	+10,000	+10,000
7	**CTG, 30MM, ALL TYPES**	**12,941**	**12,941**	**13,941**	**13,941**
	M789 High Explosive Dual Purpose (HEDP)			+1,000	+1,000
9	**60MM MORTAR, ALL TYPES**	**45,408**	**26,908**	**45,408**	**26,908**
	M768		-17,500		-17,500
	M769 No production requirement		-1,000		-1,000
10	**81MM MORTAR, ALL TYPES**	**14,104**	**14,104**	**17,104**	**15,104**
	M816 81mm IR Illumination			+3,000	+1,000
11	**CTG, MORTAR, 120MM, ALL TYPES**	**53,621**	**55,621**	**84,960**	**83,860**
	M931, 120mm Training		+2,000		+1,000
	CTG, 120mm Mortar IR ILLUM M930			+2,000	+1,400
	M934A1 120mm Mortar			+5,000	+3,500
	White Phosphorus Facility Modernization Equipment			+24,339	+24,339
13	**120MM TANK TRAINING, ALL TYPES**	**134,270**	**134,270**	**128,724**	**128,724**
	XM 1002--Buying ahead of need			-5,546	-5,546
17	**CTG, ARTY, 155MM, ALL TYPES**	**77,781**	**77,781**	**60,781**	**60,781**
	M864 program delays			-18,000	-18,000
	CTG 155mm M845 ILLUM			+1,000	+1,000
19	**MODULAR ARTILLERY CHARGE SYSTEM (MACS), ALL TYPES**	**78,949**	**81,949**	**78,949**	**79,949**
	Modular Artillery Charge System (MACS)		+3,000		+1,000
22	**MINE AT VOLCANO, ALL TYPES**	**0**	**0**	**5,000**	**2,500**
	M87A1 Volcano Anti-Tank Mine System			+5,000	+2,500
27	**ROCKET, HYDRA 70, ALL TYPES**	**21,981**	**21,981**	**61,981**	**41,981**
	Additional Funding			+40,000	+20,000
28	**DEMOLITION MUNITIONS, ALL TYPES**	**24,959**	**27,959**	**33,959**	**31,959**
	Modernization Demolition Initiators (MDI)		+3,000	+4,000	+3,000
	Anti-Personnel Obstacle Breaching System			+5,000	+4,000
39	**PROVISION OF INDUSTRIAL FACILITIES**	**33,570**	**67,570**	**39,570**	**59,070**
	Arsenal Support Program Initiative (ASPI)		+3,000		+1,500
	Procurement of Replacement Medium Caliber Links Manufacturing Die Sets		+5,000	+1,000	+3,500
	Small Caliber Production Line Upgrades		+20,000		+14,000
	Riverbank AAP Flexible Manufacturing Facility		+6,000		+3,000
	Flexible Load, Assemble and Pack Modern Munitions Enterprise			+5,000	+3,500

P-1		Budget Request	House	Senate	Conference
42	**CONVENTIONAL AMMO DEMILITARIZATION**	**77,592**	**83,592**	**94,592**	**90,192**
	Missile Recycling Capability (Note: only for an ongoing effort at Anniston Munitions Center for Conventional Ammunition Demilitatization of Tactical Missiles)		+4,000	+6,000	+5,000
	Accelerated Propelling Charge Demilitarization Program		+2,000		+1,000
	Additional Funding for Conventional Munitions Demilitarization			+11,000	+6,600
43	**ARMS INITIATIVE**	**4,655**	**9,655**	**14,655**	**11,655**
	ARMS Initiative		+5,000	+10,000	+7,000

OTHER PROCUREMENT, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

	Budget	House	Senate	Conference
	(In thousands of dollars)			
OTHER PROCUREMENT, ARMY				
TACTICAL AND SUPPORT VEHICLES				
TACTICAL VEHICLES				
TACTICAL TRAILERS/DOLLY SETS	17,977	17,977	17,977	17,977
SEMITRAILERS, FLATBED:	23,950	23,950	23,950	23,950
SEMITRAILERS, TANKERS	9,499	9,499	9,499	9,499
HI MOB MULTI-PURP WHLD VEH (HMMWV)	137,847	177,847	169,847	177,197
FAMILY OF MEDIUM TACTICAL VEH (FMTV)	309,810	349,810	309,810	343,810
FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIPMEN	14,968	14,968	30,568	25,868
FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	133,130	159,030	172,480	171,780
ARMORED SECURITY VEHICLES (ASV)	---	6,600	---	5,600
TRUCK, TRACTOR, LINE HAUL, M915/M916	45,772	45,772	45,772	45,772
TRUCK, TRACTOR, YARD TYPE, M878 (C/S)	979	979	979	979
HVY EXPANDED MOBILE TACTICAL TRUCK EXT SERV P	24,838	24,838	24,838	24,838
MODIFICATION OF IN SVC EQUIP	57,061	57,061	59,061	58,461
ITEMS LESS THAN $5.0M (TAC VEH)	245	245	245	245
TOWING DEVICE-FIFTH WHEEL	1,958	1,958	1,958	1,958
NON-TACTICAL VEHICLES				
HEAVY ARMORED SEDAN	608	608	608	608
PASSENGER CARRYING VEHICLES	3,078	3,078	3,078	3,078
NONTACTICAL VEHICLES, OTHER	6,260	6,260	5,260	5,260
TOTAL, TACTICAL AND SUPPORT VEHICLES	787,980	900,480	875,930	916,880

	Budget	House	Senate	Conference
	(In thousands of dollars)			
COMMUNICATIONS AND ELECTRONICS EQUIPMENT				
COMM - JOINT COMMUNICATIONS				
WIN - TACTICAL PROGRAM	3,231	---	---	---
JCSE EQUIPMENT (USREDCOM)	4,570	4,570	4,570	4,570
COMM - SATELLITE COMMUNICATIONS				
DEFENSE SATELLITE COMMUNICATIONS SYSTEM (SPAC	98,272	98,272	98,272	98,272
SHF TERM	17,492	17,492	17,492	17,492
SAT TERM, EMUT (SPACE)	5,154	5,154	5,154	5,154
NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE)	44,290	44,290	44,290	44,290
SMART-T (SPACE)	48,585	48,585	48,585	48,585
SCAMP (SPACE)	600	600	600	600
GLOBAL BRDCST SVC - GBS	8,859	8,859	8,859	8,859
MOD OF IN-SVC EQUIP (TAC SAT)	10,668	10,668	10,668	10,668
COMM - C3 SYSTEM				
ARMY GLOBAL CMD & CONTROL SYS (AGCCS)	16,499	16,499	16,499	16,499
COMM - COMBAT COMMUNICATIONS				
ARMY DATA DISTRIBUTION SYSTEM (DATA RADIO)	52,384	55,884	57,384	56,384
RADIO TERMINAL SET, MIDS LVT(2)	2,937	2,937	2,937	2,937
SINCGARS FAMILY	39,275	74,275	54,275	69,275
MULTI-PURPOSE INFORMATION OPERATIONS SYSTEMS	6,087	6,087	6,087	6,087
JOINT TACTICAL AREA COMMAND SYSTEMS	850	850	850	850
ACUS MOD PROGRAM	108,391	116,391	128,391	129,191
COMMS-ELEC EQUIP FIELDING	15,903	38,903	20,903	31,353
SOLDIER ENHANCEMENT PROGRAM COMM/ELECTRONICS	8,025	8,025	8,025	8,025
COMBAT SURVIVOR EVADER LOCATOR (CSEL)	15,393	15,393	13,593	13,593
MEDICAL COMM FOR CBT CASUALTY CARE (MC4)	6,602	6,602	6,602	6,602
COMM - INTELLIGENCE COMM				
CI AUTOMATION ARCHITECTURE	1,241	1,241	1,241	1,241
INFORMATION SECURITY				
TSEC - ARMY KEY MGT SYS (AKMS)	2,702	2,702	2,702	2,702
INFORMATION SYSTEM SECURITY PROGRAM-ISSP	124,419	124,419	124,419	124,419
COMM - LONG HAUL COMMUNICATIONS				
TERRESTRIAL TRANSMISSION	10,332	10,332	10,332	10,332
BASE SUPPORT COMMUNICATIONS	46,835	50,835	69,450	71,850
ARMY DISN ROUTER	6,016	6,016	6,016	6,016
ELECTROMAG COMP PROG (EMCP)	457	457	457	457
WW TECH CON IMP PROG (WWTCIP)	2,975	2,975	2,975	2,975

	Budget	House	Senate	Conference
	(In thousands of dollars)			
COMM - BASE COMMUNICATIONS INFORMATION SYSTEMS	328,188	328,188	333,188	330,688
DEFENSE MESSAGE SYSTEM (DMS)	12,435	12,435	12,435	12,435
LOCAL AREA NETWORK (LAN)	96,475	104,475	96,475	101,475
PENTAGON INFORMATION MGT AND TELECOM	14,424	14,424	14,424	14,424
ELECT EQUIP - NAT FOR INT PROG (NFIP) FOREIGN COUNTERINTELLIGENCE PROG (FCI)	1,624	1,624	1,624	1,624
GENERAL DEFENSE INTELL PROG (GDIP)	24,632	24,632	24,632	24,632
ELECT EQUIP - TACT INT REL ACT (TIARA) ALL SOURCE ANALYSIS SYS (ASAS) (TIARA)	36,980	37,680	36,980	40,680
PROPHET GROUND (TIARA)	3,175	13,175	3,175	10,875
TUAV	73,764	73,764	73,764	73,764
ARMY COMMON GROUND STATION (CGS)	8,261	8,261	8,261	8,261
DIGITAL TOPOGRAPHIC SPT SYS (DTSS) (TIARA)	13,003	13,003	13,003	13,003
DCGS-A UNIT OF EMPLOYMENT (JMIP)	2,687	2,687	2,687	2,687
TROJAN (TIARA)	6,535	6,535	6,535	6,535
MOD OF IN-SVC EQUIP (INTEL SPT) (TIARA)	2,619	2,619	5,619	4,719
CI HUMINT INFO MANAGEMENT SYSTEM (CHIMS) (TIA	7,892	7,892	7,892	7,892
ITEMS LESS THAN $5.0M (TIARA)	4,983	4,983	4,983	4,983
ELECT EQUIP - ELECTRONIC WARFARE (EW) COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES	2,296	4,296	2,296	2,296
ELECT EQUIP - TACTICAL SURV. (TAC SURV) SENTINEL MODS	17,595	17,595	17,595	17,595
NIGHT VISION DEVICES	65,629	70,629	69,629	69,629
LONG RANGE ADVANCED SCOUT SURVEILLANCE SYSTEM	50,125	50,125	50,125	50,125
LTWT VIDEO RECON SYSTEM (LWVRS)	---	5,000	---	3,500
NIGHT VISION, THERMAL WPN SIGHT	50,504	50,504	50,504	50,504
ARTILLERY ACCURACY EQUIP	13,594	13,594	13,594	13,594
MOD OF IN-SVC EQUIP (MMS)	644	644	644	644
MOD OF IN-SVC EQUIP (MVS)	274	274	274	274
PROFILER	12,591	12,591	12,591	12,591
MOD OF IN-SVC EQUIP (TAC SURV)	35,169	35,169	35,169	35,169
FORCE XXI BATTLE CMD BRIGADE & BELOW (FBCB2)	83,200	83,200	83,200	83,200
LIGHTWEIGHT LASER DESIGNATOR/RANGEFINDER (LLD	12,302	12,302	12,302	12,302
MORTAR FIRE CONTROL SYSTEM	39,517	39,517	39,517	39,517

	Budget	House	Senate	Conference
	(In thousands of dollars)			
INTEGRATED MET SYS SENSORS (IMETS) - TIARA	9,080	9,080	9,080	9,080
ELECT EQUIP - TACTICAL C2 SYSTEMS				
TACTICAL OPERATIONS CENTERS	45,613	69,513	45,613	69,513
ADV FA TAC DATA SYS / EFF CTRL SYS (AFATDS/EC	22,324	24,624	22,324	23,524
MOD OF IN-SVC EQUIP, AFATDS	2,059	2,059	2,059	2,059
LIGHT WEIGHT TECH FIRE DIRECTION SYS (LWT	3,223	3,223	3,223	3,223
CMBT SVC SUPT CONTROL SYS (CSSCS)	22,197	22,197	22,197	22,197
FAAD C2	19,474	19,474	19,474	19,474
AIR & MSL DEFENSE PLANNING & CONTROL SYS (AMD	8,996	8,996	8,996	8,996
FORWARD ENTRY DEVICE / LIGHTWEIGHT FED (FED/L	6,023	6,023	6,023	6,023
STRIKER FAMILY	---	6,000	---	3,000
KNIGHT FAMILY	6,732	26,732	6,732	20,732
LIFE CYCLE SOFTWARE SUPPORT (LCSS)	1,814	1,814	1,814	1,814
LOGTECH	8,774	8,774	10,774	10,174
TC AIMS II	17,492	17,492	17,492	17,492
ISYSCON EQUIPMENT	21,528	21,528	21,528	21,528
JOINT NETWORK MANAGEMENT SYSTEM (JNMS)	9,452	9,452	9,452	9,452
TACTICAL INTERNET MANAGER	8,321	8,321	8,321	8,321
MANEUVER CONTROL SYSTEM (MCS)	37,141	41,141	37,141	41,141
STAMIS TACTICAL COMPUTERS (STACOMP)	46,233	46,233	51,233	49,733
STANDARD INTEGRATED CMD POST SYSTEM	361	361	2,361	361
ELECT EQUIP - AUTOMATION				
ARMY TRAINING MODERNIZATION	6,186	6,186	6,186	6,186
AUTOMATED DATA PROCESSING EQUIP	213,055	223,055	244,055	246,155
RESERVE COMPONENT AUTOMATION SYS (RCAS)	45,789	51,789	60,789	63,689
ELECT EQUIP - AUDIO VISUAL SYS (A/V)				
AFRTS	2,519	2,519	2,519	2,519
ITEMS LESS THAN $5.0M (A/V)	3,879	3,879	3,879	3,879
ITEMS LESS THAN $5M (SURVEYING EQUIPMENT)	2,047	2,047	2,047	2,047
ELECT EQUIP - SUPPORT				
PRODUCTION BASE SUPPORT (C-E)	426	426	426	426
TOTAL, COMMUNICATIONS AND ELECTRONICS EQUIPMENT	2,300,899	2,474,068	2,430,483	2,521,633

	Budget	House	Senate	Conference
	(In thousands of dollars)			
OTHER SUPPORT EQUIPMENT				
CHEMICAL DEFENSIVE EQUIPMENT				
SMOKE & OBSCURANT FAMILY: SOF (NON AAO ITEM)	35,252	35,252	35,252	35,252
BRIDGING EQUIPMENT				
TACTICAL BRIDGING	42,539	42,539	42,539	42,539
TACTICAL BRIDGE, FLOAT-RIBBON	59,393	59,393	64,393	62,893
ENGINEER (NON-CONSTRUCTION) EQUIPMENT				
DISPENSER, MINE M139	5,231	5,231	5,231	5,231
HANDHELD STANDOFF MINEFIELD DETECTION SYS-HST	1,766	3,766	1,766	2,766
KIT, STANDARD TELEOPERATING	2,314	2,314	2,314	2,314
ROBOTIC COMBAT SUPPORT SYSTEM (RCSS)	8,247	11,247	8,247	8,247
EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT)	9,398	9,398	9,398	9,398
ITEMS LESS THAN $5M, COUNTERMINE EQUIPMENT	624	624	624	624
COMBAT SERVICE SUPPORT EQUIPMENT				
HEATERS AND ECU'S	13,544	13,544	13,544	13,544
LAUNDRIES, SHOWERS AND LATRINES	5,979	5,979	5,979	5,979
SOLDIER ENHANCEMENT	4,286	4,286	24,286	20,286
LIGHTWEIGHT MAINTENANCE ENCLOSURE (LME)	7,577	9,477	7,577	9,277
LAND WARRIOR	94,827	3,000	---	1,550
AUTHORIZED STOCKAGE LIST MOBILITY SYSTEM (ASL	4,451	4,451	4,451	4,451
FIELD FEEDING EQUIPMENT	16,021	16,021	16,021	16,021
AIR DROP PROGRAM	4,892	4,892	4,892	4,892
ITEMS LESS THAN $5.0M (ENG SPT EQ)	10,947	12,947	10,947	12,947
ITEMS LESS THAN $5.0M (CSS EQ)	---	4,000	---	3,400
PETROLEUM EQUIPMENT				
DISTRIBUTION SYSTEMS, PETROLEUM & WATER	24,205	24,205	24,205	24,205
INLAND PETROLEUM DISTRIBUTION SYSTEM	1,182	1,182	1,182	1,182
WATER EQUIPMENT				
WATER PURIFICATION SYSTEMS	15,809	15,809	15,809	15,809
MEDICAL EQUIPMENT				
COMBAT SUPPORT MEDICAL	16,555	26,055	27,555	28,555
MAINTENANCE EQUIPMENT				
SHOP EQ CONTACT MAINTENANCE TRK MTD (MYP)	12,855	12,855	12,855	12,855
WELDING SHOP, TRAILER MTD	5,873	5,873	5,873	5,873
ITEMS LESS THAN $5.0M (MAINT EQ)	4,002	4,002	4,002	4,002
CONSTRUCTION EQUIPMENT				
MISSION MODULES - ENGINEERING	16,607	17,307	19,007	19,007
LOADERS	8,148	8,148	8,148	8,148

	Budget	House	Senate	Conference
	(In thousands of dollars)			
CRANES	4,131	4,131	4,131	4,131
CRUSHING/SCREENING PLANT, 150 TPH	1,781	1,781	1,781	1,781
PLANT, ASPHALT MIXING	1,937	1,937	1,937	1,937
HIGH MOBILITY ENGINEER EXCAVATOR (HMEE)	4,842	4,842	4,842	4,842
CONST EQUIP ESP	---	10,000	10,000	10,000
ITEMS LESS THAN $5.0M (CONST EQUIP)	6,305	6,305	6,305	6,305
RAIL FLOAT CONTAINERIZATION EQUIPMENT				
LOGISTIC SUPPORT VESSEL (LSV)	---	3,000	---	3,000
CAUSEWAY SYSTEMS	---	12,000	12,000	12,000
ITEMS LESS THAN $5.0M (FLOAT/RAIL)	7,860	7,860	7,860	7,860
GENERATORS				
GENERATORS AND ASSOCIATED EQUIP	62,853	64,353	64,853	65,353
MATERIAL HANDLING EQUIPMENT				
ROUGH TERRAIN CONTAINER HANDLER (RTCH)	36,237	36,237	36,237	36,237
ALL TERRAIN LIFTING ARMY SYSTEM	22,422	30,222	22,422	22,422
MHE EXTENDED SERVICE PROGRAM (ESP)	1,329	1,329	1,329	1,329
TRAINING EQUIPMENT				
COMBAT TRAINING CENTERS (CTC) SUPPORT	36,827	41,327	41,827	43,127
TRAINING DEVICES, NONSYSTEM	165,254	202,254	306,195	314,295
CLOSE COMBAT TACTICAL TRAINER	71,692	71,692	71,692	71,692
AVIATION COMBINED ARMS TACTICAL TRAINER (AVCA	10,295	10,295	10,295	10,295
TEST MEASURE AND DIG EQUIPMENT (TMD)				
CALIBRATION SETS EQUIPMENT	18,304	18,304	18,304	18,304
INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE)	27,952	35,952	27,952	35,752
TEST EQUIPMENT MODERNIZATION (TEMOD)	14,718	14,718	14,718	14,718

	Budget	House	Senate	Conference
	(In thousands of dollars)			
OTHER SUPPORT EQUIPMENT				
PHYSICAL SECURITY SYSTEMS (OPA3)	75,288	75,288	75,288	101,188
BASE LEVEL COM'L EQUIPMENT	15,026	15,026	15,026	15,026
MODIFICATION OF IN-SVC EQUIPMENT (OPA-3)	47,918	47,918	51,918	50,718
PRODUCTION BASE SUPPORT (OTH)	2,571	2,571	2,571	2,571
SPECIAL EQUIPMENT FOR USER TESTING	11,526	21,526	13,526	21,426
MA8975	2,419	2,419	2,419	2,419
TOTAL, OTHER SUPPORT EQUIPMENT	1,082,011	1,107,084	1,201,525	1,259,975
SPARE AND REPAIR PARTS				
INITIAL SPARES - C&E	44,714	64,714	64,714	74,714
INITIAL SPARES - OTHER SUPPORT EQUIP	1,250	1,250	1,250	1,250
TOTAL, SPARE AND REPAIR PARTS	45,964	65,964	65,964	75,964
TOTAL, OTHER PROCUREMENT, ARMY	4,216,854	4,547,596	4,573,902	4,774,452

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		Budget Request	House	Senate	Conference
4	**HI MOB MULTI-PURP WHLD VEH (HMMWV)**	**137,847**	**177,847**	**169,847**	**177,197**
	Additional Vehicles		+35,000		+11,600
	Light Tactical Vehicles for MI ARNG		+5,000		+2,500
	Uparmored HMMWV (M1114)			+25,000	+20,000
	HMMWV for the National Guard			+7,000	+5,250
6	**FAMILY OF MEDIUM TACTICAL VEH (FMTV)**	**309,810**	**349,810**	**309,810**	**343,810**
	Additional trucks--(Note: not less than $8 million is only for the purchase of A1CR variant trucks)		+40,000		+34,000
	Additional Options FMTV-CR attributable to competitive contract award savings			[50,000]	[50,000]
7	**FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIPMENT**	**14,968**	**14,968**	**30,568**	**25,868**
	Tactical Fire Fighting Equipment			+15,600	+10,900
8	**FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)**	**133,130**	**159,030**	**172,480**	**171,780**
	HEMTTS (Counterattack Corps requirements)		+11,900		+6,000
	HEMTT for the Army National Guard			+30,000	+16,000
	Movement Tracking System		+9,000		+7,650
	Container Roll-In/Out Platform (M3 CROP)		+5,000		+2,500
	PLS Trucks for Engineer Mission Modules (EMM)			+9,350	+6,500
9	**ARMORED SECURITY VEHICLES (ASV)**	**0**	**6,600**	**0**	**5,600**
	Armored Security Vehicles		+6,600		+5,600
15	**MODIFICATION OF IN SVC EQUIP**	**57,061**	**57,061**	**59,061**	**58,461**
	Fuel Tank Inertion/Polyurethane Safety Foam			+2,000	+1,400
20	**NONTACTICAL VEHICLES, OTHER**	**6,260**	**6,260**	**5,260**	**5,260**
	Unjustified cost growth			-1,000	-1,000
22	**WIN - TACTICAL PROGRAM**	**3,231**	**0**	**0**	**0**
	Unjustified growth		-3,231	-3,231	-3,231
34	**ARMY DATA DISTRIBUTION SYSTEM (DATA RADIO)**	**52,384**	**55,884**	**57,384**	**56,384**
	EPLRS Radios (Counterattack Corps requirements)		+3,500	+5,000	+4,000
36	**SINCGARS FAMILY**	**39,275**	**74,275**	**54,275**	**69,275**
	SINCGARS (Note: only to procure SINCGARS radios and necessary hardware for the 40th Division)		+35,000	+15,000	+30,000
39	**ACUS MOD PROGRAM**	**108,391**	**116,391**	**128,391**	**129,191**
	AN/UXC-10 Digital Facsimile		+8,000		+6,800
	Digital Group Multiplexer Assemblage System High Speed (DASH)			+20,000	+14,000

P-1	Budget Request	House	Senate	Conference
40 COMMS-ELEC EQUIP FIELDING	**15,903**	**38,903**	**20,903**	**31,353**
Improved High-Frequency Radio, AN/PRC-150 for Army Reserve		+7,000		+4,200
Digital Deployed Training Campus (DDTC) Fielding Program for Army National Guard (Note: only for DDTC with integral VTBTS/CPOF and Command Training)		+10,000		+5,000
Wireless Backhaul Free Base Station		+3,500		+1,750
Improved High Frequency Radio--for Army National Guard		+2,500		+1,800
Multiband Inter/Intra Team Radio (MBITR) AN/PRC-148			+2,000	+1,200
Virtual Patch Crisis Communication Coordination			+3,000	+1,500
42 COMBAT SURVIVOR EVADER LOCATOR (CSEL)	**15,393**	**15,393**	**13,593**	**13,593**
CSEL requirements change			-1,800	-1,800
49 BASE SUPPORT COMMUNICATIONS	**46,835**	**50,835**	**69,450**	**71,850**
Base Support Communications upgrades--Ft. Sam Houston		+1,000		+1,000
Base Support Communications--Upgrades to the telecommunications infrastructure, Ft. Lewis		+2,000		+1,400
Upgrade of the Telecommunications Infrastructure, Fort Monmouth		+1,000		+1,000
Network and IT Infrastructure Capabilities			+1,430	+1,430
PACMERS			+7,385	+7,385
Alaska-Wide Mobile Radio (LMR) Program			+5,800	+5,800
USARAK 13A Transformation Requirements			+7,000	+6,000
Emergency Response System			+1,000	+1,000
53 INFORMATION SYSTEMS	**328,188**	**328,188**	**333,188**	**330,688**
Palmtop Emergency Action for Chemical (PEAC) Tool			+5,000	+2,500
55 LOCAL AREA NETWORK (LAN)	**96,475**	**104,475**	**96,475**	**101,475**
Local Area Network (LAN) Upgrade--Fort Drum, NY		+8,000		+5,000
59 ALL SOURCE ANALYSIS SYS (ASAS) (TIARA)	**36,980**	**37,680**	**36,980**	**40,680**
ASAS-Light (Counterattack Corps requirements)		+700		+3,700
61 PROPHET GROUND (TIARA)	**3,175**	**13,175**	**3,175**	**10,875**
Prophet (Note: only to procure additional Prophet Block I Systems for the National Guard.)		+10,000		+7,700
70 MOD OF IN-SVC EQUIP (INTEL SPT) (TIARA)	**2,619**	**2,619**	**5,619**	**4,719**
National Guard Virtual, Low-Cost Infrastructure Pilot Program			+3,000	+2,100

P-1		Budget Request	House	Senate	Conference
74	**COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES**	**2,296**	**4,296**	**2,296**	**2,296**
	National Guard Vehicle Tracking System		+2,000		0
77	**NIGHT VISION DEVICES**	**65,629**	**70,629**	**69,629**	**69,629**
	Mini-IR MX2--for the 18th Airborne Corps		+5,000	+4,000	+4,000
79	**LTWT VIDEO RECON SYSTEM (LWVRS)**	**0**	**5,000**	**0**	**3,500**
	Lightweight Video Reconnaissance System--Electrical Equipment--Tactical Surveillance		+5,000		+3,500
91	**TACTICAL OPERATIONS CENTERS**	**45,613**	**69,513**	**45,613**	**69,513**
	Tactical Operations Center (Counterattack Corps requirement)		+23,900		+23,900
92	**ADV FA TAC DATA SYS / EFF CTRL SYS (AFATDS/ECS)**	**22,324**	**24,624**	**22,324**	**23,524**
	Advanced Field Artillery Tactical Data Systems (AFTDS) for North Carolina Army National Guard		+2,300		+1,200
	STRIKER FAMILY	**0**	**6,000**	**0**	**3,000**
	Night Fire Support Vehicle M707(formerly known as Striker) (39)		+6,000		+3,000
99	**KNIGHT FAMILY**	**6,732**	**26,732**	**6,732**	**20,732**
	Knight Family for ARNG		+20,000		+14,000
101	**LOGTECH**	**8,774**	**8,774**	**10,774**	**10,174**
	Rock Island Arsenal AIT Initiative			+2,000	+1,400
107	**MANEUVER CONTROL SYSTEM (MCS)**	**37,141**	**41,141**	**37,141**	**41,141**
	Maneuver Control System (Counterattack Corps requirements)		+4,000		+4,000
108	**STAMIS TACTICAL COMPUTERS (STACOMP)**	**46,233**	**46,233**	**51,233**	**49,733**
	Global Combat Support System			+5,000	+3,500
109	**STANDARD INTEGRATED CMD POST SYSTEM**	**361**	**361**	**2,361**	**361**
	160th Special Operations Aviation Regiment Automatic ID Technology Program (Note: moved to line 111 OP,A)			+2,000	0
111	**AUTOMATED DATA PROCESSING EQUIP**	**213,055**	**223,055**	**244,055**	**246,155**
	Virtual Mission Preparation		+3,000		+2,550
	Paul Revere Command Information System		+2,000		+1,500
	Automated Identification Technology/Radio Frequency Identification (AIT/RFID)		+5,000	+2,000	+3,000
	Regional Medical Distributive Learning			+4,000	+2,800
	160th Special Operations Aviation Regiment Automatic ID Technology Program (Note: moved from line 109 OP,A)				+2,000
	Digitization of DoD Technical Manuals			+25,000	+21,250

P-1	Budget Request	House	Senate	Conference
112 RESERVE COMPONENT AUTOMATION SYS (RCAS)	**45,789**	**51,789**	**60,789**	**63,689**
Advanced Information Technology Services (AITS) (Note: only to field additional priority DTTP training facilities and upgrade operating systems)		+6,000		+5,100
Advanced Information Technology Services--National Guard			+15,000	+12,800
120 TACTICAL BRIDGE, FLOAT-RIBBON	**59,393**	**59,393**	**64,393**	**62,893**
Common Bridge, Transporter			+5,000	+3,500
124 HANDHELD STANDOFF MINEFIELD DETECTION SYS-HSTAMIDS	**1,766**	**3,766**	**1,766**	**2,766**
Handheld Standoff Mine Detection System (HSTAMIDS) (Note: only to plan for, schedule and continue accelerated procurement in order to meet urgent operational requirements to equip Army forces with the AN/PSS-14 new landmine detector.)		+2,000		+1,000
128 ROBOTIC COMBAT SUPPORT SYSTEM (RCSS)	**8,247**	**11,247**	**8,247**	**8,247**
Anti-Personnel Obstacle Breaching System (APOBS) (Note: transferred to line 28 PA,A)		+3,000		0
134 SOLDIER ENHANCEMENT	**4,286**	**4,286**	**24,286**	**20,286**
Advanced Combat Helmet			+20,000	+16,000
135 LIGHTWEIGHT MAINTENANCE ENCLOSURE (LME)	**7,577**	**9,477**	**7,577**	**9,277**
FAST Fuel/Water/Decontamination System		+1,900		+1,700
136 LAND WARRIOR	**94,827**	**3,000**	**0**	**1,550**
Land Warrior program restructure		-94,827	-62,110	-62,110
Transfer to RDA Line 102			-32,717	-32,717
Procurement of Cylindrical Zinc Air Battery for Objective Force Warrior		+3,000		+1,550
141 ITEMS LESS THAN $5 MILLION (ENG SPT EQ)	**10,947**	**12,947**	**10,947**	**12,947**
Surveyor Reconnaissance Set (Note: only for initial fielding of advanced GPS reconnaissance kits for minefield mapping and minfield clearing missions)		+1,000		+1,000
Powerblade Mine Detection System		+1,000		+1,000
142 ITEMS LESS THAN $5 MILLION (CSS EQ)	**0**	**4,000**	**0**	**3,400**
Ultra-high Intensity Miniature Illumination System for the XVIII Airborne Corps (Note: only for Nighthunter 1 and 2.)		+4,000		+3,400
147 COMBAT SUPPORT MEDICAL	**16,555**	**26,055**	**27,555**	**28,555**
Combat Automated Service Support Medical (CASS-M)		+2,000		+1,000
Portable Low-Power Blood Cooling and Storage		+1,500		+1,000
Portable Rapid Intravenous (IV) Infusion Pump		+3,000		+1,500
Life Support for Trauma and Transport (LSTAT)		+3,000		+2,500
Chitosan Hemmorage Control Dressing			+10,000	+6,000
Golden Hour Container (Note: moved to DHP procurement)			+1,000	0
154 MISSION MODULES - ENGINEERING	**16,607**	**17,307**	**19,007**	**19,007**
Engineering Mission Module for Nevada National Guard		+700		+700
Water distribution modules ARNG			+2,400	+1,700

P-1	Budget Request	House	Senate	Conference
165 CONST EQUIP ESP	**0**	**10,000**	**10,000**	**10,000**
Construction Equipment Service Life Extension Program (SLEP)		+10,000	+10,000	+10,000
168 LOGISTIC SUPPORT VESSEL (LSV)	**0**	**3,000**	**0**	**3,000**
Small Tugs		+3,000		+3,000
169 CAUSEWAY SYSTEMS	**0**	**12,000**	**12,000**	**12,000**
Modular Causeway System (Rail Float Containerization System)		+12,000	+12,000	+12,000
171 GENERATORS AND ASSOCIATED EQUIP	**62,853**	**64,353**	**64,853**	**65,353**
2kW Military Tactical Generator		+1,500		+1,100
Solar Portable Power Pack (P3)			+2,000	+1,400
173 ALL TERRAIN LIFTING ARMY SYSTEM	**22,422**	**30,222**	**22,422**	**22,422**
All Terrain Lifter Army System (ATLAS)		+7,800		0
176 COMBAT TRAINING CENTERS (CTC) SUPPORT	**36,827**	**41,327**	**41,827**	**43,127**
Abrams Full-Crew Interactive Simulation Trainers (A-FIST XXI)		+1,000	+4,000	+2,500
Army National Guard A/B FIST		+3,500		+1,800
DFIRST		0	0	+1,000
M-COFT XXI			+1,000	+1,000
177 TRAINING DEVICES, NONSYSTEM	**165,254**	**202,254**	**306,195**	**314,295**
SIMNET Trainers (58) for the Army National Guard		+5,000		+3,000
Combat Arms Training System--ARNG		+7,000		+3,500
NTC Fiber Optic Network (Note: only to complete the fiber optic upgrade at the NTC)		+15,000		+15,000
Laser Marksmanship Training System (LMTS) Fielding Program--Army Reserve		+5,000		+2,500
Laser Marksmanship Training System (LMTS) Fielding Program--Army National Guard		+5,000		+2,500
Guard Unit Armory Device Full-Crew Interactive Simulation Trainer (GUARDFIST II)		0	0	+2,000
Military Operations in Urban Terrain (MOUT)			+4,800	+2,400
Army Live Fire Training Ranges			+2,000	+1,000
Gauntlet Training Instrumentation and Facility Upgrade			+1,541	+1,541
EST 2000--Army Reserve			+4,000	+2,000
Instrumentation for MOUT Facility at Fort Campbell			+2,800	+2,800
SBCT Equipment and Fielding Initiative			+100,000	+85,000
Battle Area Complex Targetry			+8,200	+8,200
Fort Wainwright MOUT Instrumentation Upgrades			+5,600	+5,600
172nd SIB Range Improvement Plan			+12,000	+12,000
181 INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE)	**27,952**	**35,952**	**27,952**	**35,752**
Integrated Family of Test Equipment (IFTE)		+8,000		+6,800
TSC-750 Computer System				+1,000
185 PHYSICAL SECURITY SYSTEMS (OPA3)	**75,288**	**75,288**	**75,288**	**101,188**
WMD Civil Support Teams		0	0	+25,900
187 MODIFICATION OF IN-SVC EQUIPMENT (OPA-3)	**47,918**	**47,918**	**51,918**	**50,718**
Modern Burner Unit			+4,000	+2,800

P-1	Budget Request	House	Senate	Conference
189 SPECIAL EQUIPMENT FOR USER TESTING	**11,526**	**21,526**	**13,526**	**21,426**
Advanced Threat Communications Network		+10,000		+8,500
TOS Threat Simulator and Instrumentation Program			+2,000	+1,400
192 INITIAL SPARES - C&E	**44,714**	**64,714**	**64,714**	**74,714**
Rapid Acquisition (Note: Only to support the Army's initiative of providing rapid acquisition reponse to commanders engaged in Operation Enduring Freedom and Operation Iraqi Freedom)		+20,000		+15,000
Rapid Fielding Initiative			+20,000	+15,000

STRYKER BRIGADE FIELDING INITIATIVE

The conferees have included $85,000,000 for the acceleration and successful fielding of the Army's Stryker Brigades, beginning with the 3rd SBCT. This increased funding shall provide necessary equipment, logistics and other procurement items to ensure an on-time and adequately equipped fielding of the Army's SBCTs. The conferees direct the Secretary of the Army to submit a report to the Committees on Appropriations within 120 days of enactment of the fiscal year 2004 Defense Appropriations Act on the Army's plan to implement this funding guidance.

AIRCRAFT PROCUREMENT, NAVY

The conference agreement on items addressed by either the House or the Senate is as follows:

	Budget	House	Senate	Conference
	(In thousands of dollars)			
AIRCRAFT PROCUREMENT, NAVY				
COMBAT AIRCRAFT				
AV-8B (V/STOL)HARRIER (MYP)	12,493	12,493	12,493	12,493
F/A-18E/F (FIGHTER) HORNET (MYP)	2,946,380	2,946,380	2,975,380	2,973,380
F/A-18E/F (FIGHTER) HORNET (MYP) (AP-CY)	84,765	84,765	84,765	84,765
V-22 (MEDIUM LIFT)	833,109	833,109	833,109	833,109
V-22 (MEDIUM LIFT) (AP-CY)	39,058	39,058	39,058	39,058
UH-1Y/AH-1Z	310,799	310,799	310,799	310,799
MH-60S (MYP)	336,536	336,536	316,536	316,536
MH-60S (MYP) (AP-CY)	94,972	94,972	94,972	94,972
MH-60R	352,057	352,057	342,057	342,057
MH-60R (AP-CY)	46,472	46,472	46,472	46,472
E-2C (EARLY WARNING) HAWKEYE (MYP)	211,097	211,097	211,097	211,097
E-2C (EARLY WARNING) HAWKEYE (MYP) (AP-CY)	17,409	17,409	17,409	17,409
TOTAL, COMBAT AIRCRAFT	5,285,147	5,285,147	5,284,147	5,282,147
AIRLIFT AIRCRAFT				
UC-35	15,579	15,579	31,179	31,179
C-40A	63,952	63,952	63,952	63,952
C-37	---	---	55,000	55,000
TOTAL, AIRLIFT AIRCRAFT	79,531	79,531	150,131	150,131

	Budget	House	Senate	Conference
	(In thousands of dollars)			
TRAINER AIRCRAFT				
T-39	22,018	22,018	22,018	22,018
T-45TS (TRAINER) GOSHAWK	339,201	339,201	339,201	339,201
JPATS	2,399	24,099	20,399	21,899
TOTAL, TRAINER AIRCRAFT	363,618	385,318	381,618	383,118
OTHER AIRCRAFT				
KC-130J	39,163	39,163	39,163	39,163
ADVANCE PROCUREMENT (CY)	40,000	40,000	40,000	40,000
F-5	1,947	1,947	1,947	1,947
TOTAL, OTHER AIRCRAFT	81,110	81,110	81,110	81,110
MODIFICATION OF AIRCRAFT				
EA-6 SERIES	207,146	284,146	207,146	251,646
AV-8 SERIES	20,866	57,866	57,866	57,866
ADVERSARY	2,649	2,649	2,649	2,649
F-18 SERIES	335,894	341,894	370,894	365,594
H-46 SERIES	81,072	83,572	81,072	87,072
AH-1W SERIES	5,810	10,810	5,810	10,060
H-53 SERIES	9,676	20,676	17,676	24,626
SH-60 SERIES	18,405	19,905	18,405	19,405
H-1 SERIES	3,492	3,492	13,492	10,992
EP-3 SERIES	31,506	54,306	47,306	55,806
P-3 SERIES	94,972	124,972	127,972	140,222
S-3 SERIES	8,364	8,364	8,364	8,364
E-2 SERIES	43,139	48,139	43,139	49,139
TRAINER A/C SERIES	10,497	10,497	10,497	10,497
C-2A	35,318	35,318	35,318	35,318
C-130 SERIES	6,554	8,554	6,554	7,554
FEWSG	565	565	565	565
CARGO/TRANSPORT A/C SERIES	13,290	13,290	13,290	13,290
E-6 SERIES	48,517	48,517	48,517	48,517
EXECUTIVE HELICOPTERS SERIES	26,537	26,537	26,537	26,537
SPECIAL PROJECT AIRCRAFT	49,601	59,101	49,601	56,551
T-45 SERIES	22,321	22,321	22,321	22,321

	Budget	House	Senate	Conference
	(In thousands of dollars)			
POWER PLANT CHANGES	21,564	21,564	21,564	21,564
JPATS SERIES	534	534	534	534
AVIATION LIFE SUPPORT MODS	6,358	6,358	6,358	6,358
COMMON ECM EQUIPMENT	20,729	26,729	20,729	25,829
COMMON AVIONICS CHANGES	148,627	148,627	148,627	148,627
V-22 (TILT/ROTOR ACFT) OSPREY	4,814	4,814	4,814	4,814
TOTAL, MODIFICATION OF AIRCRAFT	1,278,817	1,494,117	1,417,617	1,512,317
AIRCRAFT SPARES AND REPAIR PARTS				
SPARES AND REPAIR PARTS	1,158,057	1,158,057	1,158,057	1,158,057
AIRCRAFT SUPPORT EQUIPMENT AND FACILITIES				
COMMON GROUND EQUIPMENT	460,865	465,865	460,865	460,865
AIRCRAFT INDUSTRIAL FACILITIES	15,487	15,487	15,487	15,487
WAR CONSUMABLES	11,247	11,247	14,247	13,347
OTHER PRODUCTION CHARGES	25,790	25,790	25,790	25,790
SPECIAL SUPPORT EQUIPMENT	26,785	26,785	26,785	26,785
FIRST DESTINATION TRANSPORTATION	1,694	1,694	1,694	1,694
TOTAL, AIRCRAFT SUPPORT EQUIPMENT & FACILITIES	541,868	546,868	544,868	543,968
TOTAL, AIRCRAFT PROCUREMENT, NAVY	8,788,148	9,030,148	9,017,548	9,110,848

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
{In thousands of dollars}

P-1	Budget Request	House	Senate	Conference
2 F/A-18E/F (FIGHTER) HORNET (MYP)	**2,946,380**	**2,946,380**	**2,975,380**	**2,973,380**
Shared Reconnaissance Pod (SHARP)			+4,000	+2,000
Aircraft Ancillary Equipment			+25,000	+25,000
9 MH-60S (MYP)	**336,536**	**336,536**	**316,536**	**316,536**
Unjustified support costs			-20,000	-20,000
11 MH-60R (AP-CY)	**352,057**	**352,057**	**342,057**	**342,057**
Unjustified support costs			-10,000	-10,000
16 UC-35	**15,579**	**15,579**	**31,179**	**31,179**
Operational support aircraft			+15,600	+15,600
18 C-37	**0**	**0**	**55,000**	**55,000**
Aircraft procurement acceleration			+55,000	+55,000
21 JPATS	**2,399**	**24,099**	**20,399**	**21,899**
T-6A (Note: only for aircraft and ground-based trainer system)		+21,700	+18,000	+19,500
25 EA-6 SERIES	**207,146**	**284,146**	**207,146**	**251,646**
EA-6B Ready Room Mission Rehearsal Trainer (MRT) (Note: only for software and terrain database incorporation into MRT to remain current with ICAP III upgrades)		+4,000		+2,000
ALQ-99 Low Band Transmitter (LBT) Antenna Group (Note: only to increase operational capability and accelerate the delivery of ALQ-99 to the Fleet)		+5,000		+3,500
USQ-113 - additional procurement		+8,000		+4,000
EA-6B - to accelerate Outer Wing Panel (OWP) replacement		+60,000		+35,000
26 AV-8 SERIES	**20,866**	**57,866**	**57,866**	**57,866**
Litening Advanced Targeting (AT) pods - procure additional pods and upgrade Litening II pods to AT pods		+37,000	+37,000	+37,000
29 F-18 SERIES	**335,894**	**341,894**	**370,894**	**365,594**
ATARS (Note: only to accelerate the conversion of ATARS with a solid state recorder upgrade)		+5,000		+4,200
Fast tactical imagery 2		+1,000		+1,000
ECP 583 Upgrades			+35,000	+24,500
30 H-46 SERIES	**81,072**	**83,572**	**81,072**	**87,072**
Lightweight armor for the CH-46		+2,500		+6,000
31 AH-1W SERIES	**5,810**	**10,810**	**5,810**	**10,060**
Night Targeting System (NTS) night fighting capability		+5,000		+4,250
32 H-53 SERIES	**9,676**	**20,676**	**17,676**	**24,626**
M3M .50 cal heavy machine gun		+7,000		+5,950
MH-53 crashworthy seat program		+4,000		+3,400
CH-53 IMD-HUMS			+8,000	+5,600
33 SH-60 SERIES	**18,405**	**19,905**	**18,405**	**19,405**
Hellfire Sea Target Laser Aim Scoring System (STLASS)		+1,500		+1,000
34 H-1 SERIES	**3,492**	**3,492**	**13,492**	**10,992**
UH-1 Upgrades AN/AAQ-22 NTIS PIP			+10,000	+5,000
Dual Torque Indicators (200) for UH-1Ns and HH-1Ns				+2,500
36 EP-3 SERIES	**31,506**	**54,306**	**47,306**	**55,806**
EP-3 JMOD Upgrade		+18,000		+10,800
EP-3 Radio Frequency Distribution (RFD) Upgrade		+4,800		+2,400
EP-3E ARIES II VME Tuner			+11,000	+7,700
Tactical Communications System			+4,800	+3,400

P-1	Request	House	Senate	Conference
37 P-3 SERIES	**94,972**	**124,972**	**127,972**	**140,222**
ALR-95 ESM system library, integrated logistics and training support		+4,000		+3,400
AIP ESM/digital instantaneous frequency measurements (DIFM) upgrade		+6,000		+5,100
Acoustic data recorder/data replay recorder		+4,000		+2,800
Electro-Optics and Communications Upgrades-modification to non-AIP aircraft to allow for EO upgrade and enhanced communication		+1,500		+1,000
Protection for instrument landing system (ILS) (Note: only for additional procurement of FM Immune, Multi-Mode Receivers for the P-3C series aircraft)		+2,000		+1,200
ALR-95 geolocation upgrade		+2,500		+1,750
P-3 Aircraft Health Monitoring System (AHMS) upgrade		+2,000		+1,400
Digital Stores Management System (DSMS)		+6,000		+5,000
Hub Integrated Power Switching System (HIPSS)		+2,000		+1,400
Additional AIP Kits			+26,000	+18,200
Tactical Data Link			+6,000	+3,000
Electro-Optics and Communications Upgrades			+1,000	+1,000
39 E-2 SERIES	**43,139**	**48,139**	**43,139**	**49,139**
Accelerate design modifications for critical warfighting		+5,000		+3,000
AN/USC-42(V)3, Mini-DAMA (aircraft) - moved from line 61				+3,000
42 C-130 SERIES	**6,554**	**8,554**	**6,554**	**7,554**
C-130 Electronic Propeller Control System (EPCS)		+2,000		+1,000
47 SPECIAL PROJECT AIRCRAFT	**49,601**	**59,101**	**49,601**	**56,551**
Advanced Aircraft Collection System (Note: only for integration and installation of advanced signal collection capabilities in support of the War on Terrorism)		+5,000		+4,250
FORCE Upgrade		+4,500		+2,700
52 COMMON ECM EQUIPMENT	**20,729**	**26,729**	**20,729**	**25,829**
Radar Warning Receiver System (APR 39)		+6,000		+5,100
61 COMMON GROUND EQUIPMENT	**460,865**	**463,865**	**460,865**	**460,865**
AN/USC-42(V)3, Mini-DAMA (aircraft) - moved to line 39		+3,000		
63 WAR CONSUMABLES	**11,247**	**11,247**	**14,247**	**13,347**
Aerial Refueling Store Advanced Power Systems			+3,000	+2,100

E–2C AERODYNAMIC IMPROVEMENTS

The conferees are aware that the Navy has investigated the use of aerodynamic improvements such as strakes to obtain improvements in handling characteristics and wind-over-deck requirements of the E–2C thereby improving the safety and performance of this platform. The conferees urge the Navy to test and install boundary layer flow modifications to the E–2C using aerodynamic strakes.

USMC CH–46 ARMOR REPLACEMENT

The conferees agree to provide $6,000,000 to procure lightweight armor for the CH–46. Replacing the existing steel armor with Kevlar will reduce the weight of the CH–46 by almost 400 pounds, enabling the aircraft to carry two additional combat loaded troops without degrading protection.

V–22

The conferees urge the Department of the Navy to set aside funds available in this Act for the V–22 Osprey aircraft procurement program for cost reduction measures, consistent with past practices and levels.

WEAPONS PROCUREMENT, NAVY

The conference agreement on items addressed by either the House or Senate is as follows:

	Budget	House	Senate	Conference
	(In thousands of dollars)			
WEAPONS PROCUREMENT, NAVY				
BALLISTIC MISSILES				
TRIDENT II	675,209	675,209	370,609	137,432
TRIDENT II MODS	---	---	229,600	512,777
SUPPORT EQUIPMENT AND FACILITIES				
MISSILE INDUSTRIAL FACILITIES	1,305	1,305	1,305	1,305
TOTAL, BALLISTIC MISSILES	676,514	676,514	601,514	651,514
OTHER MISSILES				
STRATEGIC MISSILES				
TOMAHAWK	277,588	485,588	272,288	355,288
AFFORDABLE WEAPON	---	---	---	---
ESSM	112,774	112,774	102,774	102,774
TACTICAL MISSILES				
AMRAAM	37,648	37,648	37,648	37,648
SIDEWINDER	35,818	25,818	35,818	25,818
JSOW	138,451	138,451	118,451	118,451
SLAM-ER	54,145	49,145	54,145	51,145
STANDARD MISSILE	148,308	148,308	148,308	148,308
RAM	48,315	48,315	48,315	48,315
AERIAL TARGETS	70,676	78,276	80,676	78,276
DRONES AND DECOYS	---	---	20,000	17,000
OTHER MISSILE SUPPORT	10,943	10,943	10,943	10,943
MODIFICATION OF MISSILES				
HARM MODS	7,787	---	---	---
STANDARD MISSILES MODS	50,836	50,836	50,836	50,836
SUPPORT EQUIPMENT AND FACILITIES				
WEAPONS INDUSTRIAL FACILITIES	7,443	7,443	37,443	32,943
ORDNANCE SUPPORT EQUIPMENT				
ORDNANCE SUPPORT EQUIPMENT	15,361	15,361	15,361	15,361
TOTAL, OTHER MISSILES	1,016,093	1,208,906	1,033,006	1,093,106

	Budget	House	Senate	Conference
	(In thousands of dollars)			
TORPEDOES AND RELATED EQUIPMENT				
TORPEDOES AND RELATED EQUIP.				
ASW TARGETS	25,532	25,532	25,532	25,532
MOD OF TORPEDOES AND RELATED EQUIP				
MK-46 TORPEDO MODS	34,249	46,249	34,249	42,649
MK-48 TORPEDO ADCAP MODS	60,372	60,372	60,372	60,372
QUICKSTRIKE MINE	3,210	3,210	3,210	3,210
SUPPORT EQUIPMENT				
TORPEDO SUPPORT EQUIPMENT	24,943	24,943	24,943	24,943
ASW RANGE SUPPORT	12,811	15,311	12,811	14,561
DESTINATION TRANSPORTATION				
FIRST DESTINATION TRANSPORTATION	2,776	2,776	2,776	2,776
TOTAL, TORPEDOES AND RELATED EQUIPMENT	163,893	178,393	163,893	174,043
OTHER WEAPONS				
GUNS AND GUN MOUNTS				
SMALL ARMS AND WEAPONS	4,240	4,240	4,240	4,240
MODIFICATION OF GUNS AND GUN MOUNTS				
CIWS MODS	41,448	49,448	56,448	49,448
GUN MOUNT MODS	27,263	25,763	52,263	49,263
OTHER				
TACTICAL UAV - PIONEER	13,622	13,622	7,822	10,122
CRUISER MODERNIZATION	---	---	---	15,300
TOTAL, OTHER WEAPONS	86,573	93,073	120,773	128,373
SPARES AND REPAIR PARTS	48,748	48,748	48,748	48,748
TOTAL, WEAPONS PROCUREMENT, NAVY	1,991,821	2,205,634	1,967,934	2,095,784

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
{In thousands of dollars}

P-1	Budget Request	House	Senate	Conference
1 TRIDENT II	**675,209**	**675,209**	**137,432**	**137,432**
Move to modification line			-537,777	-537,777
3 TRIDENT II MODS	**0**	**0**	**462,777**	**512,777**
Transfer from full funding line			+537,777	+537,777
Program management/supportability			-75,000	-25,000
5 TOMAHAWK	**277,588**	**485,588**	**272,288**	**355,288**
Additional Tactical Tomahawk missiles		+183,000		+83,000
Tooling and testing equipment		+25,000		0
CCLS Submarine capsule cost growth			-5,300	-5,300
6 ESSM	**112,774**	**112,774**	**102,774**	**102,774**
Unjustified request			-10,000	-10,000
8 SIDEWINDER	**35,818**	**25,818**	**35,818**	**25,818**
Change FRP 4th lot to LRIP and hold number to same as previous LRIP buys		-10,000		-10,000
9 JSOW	**138,451**	**138,451**	**118,451**	**118,451**
C Variant FRP delay			-20,000	-20,000
10 SLAM-ER	**54,145**	**49,145**	**54,145**	**51,145**
Slow obligations/expenditures		-5,000		-3,000
13 AERIAL TARGETS	**70,676**	**78,276**	**80,676**	**78,276**
GQM-163A Supersonic Sea Skimming Targets (SSST)		+7,600	+10,000	+7,600
14 DRONES AND DECOYS	**0**	**0**	**20,000**	**17,000**
ITALD			+20,000	+17,000
19 WEAPONS INDUSTRIAL FACILITIES	**7,443**	**7,443**	**37,443**	**32,943**
ABL Facilities Restoration			+30,000	+25,500
23 MK-46 TORPEDO MODS	**34,249**	**46,249**	**34,249**	**42,649**
Mk 54 Lightweight torpedo replacement - ramp up for FRP		+12,000		+8,400
27 ASW RANGE SUPPORT	**12,811**	**15,311**	**12,811**	**14,561**
Pacific Northwest Undersea Range Support (Note: shall receive full funding in 2005 within Major Range Test Facility Base program)		+2,500		+1,750
32 CIWS MODS	**41,448**	**49,448**	**56,448**	**49,448**
1B Upgrade kits (Note: only to re-manufacture Fleet Phalanx Close-In Weapon System (CIWS) to Block 1B configuration)		+8,000	+15,000	+8,000
34 GUN MOUNT MODS	**27,263**	**25,763**	**52,263**	**49,263**
Minor caliber gun system - accelerate procurement for close in ship self-defense		+2,000		+1,200
Slow obligations/expenditures		-3,500		-3,500
Mk-45 Mod 4 5" gun upgrades			+35,000	+34,300
Mk-38 gun			-10,000	-10,000
35 TACTICAL UAV - PIONEER	**13,622**	**13,622**	**7,822**	**10,122**
Insufficient improvement strategy			-5,800	-3,500
36 CRUISER MODERNIZATION	**0**	**0**	**0**	**15,300**

TACTICAL TOMAHAWK

The conferees agree to provide a total of $355,288,000 instead of $485,588,000 as proposed by the House and $272,288,000 as proposed by the Senate. In addition, the conferees agree that the Navy may procure 350 missiles with these funds instead of the 450 missiles recommended by the House and the 267 missiles recommended by the Senate.

The conferees do not agree to provide the $25,000,000 as proposed by the House for tooling and testing equipment, understanding that this requirement will be accommodated from within funds previously made available to the Department of Defense as part of the Emergency Wartime Supplemental Appropriations Act (Public Law 108–11).

Multi-year procurement contracting authority. The conferees agree to approve the request for contracting authority for a multi-year procurement of the Tactical Tomahawk missile as proposed by the House.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
PROCUREMENT OF AMMO, NAVY & MARINE CORPS				
PROC AMMO, NAVY				
NAVY AMMUNITION				
GENERAL PURPOSE BOMBS	164,105	166,605	164,105	165,355
JDAM	277,347	277,347	277,347	277,347
AIRBORNE ROCKETS, ALL TYPES	28,245	28,245	28,245	28,245
MACHINE GUN AMMUNITION	17,933	17,933	17,933	17,933
PRACTICE BOMBS	51,417	51,417	51,417	51,417
CARTRIDGES & CART ACTUATED DEVICES	26,374	30,374	26,374	29,774
AIRCRAFT ESCAPE ROCKETS	10,904	10,904	10,904	10,904
AIR EXPENDABLE COUNTERMEASURES	44,068	44,068	44,068	44,068
JATOS	4,627	4,627	4,627	4,627
5 INCH/54 GUN AMMUNITION	13,248	13,248	13,248	13,248
EXTENDED RANGE GUIDED MUNITIONS (ERGM)	3,776	3,776	3,776	3,776
76MM GUN AMMUNITION	1,226	1,226	1,226	1,226
OTHER SHIP GUN AMMUNITION	16,368	18,368	16,368	17,868
SMALL ARMS & LANDING PARTY AMMO	17,724	17,724	17,724	17,724
PYROTECHNIC AND DEMOLITION	10,469	10,469	10,469	10,469
AMMUNITION LESS THAN $5 MILLION	2,173	2,173	2,173	2,173
TOTAL, PROC AMMO, NAVY	690,004	698,504	690,004	696,154

	Budget	House	Senate	Conference
	(In thousands of dollars)			
PROC AMMO, MC				
MARINE CORPS AMMUNITION				
5.56 MM, ALL TYPES	24,618	24,618	24,618	24,618
7.62 MM, ALL TYPES	6,351	6,351	6,351	6,351
LINEAR CHARGES, ALL TYPES	36,552	36,552	36,552	36,552
.50 CALIBER	10,218	10,218	10,218	10,218
40 MM, ALL TYPES	10,191	10,191	10,191	10,191
60MM, ALL TYPES	6,064	6,064	8,064	7,464
81MM, ALL TYPES	19,361	19,361	19,361	19,361
120MM, ALL TYPES	18,691	18,691	18,691	18,691
CTG 25MM, ALL TYPES	3,859	3,859	3,859	3,859
9 MM ALL TYPES	2,706	2,706	2,706	2,706
GRENADES, ALL TYPES	7,914	7,914	7,914	7,914
ROCKETS, ALL TYPES	15,461	23,461	15,461	18,461
ARTILLERY, ALL TYPES	49,813	52,813	49,813	51,813
DEMOLITION MUNITIONS, ALL TYPES	3,752	3,752	3,752	3,752
FUZE, ALL TYPES	4,397	4,397	4,397	4,397
NON LETHALS	3,671	3,671	3,671	3,671
AMMO MODERNIZATION	7,116	7,116	7,116	7,116
ITEMS LESS THAN $5 MILLION	1,616	1,616	1,616	1,616
TOTAL, PROC AMMO, MC	232,351	243,351	234,351	238,751
TOTAL, PROCUREMENT OF AMMO, NAVY & MARINE CORPS	922,355	941,855	924,355	934,905

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
{In thousands of dollars}

P-1	Budget Request	House	Senate	Conference
1 GENERAL PURPOSE BOMBS	**164,105**	**166,605**	**164,105**	**165,355**
Dual Mode Bomb Kit for laser guided bombs		+2,500		+1,250
6 CARTRIDGES & CART ACTUATED DEVICES	**26,374**	**30,374**	**26,374**	**29,774**
FLU-12/P Life Vest Inflator - address shortfall of units		+4,000		+3,400
13 OTHER SHIP GUN AMMUNITION	**16,368**	**18,368**	**16,368**	**17,868**
5" cargo round propellant (Note: only to complete the testing of a new Nitramine propellant)		+2,000		+1,500
25 60MM, ALL TYPES	**6,064**	**6,064**	**8,064**	**7,464**
M720A1 60 mm Mortar			+2,000	+1,400
33 ROCKETS, ALL TYPES	**15,461**	**23,461**	**15,461**	**18,461**
SMAW, High Explosive Dual Purpose (HED) Ammunition		+8,000		+3,000
34 ARTILLERY, ALL TYPES	**49,813**	**52,813**	**49,813**	**51,813**
Modular Artillery Charge System (MACS)		+3,000		+2,000

SHIPBUILDING AND CONVERSION, NAVY

The conference agreement on items addressed by either the House or Senate is as follows:

	Budget	House	Senate	Conference
	(In thousands of dollars)			
SHIPBUILDING & CONVERSION, NAVY				
OTHER WARSHIPS				
CARRIER REPLACEMENT PROGRAM (AP-CY)	1,186,564	1,186,564	1,186,564	1,186,564
VIRGINIA CLASS SUBMARINE	1,511,935	1,236,935	1,511,935	1,511,935
VIRGINIA CLASS SUBMARINE (AP-CY)	1,016,172	886,286	827,172	827,172
SSGN CONVERSION	930,700	930,700	930,700	930,700
SSGN CONVERSION (AP-CY)	236,600	236,600	236,600	236,600
CRUISER CONVERSION	194,440	194,440	---	---
CVN REFUELING OVERHAULS (AP-CY)	367,832	367,832	232,832	232,832
SUBMARINE REFUELING OVERHAULS	---	---	450,000	450,000
SUBMARINE REFUELING OVERHAULS (AP-CY)	164,372	123,372	20,351	10,351
SSBN REFUELING OVERHAULS (AP-CY)	---	---	136,800	105,800
DDG-51	3,198,311	3,198,311	3,218,311	3,218,311
TOTAL, OTHER WARSHIPS	8,806,926	8,361,040	8,751,265	8,710,265
AMPHIBIOUS SHIPS				
LHD-1 AMPHIBIOUS ASSAULT SHIP	355,006	355,006	591,306	355,006
LPD-17	1,192,034	1,367,034	1,192,034	1,192,034
LPD-17 (AP-CY)	---	---	75,000	135,000
TOTAL, AMPHIBIOUS SHIPS	1,547,040	1,722,040	1,858,340	1,682,040
AUXILIARIES, CRAFT, AND PRIOR-YEAR PROGRAM COSTS				
AUXILIARIES, CRAFT AND PRIOR YEAR PROGRAM COST OUTFITTING	344,949	348,949	348,449	338,749
SERVICE CRAFT	31,480	39,480	15,980	23,480
LCAC SLEP	73,087	73,087	73,087	73,087
MINE HUNTER	---	9,000	---	4,500
COMPLETION OF PY SHIPBUILDING PROGRAMS	635,502	899,502	635,502	635,502
TOTAL, AUXILIARIES, CRAFT, AND PRIOR-YEAR PROGRAM	1,085,018	1,370,018	1,073,018	1,075,318
TOTAL, SHIPBUILDING & CONVERSION, NAVY	11,438,984	11,453,098	11,682,623	11,467,623

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
{In thousands of dollars}

P-1	Budget Request	House	Senate	Conference
3 VIRGINIA CLASS SUBMARINE	**1,511,935**	**1,236,935**	**1,511,935**	**1,511,935**
Economic Order Quantity	0	-390,000	0	0
Cost savings associated with MYP request	0	+115,000	0	0
4 VIRGINIA CLASS SUBMARINE (AP-CY)	**1,016,172**	**886,286**	**827,172**	**827,172**
(FY 2004 for FY 2005)	266,147	0	-59,000	-59,000
(FY 2004 for FY 2006)	490,251	0	0	0
(FY 2004 for FY 2007)	129,887	0	-65,000	-65,000
(FY 2004 for FY 2008)	129,887	-129,886	-65,000	-65,000
7 CRUISER CONVERSION	**194,440**	**194,440**	**0**	**0**
Transferred $79,200,000 to Other Procurement, Navy line 5(a)				
Transferred $15,300,000 to Weapons Procurement, Navy line 36				
Transferred $8,200,000 to Operation and Maintenance, Navy budget activity 1, ship depot maintenance				
10 CVN REFUELING OVERHAULS (AP-CY)	**367,832**	**367,832**	**232,832**	**232,832**
Premature Funding Request CVN 70 RCOH			-135,000	-135,000
11 SSN SUBMARINE REFUELING OVERHAULS	**0**	**0**	**450,000**	**450,000**
Additional Refueling Overhaul SSN 707 USS PORTSMOUTH at Pearl Harbor Naval Shipyard			+248,000	+248,000
Additional Refueling Overhaul SSN 699 USS JACKSONVILLE at Portsmouth Naval Shipyard			+202,000	+202,000
12 SSN SUBMARINE REFUELING OVERHAULS (AP-CY)	**164,372**	**123,372**	**20,351**	**10,351**
Delay in overhauls scheduled for late 2005		-41,000		-10,000
Transfer to new SSBN ERO line/ AP 2005			-56,000	-56,000
Transfer to new SSBN ERO line/ AP 2006			-80,800	-80,800
Unjustified request			-7,221	-7,221
12A SSBN REFUELING OVERHAULS	**0**	**0**	**0**	**0**
12B SSBN REFUELING OVERHAULS (AP)	**0**	**0**	**136,800**	**105,800**
Delay in overhauls scheduled for late 2005				-31,000
Transfer from SSN ERO line/ AP 2005			+56,000	+56,000
Transfer from SSN ERO line/ AP 2006			+80,800	+80,800
13 DDG-51	**3,198,311**	**3,198,311**	**3,218,311**	**3,218,311**
Pricing adjustment			+20,000	+20,000
15 LHD-1 AMPHIBIOUS ASSAULT SHIP	**355,006**	**355,006**	**591,306**	**355,006**
Eliminate de-scoped items that were re-instated		-58,700		-58,700
Program cost growth		+58,700		+58,700
Fiscal Year 2005 increment for LHD-8			+236,300	
16 LPD-17	**1,192,034**	**1,367,034**	**1,192,034**	**1,192,034**
Advance Procurement for LPD-23		+175,000		0
17 LPD-17 (AP)	**0**	**0**	**+75,000**	**135,000**
Advance Procurement for LPD-23			+75,000	+135,000
19 OUTFITTING	**344,949**	**348,949**	**348,449**	**338,749**
ARGOS Scheduling System (Note: only for demonstration and software support, including evaluation and utility assessment, at commercial and/or public shipyards to target cost reduction in manpower scheduling)		+4,000		+2,000
Composite ship louvers			+3,500	+1,800
Funds in excess of requirements				-10,000

P-1	Budget Request	House	Senate	Conference
20 SERVICE CRAFT	**31,480**	**39,480**	**15,980**	**23,480**
High speed torpedo recovery/security craft procurement (Note: only for the procurement of one high speed recovery/security craft for NUWC Division Keyport)		+5,000	+4,500	+4,500
Yard Oiler procurement		+3,000		+2,500
Underexecution			-20,000	-15,000
21 LCAC SLEP	**73,087**	**73,087**	**73,087**	**73,087**
Additional LCAC SLEP			0	
23 MINE HUNTER	**0**	**9,000**		**4,500**
Mine Hunter SWATH (Note: only for procurement of 1 vessel and associated countermeasures equipment)		+9,000		+4,500
24 COMPLETION OF PY SHIPBUILDING PROGRAMS	**635,502**	**899,502**	**635,502**	**635,502**
Accelerate payment of FY 2005 PYCTC requirements		+264,000		

VIRGINIA CLASS SUBMARINE

The conferees agree to provide a total of $1,511,935,000 as requested for full funding of the fiscal year 2004 *Virginia* Class submarine program as requested and proposed by the Senate instead of $1,236,935,000 as proposed by the House. In addition, the conferees agree to provide a total of $827,172,000 for the advance procurement of the future *Virginia* Class submarine program as proposed by the Senate instead of $886,286,000 as proposed by the House. The recommendation for advance procurement assumes a reduction of $59,000,000 for the fiscal year 2005 program as proposed by the senate and a reduction of $65,000,000 for each of the fiscal year 2007 and 2008 programs as proposed by the Senate.

The conferees agree with the views expressed by both the House and the Senate with respect to the Navy's request for the *Virginia* Class submarine.

Multi-year procurement contracting authority. The conferees agree with the Senate's proposal, approving multi-year procurement contract authority for one *Virginia* Class submarine per year for the term of the five-years. The Navy's request to procure more than one submarine in fiscal year 2007 and 2008 is denied and the funds requested for advance procurement of materials for these additional submarines have not been appropriated.

The conferees did not lightly agree to the Navy's request for multi-year procurement for this program. The Navy's request for multi-year procurement in this instance is a significant departure from established practices and policies of the Department of Defense. The House and Senate Committees on Appropriations have maintained that multi-year procurement authority should be granted in situations in which the Service has accepted a fully tested and proven system and a production capability has been fully established. In the case of this system, the lead ship, christened August 16, 2003, has not been fully tested and will not be delivered to the Navy until late 2004.

In addition, multi-year procurement authority should be applied in situations in which the program management and costs have stabilized and significant (at least 10 percent) cost savings are guaranteed with approval of such authority. The conferees agree that the increasing costs (31 percent increase over the previous year's estimate) and limited cost savings (approximately 4 percent) for this program, would under customary rules, not allow for its consideration for multi-year procurement authority.

The conferees agree to deviate from traditional policy with respect to multi-year procurement authority in the case of the *Virginia* Class submarine with the expectation that such approval will serve to stabilize the program and reduce the overall costs to the government. Furthermore, the conferees agree that a multi-year contract for five submarines, or one per year, is in the best interests of the taxpayer. It is for these reasons that the conferees have provided multi-year procurement authority for the *Virginia* Class submarine. The Navy should note that the Committees on Appropriations will continue to closely monitor this program and may reexamine the decision to grant multi-year procurement authority if program milestones are not met or costs escalate.

Current contractual agreement. The conferees find that the current contractual agreement for the *Virginia* Class submarine that the Navy awarded in August 2003, referred to as the ''block buy agreement,'' includes positive and negative aspects.

The signing of the block buy agreement committed the Navy to purchasing six submarines over five years, two to be purchased in fiscal year 2007, which is a clear violation of both the House and Senate fiscal year 2004 Department of Defense Appropriations bills (H.R. 2658 and S. 1382). Neither of these bills approved the procurement of two submarines in fiscal year 2007 or 2008. Further, while the block grant agreement is subject to appropriations, should Congress not provide an appropriation for two submarines in 2007, the agreement allows for a drastic increase in overhead rates at the affected shipyards, causing a significant retroactive cost increase to the four previously purchased vessels.

The conferees believe it was inappropriate for the Navy to enter into an agreement that disregarded Congressional views and subject taxpayers to additional costs should a future Congress choose not to purchase more than one submarine in 2007.

The conferees are pleased however, that the block grant agreement includes incentives for both the Navy and the commercial shipyards to meet schedule milestones and cost limitations. The conferees believe that the incentives included in the block grant buy agreement should be the beginning point in any future contract negotiations for construction, overhaul, and maintenance of Navy vessels. The conferees strongly encourage the Navy to continue pursuing contractual arrangements that maintain cost and schedule milestones, understanding that these contracts also require the Navy to enforce discipline in its requirements process to ensure that requests for workload increases do not jeopardize agreed to cost and schedule milestones.

Information provided to Congress. The conferees agree with the Senate that the Navy must provide Congress with complete financial and program information on the *Virginia* Class submarine program.

CRUISER MODERNIZATION

The conferees agree to provide $102,700,000 for the purpose of initiating a program to modernize and upgrade 22 *Ticonderoga* Class AEGIS Cruisers. The funds provided for the program have been transferred from the Shipbuilding and Conversion, Navy account to the Weapons Procurement, Other Procurement and Operation and Maintenance, Navy appropriations.

The conferees are pleased that the Navy has recently formalized the requirements and acquisition strategy for this program, but concur with the concerns expressed in the Senate report regarding upgrading, CG 71, one of the newest and most modern Cruisers in the fleet before upgrading legacy assets. The conferees agree the Navy should pursue a plan that would modernize the Baseline II or legacy fleet assets at a point earlier than the current strategy allows. Therefore, while the conference agreement includes funding for CG 71 to be the first vessel of the program, the conferees direct the Navy to revise its strategy to provide for an earlier modernization of the legacy Baseline II vessels and fully fund this revised strategy within the fiscal year 2005 budget request.

OTHER PROCUREMENT, NAVY

The conference agreement on items addressed by either the House or Senate is as follows:

	Budget	House	Senate	Conference
	(In thousands of dollars)			
OTHER PROCUREMENT, NAVY				
SHIPS SUPPORT EQUIPMENT				
SHIP PROPULSION EQUIPMENT				
LM-2500 GAS TURBINE	10,664	10,664	10,664	10,664
ALLISON 501K GAS TURBINE	12,910	12,910	12,910	12,910
NAVIGATION EQUIPMENT				
OTHER NAVIGATION EQUIPMENT	15,130	15,130	15,130	15,130
UNDERWAY REPLENISHMENT EQUIPMENT				
UNDERWAY REPLENISHMENT EQUIPMENT	1,398	1,398	1,398	1,398
CRUISER MODERNIZATION	---	---	---	79,200
PERISCOPES				
SUB PERISCOPES & IMAGING EQUIP	33,391	30,091	33,391	30,091
OTHER SHIPBOARD EQUIPMENT				
FIREFIGHTING EQUIPMENT	22,015	22,015	22,015	22,015
COMMAND AND CONTROL SWITCHBOARD	4,102	4,102	4,102	4,102
POLLUTION CONTROL EQUIPMENT	50,392	50,392	50,392	50,392
SUBMARINE SUPPORT EQUIPMENT	8,830	8,830	8,830	8,830
SUBMARINE BATTERIES	11,471	11,471	11,471	11,471
STRATEGIC PLATFORM SUPPORT EQUIP	26,660	45,660	26,660	42,810
DSSP EQUIPMENT	27,493	27,493	27,493	27,493
LCAC	10,627	10,627	10,627	10,627
MINESWEEPING EQUIPMENT	13,592	13,592	13,592	13,592
ITEMS LESS THAN $5 MILLION	124,214	133,214	130,714	135,664
SUBMARINE LIFE SUPPORT SYSTEM	14,591	14,591	14,591	14,591
REACTOR PLANT EQUIPMENT				
REACTOR POWER UNITS	333,107	333,107	333,107	333,107
REACTOR COMPONENTS	211,030	211,030	211,030	211,030
OCEAN ENGINEERING				
DIVING AND SALVAGE EQUIPMENT	7,258	7,258	7,258	7,258
SMALL BOATS				
STANDARD BOATS	53,913	53,913	53,913	53,913

	Budget	House	Senate	Conference
	(In thousands of dollars)			
TRAINING EQUIPMENT				
OTHER SHIPS TRAINING EQUIPMENT	8,115	8,115	8,115	8,115
PRODUCTION FACILITIES EQUIPMENT				
OPERATING FORCES IPE	5,499	13,499	44,873	49,273
OTHER SHIP SUPPORT				
NUCLEAR ALTERATIONS	128,441	128,441	128,441	128,441
TOTAL, SHIPS SUPPORT EQUIPMENT	1,134,843	1,167,543	1,180,717	1,282,117
COMMUNICATIONS AND ELECTRONICS EQUIPMENT				
SHIP RADARS				
RADAR SUPPORT	---	12,500	---	10,275
THERMAL IMAGING SENSOR SYSTEM (TISS)	---	5,000	---	4,400
SHIP SONARS				
SPQ-9B RADAR	9,739	19,739	19,439	19,439
AN/SQQ-89 SURF ASW COMBAT SYSTEM	---	5,000	---	15,300
SSN ACOUSTICS	265,423	268,423	268,423	268,423
UNDERSEA WARFARE SUPPORT EQUIPMENT	5,758	15,758	5,758	11,708
SONAR SWITCHES AND TRANSDUCERS	13,644	13,644	13,644	13,644
ASW ELECTRONIC EQUIPMENT				
SUBMARINE ACOUSTIC WARFARE SYSTEM	24,631	40,631	24,631	26,131
SSTD	11,277	11,277	11,277	13,827
FIXED SURVEILLANCE SYSTEM	46,360	46,360	46,360	46,360
SURTASS	15,228	15,228	15,228	15,228
ASW OPERATIONS CENTER	6,516	6,516	12,516	9,516
ELECTRONIC WARFARE EQUIPMENT				
AN/SLQ-32	19,429	29,429	19,429	22,429
INFORMATION WARFARE SYSTEMS	4,191	4,191	4,191	4,191
RECONNAISSANCE EQUIPMENT				
SHIPBOARD IW EXPLOIT	123,267	123,267	123,267	123,267
SUBMARINE SURVEILLANCE EQUIPMENT				
SUBMARINE SUPPORT EQUIPMENT PROG	71,411	71,411	71,411	71,411
OTHER SHIP ELECTRONIC EQUIPMENT				
NAVY TACTICAL DATA SYSTEM	---	14,000	---	12,050
COOPERATIVE ENGAGEMENT CAPABILITY	62,845	67,845	62,845	67,095
GCCS-M EQUIPMENT	52,398	52,398	52,398	52,398
NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS)	52,594	58,594	46,594	51,694
ATDLS	16,197	16,197	16,197	16,197
MINESWEEPING SYSTEM REPLACEMENT	18,324	18,324	18,324	18,324
NAVSTAR GPS RECEIVERS (SPACE)	15,674	15,674	15,674	15,674

	Budget	House	Senate	Conference
	(In thousands of dollars)			
ARMED FORCES RADIO AND TV	4,194	4,194	4,194	4,194
STRATEGIC PLATFORM SUPPORT EQUIP	8,560	8,560	8,560	8,560
OTHER TRAINING EQUIPMENT	50,542	54,542	50,542	52,542
AVIATION ELECTRONIC EQUIPMENT				
MATCALS	15,629	4,129	15,629	4,129
SHIPBOARD AIR TRAFFIC CONTROL	7,860	7,860	7,860	7,860
AUTOMATIC CARRIER LANDING SYSTEM	17,493	17,493	17,493	17,493
NATIONAL AIR SPACE SYSTEM	30,095	12,595	16,095	16,095
AIR STATION SUPPORT EQUIPMENT	7,633	7,633	7,633	7,633
FACSFAC	4,337	4,337	4,337	4,337
ID SYSTEMS	21,829	21,829	21,829	21,829
TAC A/C MISSION PLANNING SYS(TAMPS)	8,639	8,639	8,639	8,639
OTHER SHORE ELECTRONIC EQUIPMENT				
DEPLOYABLE JOINT COMMAND AND CONT	46,551	---	52,071	52,071
DIMHRS	5,512	5,512	5,512	5,512
COMMON IMAGERY GROUND SURFACE SYSTEMS	60,600	44,800	40,600	40,600
RADIAC	8,600	8,600	8,600	8,600
GPETE	10,006	10,006	10,006	10,006
INTEG COMBAT SYSTEM TEST FACILITY	8,726	8,726	8,726	8,726
EMI CONTROL INSTRUMENTATION	6,469	6,469	6,469	6,469
ITEMS LESS THAN $5 MILLION	15,420	15,420	20,420	15,420

	Budget	House	Senate	Conference
	(In thousands of dollars)			
SHIPBOARD COMMUNICATIONS				
SHIPBOARD TACTICAL COMMUNICATIONS	49,430	49,430	49,430	49,430
SHIP COMMUNICATIONS AUTOMATION	175,087	175,087	175,087	175,087
COMMUNICATIONS ITEMS UNDER $5M	25,213	27,213	26,413	29,613
SUBMARINE COMMUNICATIONS				
SHORE LF/VLF COMMUNICATIONS	16,591	16,591	16,591	16,591
SUBMARINE COMMUNICATION EQUIPMENT	104,935	109,935	110,935	110,435
SATELLITE COMMUNICATIONS				
SATELLITE COMMUNICATIONS SYSTEMS	257,388	257,388	172,388	232,388
SHORE COMMUNICATIONS				
JCS COMMUNICATIONS EQUIPMENT	3,939	3,939	3,939	3,939
ELECTRICAL POWER SYSTEMS	1,437	1,437	1,437	1,437
NSIPS	363	363	363	363
JEDMICS	---	---	7,500	6,400
NAVAL SHORE COMMUNICATIONS	75,336	75,336	75,336	75,336
CRYPTOGRAPHIC EQUIPMENT				
INFO SYSTEMS SECURITY PROGRAM (ISSP)	81,938	81,938	81,938	81,938
CRYPTOLOGIC EQUIPMENT				
CRYPTOLOGIC COMMUNICATIONS EQUIP	24,739	24,739	24,739	24,739
OTHER ELECTRONIC SUPPORT				
COAST GUARD EQUIPMENT	12,582	12,582	12,582	12,582
TOTAL, COMMUNICATIONS AND ELECTRONICS EQUIPMENT	2,002,579	2,018,728	1,921,499	2,029,974
AVIATION SUPPORT EQUIPMENT				
SONOBUOYS				
SONOBUOYS - ALL TYPES	85,632	85,632	85,632	85,632
AIRCRAFT SUPPORT EQUIPMENT				
WEAPONS RANGE SUPPORT EQUIPMENT	30,981	30,981	30,981	30,981
EXPEDITIONARY AIRFIELDS	7,569	7,569	7,569	7,569
AIRCRAFT REARMING EQUIPMENT	11,850	11,850	11,850	11,850
AIRCRAFT LAUNCH & RECOVERY EQUIPMENT	20,277	20,277	20,277	20,277
METEOROLOGICAL EQUIPMENT	25,658	25,658	25,658	25,658
OTHER PHOTOGRAPHIC EQUIPMENT	1,775	1,775	1,775	1,775
AVIATION LIFE SUPPORT	27,749	29,749	35,749	32,399
AIRBORNE MINE COUNTERMEASURES	13,624	2,524	13,624	2,524
LAMPS MK III SHIPBOARD EQUIPMENT	22,537	28,037	22,537	27,212
OTHER AVIATION SUPPORT EQUIPMENT	4,969	9,969	4,969	9,219
TOTAL, AVIATION SUPPORT EQUIPMENT	252,621	254,021	260,621	255,096

	Budget	House	Senate	Conference
	(In thousands of dollars)			
ORDNANCE SUPPORT EQUIPMENT				
SHIP GUN SYSTEM EQUIPMENT				
NAVAL FIRES CONTROL SYSTEM	4,301	15,001	23,501	28,336
MK98-NIGHT VISION DEVICES	12,638	12,638	12,638	12,638
SHIP MISSILE SYSTEMS EQUIPMENT				
NATO SEASPARROW	32,797	32,797	32,797	32,797
RAM GMLS	31,300	31,300	31,300	31,300
SHIP SELF DEFENSE SYSTEM	58,089	58,089	58,089	58,089
AEGIS SUPPORT EQUIPMENT	105,227	113,227	111,227	114,827
SURFACE TOMAHAWK SUPPORT EQUIPMENT	63,423	63,423	63,423	63,423
SUBMARINE TOMAHAWK SUPPORT EQUIP	5,786	5,786	5,786	5,786
VERTICAL LAUNCH SYSTEMS	7,875	7,875	7,875	7,875
FBM SUPPORT EQUIPMENT				
STRATEGIC MISSILE SYSTEMS EQUIP	103,874	103,874	103,874	103,874
ASW SUPPORT EQUIPMENT				
SSN COMBAT CONTROL SYSTEMS	68,032	72,032	68,032	70,032
SUBMARINE ASW SUPPORT EQUIPMENT	4,951	4,951	4,951	4,951
SURFACE ASW SUPPORT EQUIPMENT	4,780	4,780	11,780	11,780
ASW RANGE SUPPORT EQUIPMENT	7,275	7,275	7,275	7,275
OTHER ORDNANCE SUPPORT EQUIPMENT				
EXPLOSIVE ORDNANCE DISPOSAL EQUIP	8,083	8,083	11,083	10,183
ITEMS LESS THAN $5 MILLION	4,726	4,726	4,726	4,726
OTHER EXPENDABLE ORDNANCE				
ANTI-SHIP MISSILE DECOY SYSTEM	44,757	44,757	55,757	50,257
SURFACE TRAINING DEVICE MODS	7,352	7,352	7,352	7,352
SUBMARINE TRAINING DEVICE MODS	25,150	25,150	30,150	27,650
TOTAL, ORDNANCE SUPPORT EQUIPMENT	600,416	623,116	651,616	653,151

	Budget	House	Senate	Conference
	(In thousands of dollars)			
CIVIL ENGINEERING SUPPORT EQUIPMENT				
PASSENGER CARRYING VEHICLES	2,305	2,305	2,305	2,305
GENERAL PURPOSE TRUCKS	1,472	1,472	1,472	1,472
CONSTRUCTION & MAINTENANCE EQUIP	19,721	26,721	19,721	25,171
FIRE FIGHTING EQUIPMENT	8,834	8,834	8,834	8,834
TACTICAL VEHICLES	38,745	39,095	77,490	64,095
AMPHIBIOUS EQUIPMENT	4,251	4,251	4,251	4,251
POLLUTION CONTROL EQUIPMENT	5,007	5,007	5,007	5,007
ITEMS UNDER $5 MILLION	13,608	13,608	13,608	13,608
PHYSICAL SECURITY VEHICLES	943	943	943	943
TOTAL, CIVIL ENGINEERING SUPPORT EQUIPMENT	94,886	102,236	133,631	125,686
SUPPLY SUPPORT EQUIPMENT				
MATERIALS HANDLING EQUIPMENT	15,053	15,053	15,053	15,053
OTHER SUPPLY SUPPORT EQUIPMENT	13,883	17,883	19,883	18,883
FIRST DESTINATION TRANSPORTATION	5,197	5,197	5,197	5,197
SPECIAL PURPOSE SUPPLY SYSTEMS	75,571	75,571	75,571	75,571
TOTAL, SUPPLY SUPPORT EQUIPMENT	109,704	113,704	115,704	114,704
PERSONNEL AND COMMAND SUPPORT EQUIPMENT				
TRAINING DEVICES				
TRAINING SUPPORT EQUIPMENT	2,532	10,532	2,532	7,332
COMMAND SUPPORT EQUIPMENT				
COMMAND SUPPORT EQUIPMENT	60,688	68,688	47,314	48,314
EDUCATION SUPPORT EQUIPMENT	7,786	7,786	7,786	7,786
MEDICAL SUPPORT EQUIPMENT	9,511	9,511	9,511	9,511
INTELLIGENCE SUPPORT EQUIPMENT	21,148	21,148	21,148	21,148
OPERATING FORCES SUPPORT EQUIPMENT	9,219	11,219	9,219	10,219
MOBILE SENSOR PLATFORM	35,899	35,899	35,899	35,899
ENVIRONMENTAL SUPPORT EQUIPMENT	15,349	15,349	15,349	15,349
PHYSICAL SECURITY EQUIPMENT	74,626	77,626	74,626	77,176
TOTAL, PERSONNEL AND COMMAND SUPPORT EQUIPMENT	236,758	257,758	223,384	232,734
SPARES AND REPAIR PARTS	247,636	247,636	247,636	247,636
TOTAL, OTHER PROCUREMENT, NAVY	4,679,443	4,784,742	4,734,808	4,941,098

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
{In thousands of dollars}

P-1	Budget Request	House	Senate	Conference
5(a) CRUISER MODERNIZATION	**0**	**0**	**0**	**79,200**
6 SUB PERISCOPES & IMAGING EQUIP	**33,391**	**30,091**	**33,391**	**30,091**
8B/J ESM upgrade - delay in contract award		-3,300		-3,300
13 STRATEGIC PLATFORM SUPPORT EQUIP	**26,660**	**45,660**	**26,660**	**42,810**
Q-70 submarine common electronics equipment replacement		+11,000		+9,350
AN/USC-42 (V) 2 Miniaturized Demand Assigned Multiple Access (Mini-DAMA) system (Note: only for upgrades for VHF and/or Havequick, next-generation waveforms, random acquisition capability and IP-based functionality to fielded terminals)		+8,000		+6,800
17 ITEMS LESS THAN $5 MILLION	**124,214**	**133,214**	**130,714**	**135,664**
Total Ship Information Management System (TSIMS) - integration on additional CVNs		+2,000		+1,400
Wireless network capable application processors (NCAPs)		+7,000		+5,950
Carrier weapon elevators			+4,500	+2,700
Integrated Condition Assessment System (ICAS)			+2,000	+1,400
25 OPERATING FORCES IPE	**5,499**	**13,499**	**44,873**	**49,273**
Expeditionary Maintenance Facility		+8,000		+5,600
Shipyard Capital Investment Program - transfer from line 138			+20,374	+20,374
IPDE Enhancement and PDM Interoperability			+4,000	+2,800
PHNSY Equipment			+15,000	+15,000
28 RADAR SUPPORT	**0**	**12,500**	**0**	**10,275**
AN/SPS-67 Radar Improvement and DMS Deficiency Correction Program		+5,000		+4,250
Surface Search Radar (SSR)		+4,000		+3,400
Shipboard Advance Radar Target Identification System (SARTIS)		+3,500		+2,625
29 TISS	**0**	**5,000**	**0**	**4,400**
AN/SAY-1 Thermal Imaging Sensor System (Note: only for the logistics engineering change proposal (LECP))		+5,000		+4,400
30 SPQ-9B RADAR	**9,739**	**19,739**	**19,439**	**19,439**
AN/SPQ-9 B Shipboard radar transmitter upgrade - complete transmitter development and back fit existing AN/SPQ-9B shipboard radars		+10,000	+9,700	+9,700
31 AN/SQQ-89 SURF ASW COMBAT SYSTEM	**0**	**5,000**	**0**	**15,300**
Surface Ship Anti-Submarine Warfare Improvements (Note: only for procurement of surface ship MPP SBIR Phase III improvements)		+5,000		+4,250
AN/SQQ-89 modernization- moved from line 36				+11,050
32 SSN ACOUSTICS	**265,423**	**268,423**	**268,423**	**268,423**
Common Depth Sounder (CDS) (Note: only for the procurement of CDS systems via an EP for installation on appropriate submarine and surface platforms)		+3,000	+3,000	+3,000
34 UNDERSEA WARFARE SUPPORT EQUIPMENT	**5,758**	**15,758**	**5,758**	**11,708**
Distributed engineering center for torpedo defense (Note: only to incorporate next generation wideband information pipeline technology and installation of AN/WSQ-11) - moved to line 37		+3,000		0
AN/SLQ-25A Torpedo Countermeasure Set Improvements		+7,000		+5,950

P-1	Budget Request	House	Senate	Conference
36 SUBMARINE ACOUSTIC WARFARE SYSTEM	**24,631**	**40,631**	**24,631**	**26,131**
AN/SQQ-89 modernization - moved to line 31		+13,000		0
Acoustic Intercept Improvement Initiative		+3,000		+1,500
37 SSTD	**11,277**	**11,277**	**11,277**	**13,827**
Distributed engineering center for torpedo defense (Note: only to incorporate next generation wideband information pipeline technology and installation of AN/WSQ-11) - moved from line 34				+2,550
41 ASW OPERATIONS CENTER	**6,516**	**6,516**	**12,516**	**9,516**
P-3C AIP TCDL Upgrade program			+6,000	+3,000
42 AN/SLQ-32	**19,429**	**29,429**	**19,429**	**22,429**
Surface ship EW improvement (Note: only for SBIR Phase III follow-on production and installation of SEWIP program Block I upgrades)		+10,000		+3,000
46 NAVY TACTICAL DATA SYSTEM	**0**	**14,000**	**0**	**12,050**
Land based Q-70 ACDS/SSDS hardware for Wallops Island and Dam Neck		+9,000		+7,650
Fleet Peripheral Equipment Replacement, Q-70		+4,000		+3,400
Aegis Combat System production of peripheral load devices (Note: only for integration, procurement, installation and support of the peripherals included in the Peripheral Consolidation Program)		+1,000		+1,000
47 COOPERATIVE ENGAGEMENT CAPABILITY	**62,845**	**67,845**	**62,845**	**67,095**
Fleet-wide upgrade capability, improved data analysis tools and technology refresh backfit kits.		+5,000		+4,250
49 NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS)	**52,594**	**58,594**	**46,594**	**51,694**
Q-70 based IT-21 servers		+6,000		+5,100
Transfer to RDT&E, N PE 0603758N			-6,000	-6,000
56 OTHER TRAINING EQUIPMENT	**50,542**	**54,542**	**50,542**	**52,542**
Navy Smart Target program- realistic threat simulators to enhance training of weapon systems operators at SCORE		+4,000		+2,000
57 MATCALS	**15,629**	**4,129**	**15,629**	**4,129**
Air Surveillance & Precision Approach Radar Control System- delay in schedule		-11,500		-11,500
60 NATIONAL AIR SPACE SYSTEM	**30,095**	**12,595**	**16,095**	**16,095**
Delay in procurement schedule		-17,500		0
Delay in MOT&E of DASR Radar			-14,000	-14,000
66 DEPLOYABLE JOINT COMMAND AND CONTROL	**46,551**	**0**	**52,071**	**52,071**
Program growth		-46,551		0
Transfer from RDT&E, N - installations			+5,520	+5,520
70 COMMON IMAGERY GROUND SURFACE SYSTEMS	**60,600**	**44,800**	**40,600**	**40,600**
Merge JSIPS functionality/program management into TES for JFN converged architecture and limit installations of TIS on amphibious ships		-15,800		0
Transfer to RDT&E, N PE 0603758N			-10,000	-10,000
Tactical Input Segment (JSIPS-N) execution delays			-10,000	-10,000

P-1	Budget Request	House	Senate	Conference
75 ITEMS LESS THAN $5 MILLION	**15,420**	**15,420**	**20,420**	**15,420**
Shipboard Communications Upgrade - moved to line 78			+5,000	0
78 COMMUNICATIONS ITEMS UNDER $5 MILLION	**25,213**	**27,213**	**26,413**	**29,613**
Q-70 secure voice system (SVS) for aircraft carriers		+2,000		+1,700
CSEL Requirements change			-1,800	-1,800
Integrated Communication System for Aircraft Carriers and Command Ships			+3,000	+1,500
Shipboard Communications Upgrade - moved from line 75				+3,000
80 SUBMARINE COMMUNICATION EQUIPMENT	**104,935**	**109,935**	**110,935**	**110,435**
Submarine High Data Rate antenna- for procurement of additional sub HDR antennas		+5,000	+6,000	+5,500
81 SATELLITE COMMUNICATIONS SYSTEMS	**257,388**	**257,388**	**172,388**	**232,388**
Program growth			-85,000	-25,000
85 JEDMICS	**0**	**0**	**7,500**	**6,400**
Combined Operations Wide Area Network			+7,500	+6,400
98 AVIATION LIFE SUPPORT	**27,749**	**29,749**	**35,749**	**32,399**
EDU-5/P Laser Eye Protection (LEP) (Note: only for the LRIP of the EU-5/P compatible LEP spectacles)		+2,000		+1,000
CSEL Requirements change			-6,500	-6,500
Joint Technical Data Integration/Automated Maintenance Equipment (JTDI/AME)			+7,000	+4,900
MBU-23/P Oxygen Masks			+3,000	+2,100
Multi-climate protection clothing			+4,500	+3,150
99 AIRBORNE MINE COUNTERMEASURES	**13,624**	**2,524**	**13,624**	**2,524**
Testing schedule delay; delay first buy -- ALMDS		-11,100		-11,100
100 LAMPS MK III SHIPBOARD EQUIPMENT	**22,537**	**28,037**	**22,537**	**27,212**
AN/SRQ-4 LAMPS MK II System Improvement (Note: only for procurement and installation of AN/SRQ-4 Ku Band Radio Terminal Set improvements for surface ships)		+5,500		+4,675
101 OTHER AVIATION SUPPORT EQUIPMENT	**4,969**	**9,969**	**4,969**	**9,219**
Joint Aviation Logistics Technical Data Integration (JATDI) (Note: only to extend JEDMICS security solution to JATDI)		+5,000		+4,250
103 NAVAL FIRES CONTROL SYSTEM	**4,301**	**15,001**	**23,501**	**28,336**
Joint Fires Network (JFN)/Littoral Surveillance System (LSS) remote sensors		+6,000		+5,100
NFCS for Littoral Combat Ship		+4,700		+3,290
Littoral Surveillance System			+19,200	+15,645
108 AEGIS SUPPORT EQUIPMENT	**105,227**	**113,227**	**111,227**	**114,827**
All-in-one wireless access points		+4,000		+3,400
Aegis Computer Center project A4L7 (Note: only for the acquisition, installation and lifetime engineering technical support of commercial off the shelf emulators for support of the Aegis Land-based weapons system)		+4,000		+2,000
Integrated Bridge System			+6,000	+4,200
114 SSN COMBAT CONTROL SYSTEMS	**68,032**	**72,032**	**68,032**	**70,032**
Complimentary Combat System Improvement - development and demonstration		+4,000		+2,000
116 SURFACE ASW SUPPORT EQUIPMENT	**4,780**	**4,780**	**11,780**	**11,780**
Mk32 SVTT Remanufacture			+7,000	+7,000
118 EXPLOSIVE ORDNANCE DISPOSAL EQUIP	**8,083**	**8,083**	**11,083**	**10,183**
SCOUT High Pressure Air System			+3,000	+2,100
120 ANTI-SHIP MISSILE DECOY SYSTEM	**44,757**	**44,757**	**55,757**	**50,257**
NULKA			+11,000	+5,500

P-1	Budget Request	House	Senate	Conference
122 SUBMARINE TRAINING DEVICE MODS	**25,150**	**25,150**	**30,150**	**27,650**
Submarine Training Performance Support Systems			+5,000	+2,500
126 CONSTRUCTION & MAINTENANCE EQUIP	**19,721**	**26,721**	**19,721**	**25,171**
Earth moving equipment for Naval Construction Force - replacement equipment		+5,000		+3,750
Ultimate Building Machine (UBM) system		+2,000		+1,700
128 TACTICAL VEHICLES	**38,745**	**39,095**	**77,490**	**64,095**
K-loader - additional equipment		+350		+350
Additional MTVR			+38,745	+25,000
134 OTHER SUPPLY SUPPORT EQUIPMENT	**13,883**	**17,883**	**19,883**	**18,883**
Serial Number Tracking System (SNTS)		+4,000	+6,000	+5,000
137 TRAINING SUPPORT EQUIPMENT	**2,532**	**10,532**	**2,532**	**7,332**
Enhanced graphics for user interface to Technical Data Knowledge (TDK)		+4,000		+2,800
Technical Data Knowledge Management in an Integrated Data Environment (TDKM-IDE) - mature and deploy a TDKM-IDE capability to accelerate implementation as part of Fleet Distance Support		+4,000		+2,000
138 COMMAND SUPPORT EQUIPMENT	**60,688**	**68,688**	**47,314**	**48,314**
Advanced Technical Information Support (ATIS) (Note: only for the procurement of ATIS hardware for installation and upgrade)		+1,000		+1,000
Man Over-Board Identification (MOBI) system - complete procurement and installation of MOBI throughout the Fleet		+7,000	+7,000	+7,000
Shipyard Capital Investment Program - transferred to line 25			-20,374	-20,374
142 OPERATING FORCES SUPPORT EQUIPMENT	**9,219**	**11,219**	**9,219**	**10,219**
Envelop Surface Combatant Corrosion Protection-procurement and installation of corrosion resistant covers for critical topside equipment on surface combatant ships		+2,000		+1,000
145 PHYSICAL SECURITY EQUIPMENT	**74,626**	**77,626**	**74,626**	**77,176**
Body armor factory		+3,000		+2,550

THERMAL IMAGING SENSOR SYSTEM

The conferees are pleased with the progress that has been made on upgrading the Thermal Imaging Sensor System (TISS), which can provide significant increases in force protection. The conferees request the Navy consider increasing funds for TISS beyond the $4,400,000 provided in this Act.

PROCUREMENT, MARINE CORPS

The conference agreement on items addressed by either the House or the Senate is as follows:

	Budget	House	Senate	Conference
	(In thousands of dollars)			
PROCUREMENT, MARINE CORPS				
WEAPONS AND COMBAT VEHICLES				
TRACKED COMBAT VEHICLES				
AAV7A1 PIP	11,297	16,297	11,297	25,547
AAAV	97,915	97,915	97,915	97,915
LAV PIP	13,191	13,191	13,191	13,191
IMPROVED RECOVERY VEHICLE (IRV)	3,650	3,650	3,650	3,650
MODIFICATION KITS (TRKD VEH)	6,757	6,757	6,757	6,757
M1A1 FIREPOWER ENHANCEMENTS	4,222	4,222	4,222	4,222
ARTILLERY AND OTHER WEAPONS				
HIMARS	17,954	17,954	17,954	17,954
155MM LIGHTWEIGHT TOWED HOWITZER	111,489	111,489	111,489	111,489
MOD KITS (ARTILLERY)	3,305	3,305	3,305	3,305
MARINE ENHANCEMENT PROGRAM	6,898	6,898	6,898	6,898
WEAPONS AND COMBAT VEHICLES UNDER $5 MILLION	4,977	15,977	9,977	14,227
WEAPONS				
MODULAR WEAPON SYSTEM	13,712	13,712	13,712	13,712
OTHER SUPPORT				
OPERATIONS OTHER THAN WAR	1,349	1,349	1,349	1,349
TOTAL, WEAPONS AND COMBAT VEHICLES	296,716	312,716	301,716	320,216
GUIDED MISSILES AND EQUIPMENT				
GUIDED MISSILES				
EADS MOD	1,996	1,996	1,996	1,996
PEDESTAL MOUNTED STINGER (PMS) (MYP)	817	817	817	817
PREDATOR (SRAW)	36,398	36,398	36,398	5,826
OTHER SUPPORT				
MODIFICATION KITS	587	587	587	587
TOTAL, GUIDED MISSILES AND EQUIPMENT	39,798	39,798	39,798	9,226

	Budget	House	Senate	Conference
	(In thousands of dollars)			
COMMUNICATIONS AND ELECTRONICS EQUIPMENT				
VEHICLE MOUNTED RADIOS AND EQUIPMENT				
SMALL UNIT REMOTE SCOUTING SYSTEM	2,058	2,058	2,058	2,058
COMMAND AND CONTROL SYSTEMS				
UNIT OPERATIONS CENTER	29,225	29,225	29,225	29,225
GLOBAL COMBAT SUPPORT SYSTEM	13,548	13,548	13,548	13,548
MULTIPLE ROLE RADAR SYSTEM	1,633	1,633	1,633	1,633
JOINT TACTICAL RADIO SYSTEMS	13,919	13,919	13,919	13,919
TRANSITION SWITCH MODULE	23,072	23,072	23,072	23,072
REPAIR AND TEST EQUIPMENT				
AUTO TEST EQUIP SYS	20,462	20,462	20,462	20,462
GENERAL PURPOSE ELECTRONIC TEST EQUIP	8,369	8,369	8,369	8,369
RADAR + EQUIPMENT (NON-TEL)				
RADAR SET AN/TPS-59	18,211	18,211	18,211	18,211
INTELL/COMM EQUIPMENT (NON-TEL)				
TACTICAL REMOTE SENSOR SYSTEM	9,476	9,476	9,476	9,476
INTELLIGENCE SUPPORT EQUIPMENT	12,476	16,476	12,476	15,876
MOD KITS (INTEL)	7,856	7,856	7,856	7,856
REPAIR AND TEST EQUIPMENT (NON-TEL)				
GENERAL PURPOSE MECHANICAL TMDE	13,215	13,215	13,215	13,215
OTHER COMM/ELEC EQUIPMENT (NON-TEL)				
NIGHT VISION EQUIPMENT	24,428	24,428	32,828	30,228
OTHER SUPPORT (NON-TEL)				
ITEMS UNDER $5 MILLION (COMM & ELEC)	463	463	463	463
COMMON COMPUTER RESOURCES	61,514	61,514	61,514	61,514
COMMAND POST SYSTEMS	9,316	16,316	9,316	14,216
RADIO SYSTEMS	10,633	22,633	16,633	23,833
COMM SWITCHING & CONTROL SYSTEMS	19,252	23,252	19,252	22,652
COMM & ELEC INFRASTRUCTURE SUPPORT	24,360	24,360	24,360	24,360
MOD KITS MAGTF C41	20,786	20,786	20,786	20,786
AIR OPERATIONS C2 SYSTEMS	10,790	10,790	10,790	10,790
INTELLIGENCE C2 SYSTEMS	3,626	3,626	3,626	3,626
FIRE SUPPORT SYSTEM	28,444	28,444	28,444	28,444
TOTAL, COMMUNICATIONS AND ELECTRONICS EQUIPMENT	387,132	414,132	401,532	417,832
SUPPORT VEHICLES				
ADMINISTRATIVE VEHICLES				
COMMERCIAL PASSENGER VEHICLES	963	963	963	963
COMMERCIAL CARGO VEHICLES	10,278	10,278	10,278	10,278

	Budget	House	Senate	Conference
	(In thousands of dollars)			
TACTICAL VEHICLES				
5/4T TRUCK HMMWV (MYP)	124,548	139,548	124,548	135,048
MEDIUM TACTICAL VEHICLE REPLACEMENT	4,611	4,611	4,611	4,611
LOGISTICS VEHICLE SYSTEM REP	3,386	3,386	3,386	3,386
OTHER SUPPORT				
ITEMS LESS THAN $5 MILLION	4,027	4,027	4,027	4,027
TOTAL, SUPPORT VEHICLES	147,813	162,813	147,813	158,313
ENGINEER AND OTHER EQUIPMENT				
ENGINEER AND OTHER EQUIPMENT				
ENVIRONMENTAL CONTROL EQUIP ASSORT	2,724	2,724	2,724	2,724
BULK LIQUID EQUIPMENT	15,812	15,812	15,812	15,812
TACTICAL FUEL SYSTEMS	5,067	5,067	5,067	6,117
DEMOLITION SUPPORT SYSTEMS	2,041	2,041	2,041	2,041
POWER EQUIPMENT ASSORTED	12,982	12,982	12,982	12,982
FAMILY OF EOD EQUIPMENT	4,608	4,608	4,608	4,608
BRIDGE BOATS	10,760	10,760	10,760	10,760
MATERIALS HANDLING EQUIPMENT				
AMPHIBIOUS RAID EQUIPMENT	21,404	21,404	21,404	21,404
PHYSICAL SECURITY EQUIPMENT	5,064	5,064	5,064	5,064
GARRISON MOBILE ENGR EQUIP	10,742	10,742	10,742	10,742
MATERIAL HANDLING EQUIP	27,885	27,885	27,885	27,885
FIRST DESTINATION TRANSPORTATION	8,091	8,091	8,091	8,091
GENERAL PROPERTY				
FIELD MEDICAL EQUIPMENT	1,975	1,975	1,975	4,175
TRAINING DEVICES	19,988	72,988	19,988	63,988
CONTAINER FAMILY	5,150	5,150	5,150	5,150
FAMILY OF CONSTRUCTION EQUIPMENT	14,380	20,380	14,380	18,880
OTHER SUPPORT				
FAMILY OF INCIDENT RESPONSE	3,447	3,447	3,447	3,447
MODIFICATION KITS	2,597	2,597	2,597	2,597
ITEMS LESS THAN $5 MILLION	5,206	17,706	5,206	14,056
TOTAL, ENGINEER AND OTHER EQUIPMENT	179,923	251,423	179,923	240,523
SPARES AND REPAIR PARTS	19,617	19,617	19,617	19,617
TOTAL, PROCUREMENT, MARINE CORPS	1,070,999	1,200,499	1,090,399	1,165,727

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		Budget Request	House	Senate	Conference
1	**AAV7A1 PIP**	**11,297**	**16,297**	**11,297**	**25,547**
	AAV RAM Rebuild		+5,000		+14,250
11	**WEAPONS AND COMBAT VEHICLES UNDER $5 MILLION**	**4,977**	**15,977**	**9,977**	**14,227**
	M249 Squad Automatic Weapon (SAW)		+3,000	+5,000	+4,000
	M9 Pistol Modernization Through Spares (P-MTS)		+5,000		+3,750
	Rifle Combat Optic (RCO) - FY-04		+3,000		+1,500
18	**PREDATOR (SRAW)**	**36,398**	**36,398**	**36,398**	**5,826**
	Operational Test failures		0	0	-30,572
31	**INTELLIGENCE SUPPORT EQUIPMENT**	**12,476**	**16,476**	**12,476**	**15,876**
	Marine Corps Continuity of Operations		+4,000		+3,400
35	**NIGHT VISION EQUIPMENT**	**24,428**	**24,428**	**32,828**	**30,228**
	AN/PVS-14 Monocular Night Vision Device			+5,400	+3,700
	AN/PVS-17 Mini Night Vision Sight			+3,000	+2,100
38	**COMMAND POST SYSTEMS**	**9,316**	**16,316**	**9,316**	**14,216**
	DISM Procurement		+7,000		+4,900
39	**RADIO SYSTEMS**	**10,633**	**22,633**	**16,633**	**23,833**
	Lightweight Multi-Band Satellite Terminal (LMST) (Note: additional funding is only for the purpose of acquiring and fielding additional LMST systems in support of the MEF)		+12,000	+6,000	+8,400
	AN/PRC-148 Tactical Handheld Radio		[9,600]	0	+4,800
40	**COMM SWITCHING & CONTROL SYSTEMS**	**19,252**	**23,252**	**19,252**	**22,652**
	AN/UXC-10 Digital Facsimile (USMC)		+4,000		+3,400
48	**5/4T TRUCK HMMWV (MYP)**	**124,548**	**139,548**	**124,548**	**135,048**
	Additional Vehicles		+15,000		+10,500
56	**TACTICAL FUEL SYSTEMS**	**5,067**	**5,067**	**5,067**	**6,117**
	Nitrile Rubber Collapsible Storage Units		0	[1,500]	+1,050
67	**FIELD MEDICAL EQUIPMENT**	**1,975**	**1,975**	**1,975**	**4,175**
	Combat Casualty Care Equipment Upgrade Program (Note: only for lightweight NATO-style litters, medical bags, and ENT diagnostic kits)		[4,400]		+2,200
68	**TRAINING DEVICES**	**19,988**	**72,988**	**19,988**	**63,988**
	MCAGCC Range Instrumentation (Note: only to support MAGTF JNTC)		+50,000		+42,500
	Common Range Instrumentation System		+3,000		+1,500
70	**FAMILY OF CONSTRUCTION EQUIPMENT**	**14,380**	**20,380**	**14,380**	**18,880**
	Graders, Winches & Rippers SLEP and Replacement		+6,000		+4,500
75	**ITEMS LESS THAN $5 MILLION**	**5,206**	**17,706**	**5,206**	**14,056**
	Cargo Nets (USMC)		+2,000		+1,200
	6T/NATO Equivalent Absorbed Glass Mat (AGM)		+9,500		+6,650
	Tactical Vehicle Load Securing Cargo Nets		+1,000		+1,000

AIRCRAFT PROCUREMENT, AIR FORCE

The conference agreement on items addressed by either the House or Senate is as follows:

	(In thousands of dollars) Budget	House	Senate	Conference
AIRCRAFT PROCUREMENT, AIR FORCE				
COMBAT AIRCRAFT				
TACTICAL FORCES				
F-22 RAPTOR	3,727,093	3,566,093	3,571,093	3,647,093
F-22 RAPTOR (AP-CY)	498,285	498,285	498,285	498,285
TOTAL, COMBAT AIRCRAFT	4,225,378	4,064,378	4,069,378	4,145,378
AIRLIFT AIRCRAFT				
TACTICAL AIRLIFT				
C-17A (MYP)	2,027,572	2,115,572	2,125,572	2,115,572
C-17A (MYP) (AP-CY)	504,100	401,100	406,100	406,100
C-17 ICS	927,627	877,627	977,627	927,627
OTHER AIRLIFT				
C-130J	335,991	295,991	335,991	295,991
ADVANCE PROCUREMENT (CY)	110,000	150,000	110,000	150,000
TOTAL, AIRLIFT AIRCRAFT	3,905,290	3,840,290	3,955,290	3,895,290
TRAINER AIRCRAFT				
OPERATIONAL TRAINERS				
JPATS	280,569	280,569	280,569	280,569
OTHER AIRCRAFT				
HELICOPTERS				
V-22 OSPREY	217,853	217,853	217,853	217,853
V-22 OSPREY (AP-CY)	15,150	15,150	15,150	15,150
MISSION SUPPORT AIRCRAFT				
CIVIL AIR PATROL A/C	2,540	10,540	2,540	8,540
OTHER AIRCRAFT				
TARGET DRONES	48,402	68,202	48,402	58,402
HAEUAV	197,912	197,912	197,912	197,912
HAEUAV (AP-CY)	55,000	55,000	55,000	55,000
PREDATOR UAV	193,569	211,569	193,569	208,869
TOTAL, OTHER AIRCRAFT	730,426	776,226	730,426	761,726

	Budget	House	Senate	Conference
	(In thousands of dollars)			
MODIFICATION OF INSERVICE AIRCRAFT				
STRATEGIC AIRCRAFT				
B-2A	76,464	128,255	71,464	123,255
B-1B	91,623	96,923	76,623	103,723
B-52	61,133	51,933	77,833	63,633
F-117	16,790	16,790	16,790	16,790
TACTICAL AIRCRAFT				
A-10	17,769	22,769	17,769	20,769
F-15	197,605	200,205	219,105	201,805
F-16	300,596	280,896	324,596	314,596
F22 RAPTOR	8,284	8,284	8,284	8,284
T/AT-37	79	79	79	79
AIRLIFT AIRCRAFT				
C-5	92,047	92,047	92,047	92,047
C-9	978	978	978	978
C-17A	42,801	49,101	42,801	49,101
C-21	1,367	1,367	1,367	1,367
C-32A	189	189	189	189
C-37A	355	355	355	355
TRAINER AIRCRAFT				
T6 MODIFICATIONS	4,201	4,201	4,201	4,201
T-38	132,196	132,196	132,196	132,196
T-41 AIRCRAFT	88	88	88	88
T-43	8,224	8,224	8,224	8,224
OTHER AIRCRAFT				
KC-10A (ATCA)	20,622	20,622	20,622	20,622
C-12	5,769	5,769	5,769	5,769
C-20 MODS	444	444	444	444
VC-25A MOD	69,857	69,857	69,857	69,857
C-40	200	200	200	200
C-130	195,737	192,537	218,637	216,837
C130J MODS	9,759	9,759	9,759	11,759
C-135	176,382	106,382	121,382	115,882
DARP	90,133	98,133	99,133	96,883
AIRBORNE TANKER INITIATIVE	---	---	---	---
E-3	53,467	53,467	53,467	53,467

	Budget	House	Senate	Conference
	(In thousands of dollars)			
E-4	58,708	58,708	58,708	58,708
E-8	36,017	41,017	36,017	39,517
H-1	3,367	3,367	3,367	3,367
H-60	44,723	48,723	44,723	47,523
OTHER AIRCRAFT	69,706	69,706	69,706	69,706
PREDATOR MODS	14,178	14,178	14,178	14,178
CV-22 MODS	279	279	279	279
OTHER MODIFICATIONS				
CLASSIFIED PROJECTS	16,525	16,525	16,525	16,525
TOTAL, MODIFICATION OF INSERVICE AIRCRAFT	1,918,662	1,904,553	1,937,762	1,983,203
AIRCRAFT SPARES AND REPAIR PARTS				
REPLEN SPARES/REPAIR PARTS	190,132	190,132	190,132	190,132
SPECIAL OPERATIONS FORCES	11,381	11,381	16,381	16,381
TOTAL, AIRCRAFT SPARES AND REPAIR PARTS	201,513	201,513	206,513	206,513
AIRCRAFT SUPPORT EQUIPMENT AND FACILITIES				
COMMON SUPPORT EQUIPMENT				
COMMON SUPPORT EQUIPMENT	216,219	199,219	216,219	206,219
POST PRODUCTION SUPPORT				
B-1	8,448	8,448	8,448	8,448
B-2A	6,919	6,919	6,919	6,919
B-2A	31,556	31,556	31,556	31,556
C-130	8,470	8,470	8,470	8,470
F-15 POST PRODUCTION SUPPORT	7,292	7,292	7,292	7,292
F-16 POST PRODUCTION SUPPORT	13,871	18,871	13,871	17,471
REPLEN SPARES/REPAIR PARTS	21,728	25,728	21,728	24,128
WAR CONSUMABLES				
WAR CONSUMABLES	25,716	25,716	25,716	25,716
REPLEN SPARES/REPAIR PARTS	327,231	327,231	327,231	327,231
DEPOT MODERNIZATION	57,690	57,690	57,690	57,690
CLASSIFIED PROGRAMS				
REPLEN SPARES/REPAIR PARTS	9,449	9,449	9,449	9,449
DARP	82,933	82,933	82,933	82,933
TOTAL, AIRCRAFT SUPPORT EQUIPMENT AND FACILITIES	817,522	809,522	817,522	813,522
TOTAL, AIRCRAFT PROCUREMENT, AIR FORCE	12,079,360	11,877,051	11,997,460	12,086,201

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		Budget Request	House	Senate	Conference
3	**F-22 RAPTOR**	**3,727,093**	**3,566,093**	**3,571,093**	**3,647,093**
	Vendor Cost Savings		-161,000	-161,000	-80,000
	Producibility			+5,000	0
5	**C-17A (MYP)**	**2,027,572**	**2,115,572**	**2,125,572**	**2,115,572**
	Air Force Requested Transfer		-10,000		0
	Air Force Requested Transfer From AP		+98,000	+98,000	+88,000
6	**C-17A (MYP) (AP-CY)**	**504,100**	**401,100**	**406,100**	**406,100**
	Execution		-5,000		0
	Air Force Requested Transfer to MYP		-98,000	-98,000	-98,000
7	**C-17 ICS**	**927,627**	**877,627**	**977,627**	**927,627**
	Execution/Program Growth		-50,000	+50,000	0
	Site Activation				+25,000
	Flexible Sustainment Contract Savings				-25,000
9	**C-130J**	**335,991**	**295,991**	**335,991**	**295,991**
	Air Force Requested Transfer To AP		-40,000		-40,000
10	**ADVANCE PROCUREMENT (CY)**	**110,000**	**150,000**	**110,000**	**150,000**
	Air Force Requested Transfer From MYP		+40,000		+40,000
16	**CIVIL AIR PATROL A/C**	**2,540**	**10,540**	**2,540**	**8,540**
	CAP C-182/C-206s		+8,000		+6,000
17	**TARGET DRONES**	**48,402**	**68,202**	**48,402**	**58,402**
	Drone Shortfall		+19,800		+10,000
22	**PREDATOR UAV**	**193,569**	**211,569**	**193,569**	**208,869**
	Predator B UAV [Note: only to procure 2 additional fully equipped Predator B aircraft with spares, support and productionization support.]		+18,000		+15,300
23	**B-2A**	**76,464**	**128,255**	**71,464**	**123,255**
	Air Force Requested Transfer From RDTE		+24,691		+24,691
	Aft Deck Modification		+27,100		+27,100
	Unjustified Interim Contractor Support Costs			-5,000	-5,000
24	**B-1B**	**91,623**	**96,923**	**76,623**	**103,723**
	B-1B Modifications		+20,300		+17,100
	WCMD Modification Kits		-15,000	-15,000	-5,000
25	**B-52**	**61,133**	**51,933**	**77,833**	**63,633**
	AMI Kits		-9,200		-9,200
	B-52 Attrition Reserve			+16,700	+11,700
27	**A-10**	**17,769**	**22,769**	**17,169**	**20,769**
	ANG A-10 Propulsion Upgrade Study		+5,000		3,000
28	**F-15**	**197,605**	**200,205**	**219,105**	**201,805**
	ADCP Kits		-26,900		-26,900
	220 E-Kits for FL ANG F-15		+19,500		+13,000
	F-15E ALQ-135 Band 1.5		+10,000	+10,000	+10,000
	Air to Air Interrogator/IFF			+11,500	+8,100
29	**F-16**	**300,596**	**280,896**	**324,596**	**314,596**
	JHMCS		-25,500		0
	OBOGS Retrofit		+5,800	+4,000	+4,000
	F-16 Block 42 Engine Upgrades			+20,000	+10,000
34	**C-17A**	**42,801**	**49,101**	**42,801**	**49,101**
	Air Force Requested Transfer From MYP		+6,300		+6,300
49	**C-130**	**195,737**	**192,537**	**218,637**	**216,837**
	Realign PLAID funding to RDTE line 71 to offset core development program shortfall		-9,700		-9,700
	Terrain Awareness System		+2,500		+1,800
	CA ANG Advanced Tactical Airborne C4ISR		+4,000		+2,000
	Ku-Band SATCOM Upgrade			+6,800	+5,100
	APN-241 Radar Upgrade for the NV Air National Guard			+3,100	+2,400

P-1		Budget Request	House	Senate	Conference
	TN ANG - APN-241 Radar Upgrade Program [Note: Transferred from RDTE, AF line 204]			+6,125	+5,000
	176th HC-130 LAIRCM			+13,000	+12,500
	SENIOR SCOUT Intelligent Communications Exploitation Program [Note: Transferred from line 53.]		+1,500	+3,000	+2,000
	AFFS Integration of C-130Js				2,000
51	**C-135**	**176,382**	**106,382**	**121,382**	**115,882**
	Re-Engining		-70,000	-70,000	-70,000
	Boom Operator Weapon System Trainer			5,000	+2,500
	GATM			+10,000	+7,000
53	**DARP**	**90,133**	**98,133**	**99,133**	**96,883**
	Cobra Ball Multi Channel Tracker		+2,500		+1,750
	SENIOR SCOUT Intelligent Communications Exploitation Program [Note: Transferred to line 49.]		+1,500	+3,000	0
	Collaborative Information Operations		+4,000		+2,000
	SENIOR SCOUT Directional Finding and Location Upgrade			+3,000	+1,500
	Cobra Ball Dual Sided Collection Modification			+3,000	+1,500
56	**E-8**	**36,017**	**41,017**	**36,017**	**39,517**
	Joint STARS Engines		+5,000		+3,500
58	**H-60**	**44,723**	**48,723**	**44,723**	**47,523**
	Personnel Locator System/Lightweight Airborne Recovery System		+4,000		+2,800
64	**SPECIAL OPERATIONS FORCES**	**11,381**	**11,381**	**16,381**	**16,381**
	Magnetic Bearing Cooling Turbine			+5,000	+5,000
65	**COMMON SUPPORT EQUIPMENT**	**216,219**	**199,219**	**216,219**	**206,219**
	Items Less Than $5 Million		-17,000		-10,000
71	**F-16 POST PRODUCTION SUPPORT**	**13,871**	**18,871**	**13,871**	**17,471**
	Stores Management and Release Systems Test Sets		+5,000		+3,600
72	**REPLEN SPARES/REPAIR PARTS**	**21,728**	**25,728**	**21,728**	**24,128**
	AT/FP Requirements - AF Plant 4		+4,000		+2,400

TRANSPORT AIRCRAFT REQUIREMENTS

The conferees direct that not later than 180 days after enactment of this legislation, the Secretary of the Air Force shall provide a report to the congressional defense committees detailing a proposed approach for addressing official air travel requirements and prioritization of aircraft use associated with Special Air Missions. The report shall include the current retirement schedule of existing aircraft, preferred replacement aircraft types, quantities, acquisition alternatives for both new and used aircraft, corresponding total cost of operation, and base(s) of assignment.

U–2 ADVANCED SYNTHETIC APERTURE RADAR (ASARS)

The conferees agree with the concerns expressed by the House with respect to the ASARS program, amending to January 15, 2004, the date for which the requested report is due.

PREDATOR B UNMANNED AERIAL VEHICLE (UAV)

The conferees agree that the Air Force shall submit no later than December 1, 2003, a report that addresses the operational requirement for the Predator B UAV and a development and acquisition plan for achieving that operational requirement with a steady production rate by 2006.

MISSILE PROCUREMENT, AIR FORCE

The conference agreement on items addressed by either the House or Senate is as follows:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
MISSILE PROCUREMENT, AIR FORCE				
BALLISTIC MISSILES				
MISSILE REPLACEMENT EQUIPMENT - BALLISTIC				
MISSILE REPLACEMENT EQ-BALLIS	50,713	50,713	50,713	50,713
OTHER MISSILES				
TACTICAL				
JASSM	102,534	56,000	38,500	85,000
JOINT STANDOFF WEAPON	79,981	79,981	79,981	79,981
SIDEWINDER (AIM-9X)	69,072	56,072	53,572	53,572
AMRAAM	105,246	105,246	105,246	105,246
PREDATOR HELLFIRE MISSILE	23,117	23,117	10,000	10,000
INDUSTRIAL FACILITIES				
REPLEN SPARES/REPAIR PARTS	1,948	1,948	1,948	1,948
TOTAL, OTHER MISSILES	381,898	322,364	289,247	335,747
MODIFICATION OF INSERVICE MISSILES				
CLASS IV				
ADVANCED CRUISE MISSILE	3,498	3,498	3,498	3,498
MM III MODIFICATIONS	606,964	592,964	610,964	599,764
AGM-65D MAVERICK	318	318	318	318
AIR LAUNCH CRUISE MISSILE	11,478	11,478	2,000	2,000
TOTAL, MODIFICATION OF INSERVICE MISSILES	622,258	608,258	616,780	605,580
REPLEN SPARES/REPAIR PARTS	78,449	78,449	78,449	78,449

	Budget	House	Senate	Conference
	(In thousands of dollars)			
OTHER SUPPORT				
SPACE PROGRAMS				
WIDEBAND GAPFILLER SATELLITES	34,588	34,588	7,011	22,011
SPACEBORNE EQUIP (COMSEC)	9,145	9,145	9,145	9,145
GLOBAL POSITIONING (SPACE)	226,622	226,622	226,622	226,622
GLOBAL POSITIONING (SPACE) (AP-CY)	32,230	32,230	32,230	32,230
DEF METEOROLOGICAL SAT PROG(S	68,026	68,026	68,026	68,026
DEFENSE SUPPORT PROGRAM(SPACE	113,067	113,067	113,067	113,067
DEFENSE SATELLITE COMM SYSTEM	12,479	12,479	12,479	12,479
TITAN SPACE BOOSTERS(SPACE)	91,499	73,499	46,499	46,499
EVOLVED EXPENDABLE LAUNCH VEH	609,310	609,310	609,310	609,310
MEDIUM LAUNCH VEHICLE(SPACE)	91,128	91,128	91,128	91,128
SPECIAL PROGRAMS				
DEFENSE SPACE RECONN PROGRAM	292,000	217,000	292,000	217,000
SPECIAL PROGRAMS	1,552,081	1,481,081	1,545,081	1,520,081
SPECIAL UPDATE PROGRAMS	127,546	127,546	127,546	127,546
ADVANCED EHF AP	---	45,000	---	---
WIDEBAND GAPFILLER AP	---	35,000	---	---
TOTAL, OTHER SUPPORT	3,259,721	3,175,721	3,180,144	3,095,144
TOTAL, MISSILE PROCUREMENT, AIR FORCE	4,393,039	4,235,505	4,215,333	4,165,633

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		Budget Request	House	Senate	Conference
2	**JASSM**	**102,534**	**56,000**	**38,500**	**85,000**
	Maintain LRIP		-46,534	-64,034	-17,534
4	**SIDEWINDER (AIM-9X)**	**69,072**	**56,072**	**53,572**	**53,572**
	Maintain LRIP		-13,000	-15,500	-15,500
6	**PREDATOR HELLFIRE MISSILE**	**23,117**	**23,117**	**10,000**	**10,000**
	Quantity Reduction			-13,117	-13,117
10	**MM III MODIFICATIONS**	**606,964**	**592,964**	**610,964**	**599,764**
	SERV		-11,000		0
	Execution		-3,000		-10,000
	Shipping Containers			+4,000	+2,800
12	**AIR LAUNCH CRUISE MISSILE**	**11,478**	**11,478**	**2,000**	**2,000**
	Premature Procurement			-9,478	-9,478
16	**WIDEBAND GAPFILLER SATELLITES**	**34,588**	**34,588**	**7,011**	**22,011**
	WGS Launch Delays			-27,577	-12,577
25	**TITAN SPACE BOOSTERS(SPACE)**	**91,499**	**73,499**	**46,499**	**46,499**
	Excess Prior Year Funds		-18,000		0
	Launch Delays			-45,000	-45,000
29	**DEFENSE SPACE RECONN PROGRAM**	**292,000**	**217,000**	**292,000**	**217,000**
	Classified Adjustment		-75,000		-75,000
30	**SPECIAL PROGRAMS**	**1,552,081**	**1,481,081**	**1,545,081**	**1,520,081**
	Classified Adjustment		-71,000	-7,000	-32,000
NEW Advanced EHF AP		**0**	**45,000**		**0**
NEW Wideband Gapfiller AP		**0**	**35,000**		**0**

PROCUREMENT OF AMMUNITION, AIR FORCE

The conference agreement on items addressed by either the House or Senate is as follows:

	Budget	House	Senate	Conference
	(In thousands of dollars)			
PROCUREMENT OF AMMUNITION, AIR FORCE				
PROCUREMENT OF AMMO, AIR FORCE				
ROCKETS	64,494	64,494	64,494	64,494
CARTRIDGES	159,746	154,746	159,746	151,746
BOMBS				
PRACTICE BOMBS	45,909	45,909	45,909	45,909
GENERAL PURPOSE BOMBS	167,834	167,834	167,834	167,834
SENSOR FUZED WEAPON	117,841	117,841	117,841	117,841
JOINT DIRECT ATTACK MUNITION	427,709	427,709	427,709	427,709
WIND CORRECTED MUNITIONS DISP	72,411	72,411	72,411	72,411
FLARE, IR MJU-7B CAD/PAD	20,030	20,030	20,030	20,030
EXPLOSIVE ORDINANCE DISPOSAL	3,175	3,175	3,175	3,175
SPARES AND REPAIR PARTS	164	164	164	164
REPLENISHMENT SPARES	3,167	3,167	3,167	3,167
MODIFICATIONS <5M	189	189	189	189
ITEMS LESS THAN $5,000,000	336	336	336	336
FUZES				
FLARES	146,221	146,221	143,221	143,221
FUZES	36,466	36,466	20,323	25,466
TOTAL, PROCUREMENT OF AMMO, AIR FORCE	1,265,692	1,260,692	1,246,549	1,243,692
WEAPONS				
SMALL ARMS	19,033	19,033	19,033	19,033
TOTAL, PROCUREMENT OF AMMUNITION, AIR FORCE	1,284,725	1,279,725	1,265,582	1,262,725

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		Budget Request	House	Senate	Conference
2	**CARTRIDGES**	**159,746**	**154,746**	**159,746**	**151,746**
	Execution		-20,000		-20,000
	30mm Practice Ammunition		+15,000		+12,000
15	**FLARES**	**146,221**	**146,221**	**143,221**	**143,221**
	MJU-39/40 ACFT Flare-buying ahead of need			-3,000	-3,000
16	**FUZES**	**36,466**	**36,466**	**20,323**	**25,466**
	Joint Programmable Fuze Delay			-16,143	-11,000

OTHER PROCUREMENT, AIR FORCE

The conference agreement on items addressed by either the House or Senate is as follows:

	Budget	House	Senate	Conference
	(In thousands of dollars)			
OTHER PROCUREMENT, AIR FORCE				
VEHICULAR EQUIPMENT				
PASSENGER CARRYING VEHICLES				
ARMORED VEHICLE	243	243	243	243
PASSENGER CARRYING VEHICLE	12,031	12,031	12,031	12,031
CARGO + UTILITY VEHICLES				
TRUCK, CARGO-UTILITY, 3/4T, 4X4	15,515	15,515	15,515	15,515
TRUCK, CARGO-UTILITY, 3/4T, 4X2	5,374	5,374	5,374	5,374
TRUCK MAINT/UTILITY/DELIVERY	10,244	10,244	10,244	10,244
TRUCK CARRYALL	9,552	9,552	9,552	9,552
FAMILY MEDIUM TACTICAL VEHICLE	5,687	5,687	5,687	5,687
HIGH MOBILITY VEHICLE (MYP)	3,714	3,714	3,714	3,714
CAP VEHICLES	786	786	786	786
ITEMS LESS THAN $5M	38,283	38,283	38,283	38,283
SPECIAL PURPOSE VEHICLES				
TRUCK TANK FUEL R-11	14,115	14,115	14,115	14,115
HMMWV, ARMORED	2,968	2,968	2,968	2,968
HMWWV, UP-ARMORED	5,809	5,809	5,809	5,809
TRACTOR, A/C TOW, MB-4	3,768	3,768	3,768	3,768
TRACTOR, TOW, FLIGHTLINE	6,052	6,052	6,052	6,052
TRUCK HYDRANT FUEL	1,397	1,397	1,397	1,397
ITEMS LESS THAN $5M	24,028	24,028	24,028	24,028
FIRE FIGHTING EQUIPMENT				
TRUCK CRASH P-19	4,836	4,836	4,836	4,836
ITEMS LESS THAN $5M	5,564	3,764	5,564	3,764
MATERIALS HANDLING EQUIPMENT				
TRUCK, F/L 10,000 LB	8,510	11,510	8,510	11,510
HALVERSEN LOADER	19,339	40,339	19,339	37,139
ITEMS LESS THAN $5M	9,423	9,423	9,423	9,423

	Budget	House	Senate	Conference
	(In thousands of dollars)			
BASE MAINTENANCE SUPPORT				
LOADER, SCOOP	5,656	5,656	5,656	5,656
TRUCK, DUMP	4,990	4,990	4,990	4,990
RUNWAY SNOW REMOVAL & CLEANING	16,298	16,298	16,298	16,298
MODIFICATIONS	564	564	564	564
ITEMS LESS THAN $5M	12,260	12,260	12,260	12,260
TOTAL, VEHICULAR EQUIPMENT	247,006	269,206	247,006	266,006
ELECTRONICS AND TELECOMMUNICATIONS EQUIP				
COMM SECURITY EQUIPMENT(COMSEC)				
COMSEC EQUIPMENT	30,417	33,417	30,417	30,417
INTELLIGENCE PROGRAMS				
INTELLIGENCE TRAINING EQUIPMENT	2,935	2,935	2,935	2,935
INTELLIGENCE COMM EQUIP	1,683	1,683	19,083	18,683
ELECTRONICS PROGRAMS				
AIR TRAFFIC CTRL/LAND SYS (AT	74,664	74,664	74,664	74,664
NATIONAL AIRSPACE SYSTEM	33,704	17,904	30,204	28,104
THEATER AIR CONTROL SYS IMPRO	29,849	29,849	29,849	29,849
WEATHER OBSERVE/FORECAST	32,839	32,839	32,839	32,839
STRATEGIC COMMAND AND CONTROL	43,094	43,094	43,094	43,094
CHEYENNE MOUNTAIN COMPLEX	20,613	20,613	20,613	20,613
TAC SIGINT SUPPORT	389	389	389	389
DRUG INTERDICTION PROGRAM	403	403	403	403
HIGH PERFORMANCE COMPUTING MO	48,927	48,927	---	---
SPECIAL COMM-ELECTRONICS PROJECTS				
GENERAL INFORMATION TECHNOLOGY	119,534	114,034	85,234	87,534
AF GLOBAL COMMAND & CONTROL S	23,457	23,457	23,457	23,457
MOBILITY COMMAND AND CONTROL	9,247	9,247	9,247	9,247
AIR FORCE PHYSICAL SECURITY S	34,877	26,677	34,877	26,677
COMBAT TRAINING RANGES	23,442	36,242	82,942	83,742
C3 COUNTERMEASURES	11,634	11,634	11,634	11,634
GCSS-AF FOS	17,147	17,147	17,147	17,147
THEATER BATTLE MGT C2 SYS	50,803	50,803	50,803	50,803
AIR OPERATIONS CENTER (AOC)	45,954	45,954	34,369	45,954
AIR FORCE COMMUNICATIONS				
BASE INFORMATION INFRASTRUCTURE	268,408	268,408	294,008	289,608
USCENTCOM	30,335	30,335	30,335	30,335

	Budget	House	Senate	Conference
	(In thousands of dollars)			
DEFENSE MESSAGE SYSTEM (DMS)	10,555	10,555	10,555	10,555
DISA PROGRAMS				
SPACE BASED IR SENSOR PROG SP	95,421	95,421	95,421	95,421
NAVSTAR GPS SPACE	10,332	10,332	10,332	10,332
NUDET DETECTION SYS (NDS) SPA	10,786	10,786	10,786	10,786
AF SATELLITE CONTROL NETWORK	48,229	48,229	48,229	48,229
SPACELIFT RANGE SYSTEM SPACE	80,635	80,635	80,635	80,635
MILSATCOM SPACE	42,329	42,329	42,329	42,329
SPACE MODS SPACE	30,747	30,747	30,747	30,747
ORGANIZATION AND BASE				
TACTICAL C-E EQUIPMENT	158,322	158,322	158,322	158,322
COMBAT SURVIVOR EVADER LOCATE	8,839	8,839	7,439	7,439
RADIO EQUIPMENT	8,750	8,750	8,750	8,750
TV EQUIPMENT (AFRTV)	2,590	2,590	2,590	2,590
CCTV/AUDIOVISUAL EQUIPMENT	3,238	3,238	3,238	3,238
BASE COMM INFRASTRUCTURE	160,558	170,058	160,558	167,758
ITEMS LESS THAN $5M	5,960	5,960	5,960	5,960
MODIFICATIONS				
COMM ELECT MODS	38,732	38,732	38,732	38,732
TOTAL, ELECTRONICS AND TELECOMMUNICATIONS EQUIP	1,670,378	1,666,178	1,673,166	1,679,951
OTHER BASE MAINTENANCE AND SUPPORT EQUIP				
TEST EQUIPMENT				
BASE/ALC CALIBRATION PACKAGE	13,528	13,528	13,528	13,528
PRIMARY STANDARDS LABORATORY	1,074	1,074	1,074	1,074
ITEMS LESS THAN $5M	9,382	9,382	9,382	9,382
PERSONAL SAFETY AND RESCUE EQUIP				
NIGHT VISION GOGGLES	5,340	5,340	10,340	8,840
ITEMS LESS THAN $5M	7,435	21,435	22,235	20,335
DEPOT PLANT + MATERIALS HANDLING EQ				
MECHANIZED MATERIAL HANDLING	13,919	16,919	21,919	19,919
ITEMS LESS THAN $5M	11,702	11,702	11,702	11,702
ELECTRICAL EQUIPMENT				
FLOODLIGHTS	5,616	5,616	5,616	5,616
ITEMS LESS THAN $5M	9,570	9,570	9,570	9,570
BASE SUPPORT EQUIPMENT				
BASE PROCURED EQUIPMENT	9,617	9,617	15,617	12,617
MEDICAL/DENTAL EQUIPMENT	13,889	13,889	16,889	15,989

	Budget	House	Senate	Conference
	(In thousands of dollars)			
ENVIRONMENTAL PROJECTS	664	664	664	664
AIR BASE OPERABILITY	5,502	5,502	5,502	5,502
PHOTOGRAPHIC EQUIPMENT	5,708	5,708	5,708	5,708
PRODUCTIVITY ENHANCING CAPITA	6,210	3,110	6,210	3,110
MOBILITY EQUIPMENT	92,951	92,951	92,951	92,951
AIR CONDITIONERS	10,238	10,238	10,238	10,238
ITEMS LESS THAN $5M	14,940	14,940	14,940	15,552
SPECIAL SUPPORT PROJECTS PRODUCTION ACTIVITIES	50,442	50,442	50,442	53,692
TECH SURV COUNTERMEASURES EQ	3,998	3,998	3,998	3,998
DARP RC135	16,775	16,775	16,775	16,775
DARP, MRIGS	99,915	99,915	99,915	99,915
SELECTED ACTIVITIES	8,981,728	8,561,328	8,894,578	8,900,033
SPECIAL UPDATE PROGRAM	220,228	220,228	220,228	220,228
DEFENSE SPACE RECONNAISSANCE	14,141	14,141	14,141	14,141
MODIFICATIONS	201	201	201	201
FIRST DESTINATION TRANSPORTATION	4,980	4,980	4,980	4,980
TOTAL, OTHER BASE MAINTENANCE AND SUPPORT EQUIP	9,629,693	9,223,193	9,579,343	9,576,260
SPARE AND REPAIR PARTS SPARES AND REPAIR PARTS	36,582	36,582	36,582	36,582
TOTAL, OTHER PROCUREMENT, AIR FORCE	11,583,659	11,195,159	11,536,097	11,558,799

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		Budget Request	House	Senate	Conference
25	**ITEMS LESS THAN $5 MILLION**	**5,564**	**3,764**	**5,564**	**3,764**
	Unrequired P-19 Crash Trucks		-1,800		-1,800
26	**TRUCK, F/L 10,000 LB**	**8,510**	**11,510**	**8,510**	**11,510**
	Material Handling Equipment		+3,000		+3,000
28	**HALVERSEN LOADER**	**19,339**	**40,339**	**19,339**	**37,139**
	Halversen Loader		+21,000		+17,800
35	**COMSEC EQUIPMENT**	**30,417**	**33,417**	**30,417**	**30,417**
	DCGS Jumbo Deployable - Moved to line 38		+3,000		0
38	**INTELLIGENCE COMM EQUIP**	**1,683**	**1,683**	**19,083**	**18,683**
	Eagle Vision [Note: Only for modernization of the existing system and for sustainment of the South Carolina Eagle Vision system] - Moved from line 48			+5,000	+5,000
	DCGS Jumbo Deployable Transit-Cased System - Moved from line 35			+12,400	+12,000
40	**NATIONAL AIRSPACE SYSTEM**	**33,704**	**17,904**	**30,204**	**28,104**
	DASR		-15,800	-3,500	-8,000
	Advanced Automation Systems [Note: for the Air National Guard for completion of Radar Approach Control Facility]				+2,400
47	**HIGH PERFORMANCE COMPUTING MODERNIZATION**	**48,927**	**48,927**	**0**	**0**
	Transfer to PDW			-48,927	-48,927
48	**GENERAL INFORMATION TECHNOLOGY**	**119,534**	**114,034**	**85,234**	**87,534**
	Eagle Vision - Moved to line 38		+5,000		0
	JPAS		-15,000		0
	SELDI		+4,500		+2,300
	Air Force Personnel Security Investment Program (Transfer to RDAF)			-34,300	-34,300
51	**AIR FORCE PHYSICAL SECURITY SYSTEMS**	**34,877**	**26,677**	**34,877**	**26,677**
	Defending the Enclave		-1,000		-1,000
	Strategic Security Systems		-7,200		-7,200
52	**COMBAT TRAINING RANGES**	**23,442**	**36,242**	**82,942**	**83,742**
	Schedule Slip/Execution		-4,200		-4,200
	MI ANG Threat Emitter		+5,000		+5,000
	Miniature-Multiple Un-Manned Threat Emitter System Modernization Program		+5,000		+2,500
	Joint Threat Emitter		+7,000	+10,000	+7,500
	11th AF G-band Pedestals Upgrades			+9,000	+9,000
	11th AF JAWSS Scoring System Processor			+7,500	+7,500
	11th AF UMTE Program Communications Reliability Upgrade			+7,000	+7,000
	611th Gakona Radar			+20,000	+20,000
	611th Red Air Defense Command and Control			+4,000	+4,000
	Mt. Fairplay Radios			+2,000	+2,000
57	**AIR OPERATIONS CENTER (AOC)**	**45,954**	**45,954**	**34,369**	**45,954**
	AOC Adjustment			-11,585	0
58	**BASE INFORMATION INFRASTRUCTURE**	**268,408**	**268,408**	**294,008**	**289,608**
	Alaska-Wide Mobile Radio (LMR) Program			+10,400	+10,400
	Information Transportation System for the C4ISR Acquisition Center of Excellence			+6,000	+3,000
	PACAF C2 Network Modernization and Revitalization			+9,200	+7,800
70	**COMBAT SURVIVOR EVADER LOCATE**	**8,839**	**8,839**	**7,439**	**7,439**
	CSEL Requirements Change			-1,400	-1,400

P-1		Budget Request	House	Senate	Conference
74	**BASE COMM INFRASTRUCTURE**	**160,558**	**170,058**	**160,558**	**167,758**
	GeoBase		+6,000		+5,100
	Digital Deployed Training Campus Fielding Program for ANG [Note: Only for DDTC with Integral VTBTS/CPOF digital and command training.]		+3,500		+2,100
81	**NIGHT VISION GOGGLES**	**5,340**	**5,340**	**10,340**	**8,840**
	Panoramic Night Vision Goggles			+5,000	+3,500
82	**ITEMS LESS THAN $5 MILLION**	**7,435**	**21,435**	**22,235**	**20,335**
	Fixed Aircrew Standardized Seats		+4,000	+4,800	+4,000
	Life Support Equipment - Active Noise Reduction (ANR) for crew headsets/helmets		+3,000	+3,000	+3,000
	Quick Don Anti Exposure Suits		+1,000		+1,000
	LESPA Replacement of Emergency Bailout Parachutes		+4,000		0
	Aircrew Survival Radio Test Sets		+2,000	+7,000	+4,900
83	**MECHANIZED MATERIAL HANDLING**	**13,919**	**16,919**	**21,919**	**19,919**
	Point of Maintenance Initiative [Note: To include rugged client devices with full screen displays]		+3,000	+8,000	+6,000
87	**BASE PROCURED EQUIPMENT**	**9,617**	**9,617**	**15,617**	**12,617**
	Combat Arms Training System			+6,000	+3,000
88	**MEDICAL/DENTAL EQUIPMENT**	**13,889**	**13,889**	**16,889**	**15,989**
	Expeditionary Medical Support (EMEDS)			+3,000	+2,100
92	**PRODUCTIVITY ENHANCING CAPITAL INVESTMENT**	**6,210**	**3,110**	**6,210**	**3,110**
	FASCAP		-3,100		-3,100
95	**ITEMS LESS THAN $5 MILLION**	**14,940**	**14,940**	**14,940**	**15,552**
	Columbus AFB Fire Alarm System Replacement [Note: transferred from Operation and Maintenance, AF]				+612

COMBAT TRAINING RANGES

The conferees have reduced the requests for Combat Training Ranges by $4,200,000. Funding for this program has been reduced due to historically slow execution of program funds included in the request. The conferees expect that this reduction will be applied proportionately among the various non-Congressional interest items and activities within this program element.

PROCUREMENT, DEFENSE-WIDE

The conference agreement on the items addressed by either the House or the Senate is as follows:

	Budget	House	Senate	Conference
	(In thousands of dollars)			
PROCUREMENT, DEFENSE-WIDE				
MAJOR EQUIPMENT				
MAJOR EQUIPMENT, OSD/WHS				
WHS MOTOR VEHICLES	70	70	70	70
MAJOR EQUIPMENT, OSD	37,291	37,291	86,191	86,191
MAJOR EQUIPMENT, WHS	21,622	16,622	21,622	16,622
INFORMATION SYSTEM SECURITY PROGRAM	---	---	5,000	---
MAJOR EQUIPMENT, DISA				
INFORMATION SYSTEMS SECURITY	32,860	32,860	22,960	22,960
DEFENSE MESSAGE SYSTEM	5,277	5,277	5,277	5,277
GLOBAL COMMAND AND CONTROL SYS	4,743	4,743	4,743	4,743
GLOBAL COMBAT SUPPORT SYSTEM	2,507	2,507	2,507	2,507
TELEPORTS	58,160	58,160	53,160	53,160
GLOBAL INFORMATION GRID	380,135	380,135	380,135	380,135
ITEMS LESS THAN $5M	70,025	70,025	61,525	61,525
MAJOR EQUIPMENT, DIA				
INTELLIGENCE COMMUNICATIONS	---	---	22,000	---
MAJOR EQUIPMENT, DLA				
MAJOR EQUIPMENT	8,545	8,545	8,545	8,545
MAJOR EQUIPMENT, DCAA				
MAJOR EQUIPMENT ITEMS LESS THAN $5M	1,500	1,500	1,500	1,500
MAJOR EQUIPMENT, TJS				
MAJOR EQUIPMENT, TJS	46,114	46,114	46,114	46,114
MAJOR EQUIPMENT, DHRA				
PERSONNEL ADMINISTRATION	7,312	7,312	7,312	7,312
NATIONAL IMAGERY AND MAPPING AGENCY				
MAJOR EQUIPMENT, NIMA	---	---	29,000	---
DEFENSE THREAT REDUCTION AGENCY				
VEHICLES	200	200	200	200

	Budget	House	Senate	Conference
	(In thousands of dollars)			
OTHER MAJOR EQUIPMENT	37,350	37,350	37,350	37,350
DEFENSE SECURITY COOPERATION AGENCY OTHER MAJOR EQUIPMENT	209	209	209	209
MAJOR EQUIPMENT, AFIS MAJOR EQUIPMENT, AFIS	6,824	6,824	6,824	6,824
MAJOR EQUIPMENT, DODDE AUTOMATION/EDUCATIONAL SUPPORT & LOGISTICS	2,337	2,337	2,337	2,337
MAJOR EQUIPMENT, DCMA MAJOR EQUIPMENT	9,908	9,908	9,908	9,908
MAJOR EQUIPMENT, DTSA MAJOR EQUIPMENT	590	590	590	590
TOTAL, MAJOR EQUIPMENT	733,579	728,579	815,079	754,079
SPECIAL OPERATIONS COMMAND AVIATION PROGRAMS SOF ROTARY WING UPGRADES	675,063	680,063	483,963	588,313
SOF TRAINING SYSTEMS	56,133	56,133	56,133	56,133
MC-130H COMBAT TALON II	8,838	8,838	8,838	8,838
CV-22 SOF MODIFICATION	108,790	108,790	108,790	108,790
AC-130U GUNSHIP ACQUISITION	390,054	362,324	390,054	362,324
C-130 MODIFICATIONS	214,798	224,298	162,398	191,648
AIRCRAFT SUPPORT	295	295	295	295
SHIPBUILDING ADVANCED SEAL DELIVERY SYS	8,351	8,351	8,351	8,351
ADVANCED SEAL DELIVERY SYS (AP-CY)	23,573	23,573	---	23,573
MK VIII MOD 1 - SEAL DELIVERY VEH	10,100	10,100	10,100	10,100
AMMUNITION PROGRAMS SOF ORDNANCE REPLENISHMENT	35,746	35,746	35,746	35,746
SOF ORDNANCE ACQUISITION	22,506	24,006	22,506	23,156

	Budget	House	Senate	Conference
	(In thousands of dollars)			
OTHER PROCUREMENT PROGRAMS				
COMM EQUIPMENT & ELECTRONICS	56,225	62,225	31,725	39,975
SOF INTELLIGENCE SYSTEMS	16,522	20,522	16,522	19,322
SOF SMALL ARMS & WEAPONS	16,003	45,503	50,003	50,103
JOINT MILITARY INTELLIGENCE PROGRAM	18,269	18,269	18,269	18,269
ITV	5,206	5,206	5,206	11,206
MARITIME EQUIPMENT MODS	1,316	4,316	4,316	3,616
SOF COMBATANT CRAFT SYSTEMS	9,981	13,481	9,981	23,481
SPARES AND REPAIR PARTS	7,995	7,995	7,995	7,995
SOF MARITIME EQUIPMENT	1,990	1,990	18,490	1,990
MISCELLANEOUS EQUIPMENT	11,207	11,207	11,207	11,207
SOF PLANNING AND REHEARSAL SYSTEM	292	292	292	292
SOF OPERATIONAL ENHANCEMENTS	235,269	261,269	241,187	249,469
PSYOP EQUIPMENT	18,264	18,264	18,264	18,264
TOTAL, SPECIAL OPERATIONS COMMAND	1,952,786	2,013,056	1,720,631	1,872,456
CHEMICAL/BIOLOGICAL DEFENSE				
CBDP				
INDIVIDUAL PROTECTION	85,018	85,018	90,018	87,518
DECONTAMINATION	12,643	14,643	12,643	14,643
JOINT BIOLOGICAL DEFENSE PROGRAM	71,952	71,952	71,952	71,952
COLLECTIVE PROTECTION	17,608	38,608	42,608	43,858
CONTAMINATION AVOIDANCE	318,516	318,516	342,516	337,616
TOTAL, CHEMICAL/BIOLOGICAL DEFENSE	505,737	528,737	559,737	555,587
CLASSIFIED PROGRAMS	473,404	533,404	473,404	527,804
TOTAL, PROCUREMENT, DEFENSE-WIDE	3,665,506	3,803,776	3,568,851	3,709,926

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		Budget Request	House	Senate	Conference
2	**MAJOR EQUIPMENT, OSD.**	**37,291**	**37,291**	**86,191**	**86,191**
	High Performance Computing Modernization (Transfer from OP,AF)			+48,900	+48,900
3	**MAJOR EQUIPMENT, WHS**	**21,622**	**16,622**	**21,622**	**16,622**
	Case Control Management System (DSS)		-5,000		-5,000
5	**INFORMATION SYSTEMS SECURITY PROGRAM**			**5,000**	**0**
	Secure Wireless Technology Capability			+5,000	0
8	**INFORMATION SYSTEMS SECURITY**	**32,860**	**32,860**	**22,960**	**22,960**
	Premature Request			-9,900	-9,900
13	**TELEPORTS**	**58,160**	**58,160**	**53,160**	**53,160**
	Installation Cost Growth			-5,000	-5,000
15	**ITEMS LESS THAN $5 MILLION.**	**70,025**	**70,025**	**61,525**	**61,525**
	Unjustified Request			-8,500	-8,500
16	**INTELLIGENCE AND COMMUNICATION**		**0**	**22,000**	**0**
	Classified Adjustment			+22,000	0
25	**MAJOR EQUIPMENT, NIMA**	**0**	**0**	**29,000**	**0**
	Classified Adjustment			+29,000	0
33	**SOF ROTARY WING UPGRADES**	**675,063**	**680,063**	**483,963**	**588,313**
	Advanced Threat IR Countermeasure/Common Missile Warning System (ATIRCM/CMWS)		+5,000		+4,250
	Army Delay-MH-60 SLEP and Associated Equipment			-153,000	-80,000
	MH-47 Spares Unjustified Growth			-38,100	-11,000
37	**AC-130U GUNSHIP ACQUISITION**	**390,054**	**362,324**	**390,054**	**362,324**
	Contract Savings		-27,730		-27,730
38	**C-130 MODIFICATIONS**	**214,798**	**224,298**	**162,398**	**191,648**
	AN/AAQ-24(V) NEMESIS for ANG EC-130J		+9,500		+6,450
	MC-130H Aerial Refueling System Acquisistion Phasing			-53,800	-26,000
	HPFOTD-Premature Procurement			-8,600	-8,600
	EC-130J Modification			+10,000	+5,000
41	**ADVANCED SEAL DELIVERY SYS (AP-CY)**	**23,573**	**23,573**	**0**	**23,573**
	Transfer to RDTE,DW			-23,573	0
45	**SOF ORDNANCE ACQUISITION**	**22,506**	**24,006**	**22,506**	**23,156**
	AT4 Confined Space Weapon		+2,500		+2,250
	M72 Lightweight Anti-Armor Weapon System		+4,000		+3,400
	Requirements for MAWS Satisfied With Prior Year Supplemental Funds		-5,000		-5,000
46	**COMM EQUIPMENT & ELECTRONICS**	**56,225**	**62,225**	**31,725**	**39,975**
	Special Reconnaissance Capability		+6,000		+3,000
	Multi-Band Multi-Mission Radio		+5,000		+4,250
	Requirements for TACLAN Satisfied With Prior Year Supplemental Funds/Cost Growth		-5,000	-9,500	-8,500
	SOFTACS Cost Growth			-10,000	-10,000
	C4IAS Underexecution			-5,000	-5,000
47	**SOF INTELLIGENCE SYSTEMS**	**16,522**	**20,522**	**16,522**	**19,322**
	Buster Backpak UAV		+4,000		+2,800

P-1		Budget Request	House	Senate	Conference
48	**SOF SMALL ARMS & WEAPONS**	**16,003**	**45,503**	**50,003**	**50,103**
	Infrared Zoom Laser Illumination/Rangefinder Designator		+3,000	+3,000	+3,000
	AN/PVS-21 Low Profile Night Vision Goggles		+1,500		+1,100
	Enhanced Close Combat Optic		+5,000		+2,500
	Lightweight Counter Mortar Radar		+4,000		+1,400
	Magnum Universal Night Sight		+2,000		+1,700
	ALGL Systems/MK47 Mod Striker		+14,000	+22,000	+18,000
	AN/PVS-17 Mini Night Sight			+4,000	+2,800
	SOPMOD Block I Objective			+3,000	+2,100
	Weapons Shot Counter			+2,000	+1,500
50	**ITV**	**5,206**	**5,206**	**5,206**	**11,206**
	SOCOM ATV Project (transferred from RDT&E,DW Line 185)				+6,000
51	**MARITIME EQUIPMENT MODS**	**1,316**	**4,316**	**4,316**	**3,616**
	Surface and Underwater Mobility Enhancements for Maritime SOF		+3,000		+800
	MK-V Advanced Shock Mitigating Seats			+3,000	+1,500
52	**SOF COMBATANT CRAFT SYSTEMS**	**9,981**	**13,481**	**9,981**	**23,481**
	Special Operations Craft Riverine		+3,500		+13,500
54	**SOF MARITIME EQUIPMENT..**	**1,990**	**1,990**	**18,490**	**1,990**
	Additional SOC-R (transferred to line 52)			+16,500	0
58	**SOF OPERATIONAL ENHANCEMENTS**	**235,269**	**261,269**	**241,187**	**249,469**
	SOF Specific DISM Systems		+1,000		+1,000
	Classified		+25,000	+33,000	+26,500
	Classified Reductions			-18,882	-8,800
	Budget Amendment Correction			-8,200	-4,500
60	**INDIVIDUAL PROTECTION**	**85,018**	**85,018**	**90,018**	**87,518**
	Chem/Bio Defense Masks			+5,000	+2,500
61	**DECONTAMINATION**	**12,643**	**14,643**	**12,643**	**14,643**
	M100 Sorgent Decontamination System		+1,000		+1,000
	M291 Decontamination Kit		+1,000		+1,000
63	**COLLECTIVE PROTECTION**	**17,608**	**38,608**	**42,608**	**43,858**
	Chemical Biological Protected Shelters		+6,000	+25,000	+17,500
	Collective Protection Systems		+10,000		+5,000
	M28 Protective Equipment		+5,000		+3,750
64	**CONTAMINATION AVOIDANCE.**	**318,516**	**318,516**	**342,516**	**337,616**
	Contamination Avoidance-Filters			+1,000	+1,000
	ACADA			+20,000	+15,000
	Joint Chemical Agent Detector			+3,000	+2,100
	WMD Civil Support Teams			[1,000]	+1,000
999	**CLASSIFIED PROGRAMS**	**473,404**	**533,404**	**473,404**	**527,804**
	Classified Program Adjustment		+60,000		+54,400

ADVANCED SEAL DELIVERY SYSTEM (ASDS)

The House provided the funds as requested for advance procurement for long lead items associated with the second ASDS, but directed that none of the funds be obligated before the first ASDS satisfactorily passes operational evaluation and before the Milestone C decision assessing affordability and effectiveness is completed. The Senate transferred the funds requested to Research, Development, Test & Evaluation, Defense-Wide. The conferees agree to provide the budget request for advance procurement and concur with the direction of the House. The conferees further direct that none of the funds provided may be obligated or expended until 15 days after the Secretary of the Navy notifies the defense committees in writing of the Milestone C decision and provides a detailed report on the program's revised cost estimate and future budget requirements as validated by the Cost Analysis and Improvement Group.

NATIONAL GUARD AND RESERVE EQUIPMENT

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
NATIONAL GUARD & RESERVE EQUIPMENT				
RESERVE EQUIPMENT				
ARMY RESERVE				
MISCELLANEOUS EQUIPMENT	---	15,000	50,000	45,000
NAVY RESERVE				
MISCELLANEOUS EQUIPMENT	---	15,000	50,000	45,000
MARINE CORPS RESERVE				
MISCELLANEOUS EQUIPMENT	---	15,000	50,000	45,000
AIR FORCE RESERVE				
MISCELLANEOUS EQUIPMENT	---	15,000	50,000	45,000
TOTAL, RESERVE EQUIPMENT	---	60,000	200,000	180,000
NATIONAL GUARD EQUIPMENT				
ARMY NATIONAL GUARD				
MISCELLANEOUS EQUIPMENT	---	20,000	240,000	100,000
AIR NATIONAL GUARD				
MISCELLANEOUS EQUIPMENT	---	20,000	260,000	120,000
TOTAL, NATIONAL GUARD EQUIPMENT	---	40,000	500,000	220,000
TOTAL, NATIONAL GUARD & RESERVE EQUIPMENT	---	100,000	700,000	400,000

AIR NATIONAL GUARD

The Senate recommended a specific increase of $20,000,000 for F–15 Engine Kits within the amounts provided to the Air National Guard. The House concurs and the conferees agree to provide $20,000,000 for F–15 Engine Kits.

ITEMS OF SPECIAL INTEREST

The conferees agree that the National Guard and Reserve equipment program shall be executed by the heads of the Guard and Reserve components with priority consideration for miscellaneous equipment appropriations given to the following items: Air National Guard Threat Emitter, Handheld Standoff Mine Detection System, Lightweight Maintenance Enclosure, Intelligence Infrastructure, Improved Target Acquisition System, F–16 Block 42 Re-engining Program, RAID Helicopter Electro-Optical Sensor Upgrade, Common Bridge Transporter, Extended Cold Weather Clothing System, F–16 and A–10 LITENING AT Targeting Pod, M–COFT XXI, Theater Airborne Reconnaissance System, Expandable Light Air Mobility Shelters, Movement Tracking System, Laser Marksmanship Training System, Bladefold Kits for Apache Helicopters, Engineer Mission Modules for PLS, Tactical Firefighting Equipment, HMMWV, Up-Armored HMMWV, Construction Equipment SLEP, AN/PVS–7, AN/PVS–14, LITENING II, A–FIST XXI Simulation Trainers, A–FIST, AB/FIST Simulation Trainers, F–16 TARS/SAR, DFIRST, Abrams Sidecar, Sidecar Embedded Diagnostic Systems for M1A1 tanks, Combined Support Function Module Replacment Test Equipment for DSESTS (CSFM), Self-Loading Trailer, M–109A6 Paladin Rebuild, EST 2000, AF Reserve Command and Control Communications Systems Upgrade, JSTARs NRE for procurement of Re-engining, and FMTV.

DEFENSE PRODUCTION ACT PURCHASES

The conferees agree to provide $78,016,000 for the Defense Production Act Purchases appropriation, $10,500,000 over the request.

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
{In thousands of dollars}

	Request	House	Senate	Conference
	67,516	**67,516**	**77,516**	**78,016**
Flexible Aerogel Material Supplier Initiative			{3,000}	1,500
Rigid Rod Polymer Materials Technology			10,000	7,000
Missile Defense Agency Battery Initiative				2,000

TITLE IV—RESEARCH, DEVELOPMENT, TEST AND EVALUATION

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
RECAPITULATION				
Research, Development, Test and Evaluation, Army	9,122,825	10,186,272	9,513,048	10,363,941
Research, Development, Test and Evaluation, Navy.....	14,106,653	14,666,239	14,886,381	15,146,383
Research, Development, Test and Evaluation, Air Force.	20,336,258	20,704,267	20,086,290	20,500,984
Research, Development, Test and Evaluation, Defense-Wide.....	17,974,257	18,763,791	18,774,428	18,900,715
Operational Test and Evaluation, Defense.....	286,661	293,661	304,761	305,861
GRAND TOTAL.....	61,826,654	64,614,230	63,564,908	65,217,884

JOINT STRIKE FIGHTER (JSF)

The conferees agree to provide a total of $4,322,623,000 for continued development and testing of the F–35, Joint Strike Fighter (JSF). This recommended level is $43,200,000 below the budget request, $88,800,000 above the level recommended by the House, and $60,000,000 below the level recommended by the Senate.

The conferees agree to a reduction of $54,000,000 for excessive management support, as proposed by the House, a reduction of $56,000,000 and an increase of $52,800,000, as proposed by the Senate, based on the inappropriate application of inflation adjustments, and an increase of $14,000,000 for risk reduction on the F–136 interchangeable engine. The conference agreement to reverse the decision of the JSF program office with respect to the application of inflation adjustments, is based on the understanding that the ''across the board inflationary adjustment'' was applied disproportionately to the F–136 interchangeable engine development, resulting in a $56,000,000 reduction to this development effort. The conference agreement redistributes this inflation adjustment to the entire program and restores $52,800,000 to the engine development program, as proposed by the Senate.

WITHHOLDING OF RESEARCH AND DEVELOPMENT FUNDING

The conferees are concerned with the practice of withholding a percentage of research and development funding from programs, projects and activities. The conferees are also concerned that many Department of Defense organizations are charging ''taxes'' on funds that are appropriated to or pass through the control of the organization, and that the practices of withholding and ''taxing'' appropriated funds appears widespread throughout the research and development community, including headquarters, laboratories, and other research entities.

The conferees believe that the practice of altering the level of appropriated funds via administrative ''withholds'' or the administration of ''taxes'' without specific direction from the Congress, violates the intent of Congress.

The conferees, therefore, direct the Comptroller General to review all of the research and development appropriation accounts, at all levels, and submit a report to the House and Senate Committees on Appropriations, no later than March 1, 2004, that details what fiscal year 2003 and 2004 programs, projects and activities have been subject to administrative withholds and ''taxes'' and the programs, projects and activities to which these amounts were applied.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

	Budget	House	Senate	Conference
	(In thousands of dollars)			
RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY				
BASIC RESEARCH				
IN-HOUSE LABORATORY INDEPENDENT RESEARCH	24,121	27,121	24,121	24,121
DEFENSE RESEARCH SCIENCES	128,798	143,198	157,498	157,498
UNIVERSITY RESEARCH INITIATIVES	71,642	70,142	76,042	85,972
UNIVERSITY AND INDUSTRY RESEARCH CENTERS	84,816	95,916	100,142	100,642
FORCE HEALTH PROTECTION	9,847	15,347	12,847	16,647
DEFENSE EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE	9,730	9,730	---	---
HISTORICALLY BLACK COLLEGES AND UNIVERSITIES/MINORITY	14,083	14,083	---	---
TOTAL, BASIC RESEARCH	343,037	375,537	370,650	384,880
APPLIED RESEARCH				
MATERIALS TECHNOLOGY	15,186	31,186	41,186	41,286
SENSORS AND ELECTRONIC SURVIVABILITY	22,765	25,265	25,765	26,065
TRACTOR HIP	5,835	5,835	1,735	5,835
AVIATION TECHNOLOGY	39,459	40,459	39,459	40,459
EW TECHNOLOGY	17,029	17,029	17,029	17,029
MISSILE TECHNOLOGY	43,269	62,769	100,565	94,569
ADVANCED WEAPONS TECHNOLOGY	14,189	14,189	14,189	15,189
ADVANCED CONCEPTS AND SIMULATION	15,941	21,941	29,941	31,441
COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY	80,910	128,410	107,910	129,260
BALLISTICS TECHNOLOGY	53,478	56,478	55,478	59,078
CHEMICAL, SMOKE AND EQUIPMENT DEFEATING TECHNOLOGY	3,540	15,540	21,540	22,440
JOINT SERVICE SMALL ARMS PROGRAM	5,835	5,835	5,835	5,835
WEAPONS AND MUNITIONS TECHNOLOGY	39,485	95,235	52,985	77,785
ELECTRONICS AND ELECTRONIC DEVICES	33,694	74,094	56,394	79,334

	Budget	House	Senate	Conference
	(In thousands of dollars)			
NIGHT VISION TECHNOLOGY	22,233	22,233	22,233	22,233
COUNTERMINE SYSTEMS	21,291	28,291	25,291	26,891
HUMAN FACTORS ENGINEERING TECHNOLOGY	16,749	26,249	16,749	24,699
ENVIRONMENTAL QUALITY TECHNOLOGY	18,252	24,252	25,852	31,852
COMMAND, CONTROL, COMMUNICATIONS TECHNOLOGY	18,728	18,728	18,728	18,728
COMPUTER AND SOFTWARE TECHNOLOGY	4,142	4,142	4,142	4,142
MILITARY ENGINEERING TECHNOLOGY	45,407	50,907	51,407	53,307
MANPOWER/PERSONNEL/TRAINING TECHNOLOGY	15,548	15,548	15,548	15,548
WARFIGHTER TECHNOLOGY	29,421	44,421	38,421	50,971
MEDICAL TECHNOLOGY	58,877	185,177	101,377	188,727
TOTAL, APPLIED RESEARCH	641,263	1,014,213	889,759	1,082,703
ADVANCED TECHNOLOGY DEVELOPMENT				
WARFIGHTER ADVANCED TECHNOLOGY	63,882	61,382	67,882	67,682
MEDICAL ADVANCED TECHNOLOGY	35,168	233,968	105,668	220,418
AVIATION ADVANCED TECHNOLOGY	72,083	81,468	83,583	86,018
WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY	47,752	55,752	47,752	54,402
COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY	210,856	248,356	262,856	274,006
COMMAND, CONTROL, COMMUNICATIONS ADVANCED TECHNOLOGY	10,379	11,629	10,379	11,479
MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY	4,931	11,431	4,931	9,031
ELECTRONIC WARFARE ADVANCED TECHNOLOGY (H)	40,347	45,347	60,347	59,947
TRACTOR HIKE	8,781	8,781	6,781	7,781
NEXT GENERATION TRAINING & SIMULATION SYSTEMS	18,649	12,649	26,649	15,849
TRACTOR ROSE	2,872	2,872	1,533	4,211
EXPLOSIVES DEMILITARIZATION TECHNOLOGY	9,349	9,349	28,749	25,149
MILITARY HIV RESEARCH	6,733	16,733	6,733	14,233
COMBATING TERRORISM, TECHNOLOGY DEVELOPMENT	4,916	9,916	4,916	8,716
GLOBAL SURVEILLANCE/AIR DEFENSE/PRECISION STRIKE TECHN	12,660	12,660	12,660	12,660

	Budget	House	Senate	Conference
	(In thousands of dollars)			
EW TECHNOLOGY	11,273	22,573	13,273	25,673
MISSILE AND ROCKET ADVANCED TECHNOLOGY	111,321	104,321	136,849	122,621
TRACTOR CAGE	7,592	7,592	7,592	7,592
LANDMINE WARFARE AND BARRIER ADVANCED TECHNOLOGY	24,552	24,552	32,452	30,052
JOINT SERVICE SMALL ARMS PROGRAM	6,193	11,193	6,193	9,693
LINE-OF-SIGHT TECHNOLOGY DEMONSTRATION	8,847	8,847	8,847	8,847
NIGHT VISION ADVANCED TECHNOLOGY	47,088	89,088	60,088	85,138
ENVIRONMENTAL QUALITY TECHNOLOGY DEMONSTRATIONS	15,776	24,276	15,776	20,726
MILITARY ENGINEERING ADVANCED TECHNOLOGY	3,441	5,441	13,521	13,271
ADVANCED TACTICAL COMPUTER SCIENCE & SENSOR TECHNOLOGY	20,255	26,255	24,255	25,055
TOTAL, ADVANCED TECHNOLOGY DEVELOPMENT	805,696	1,146,431	1,050,265	1,220,250
DEMONSTRATION & VALIDATION				
ARMY MISSILE DEFENSE SYSTEMS INTEGRATION(NON SPACE)	51,547	78,547	103,547	109,297
ARMY MISSILE DEFENSE SYSTEMS INTEGRATION (SPACE)	9,632	12,632	40,732	35,932
AIR AND MISSILE DEFENSE SYSTEMS ENGINEERING	79,959	89,959	121,059	122,859
LANDMINE WARFARE AND BARRIER - ADV DEV	36,976	36,976	36,976	36,976
SMOKE, OBSCURANT AND TARGET DEFEATING SYS-ADV DEV	10,262	10,262	10,262	10,262
TANK AND MEDIUM CALIBER AMMUNITION	11,249	24,749	21,249	26,349
ADVANCED TANK ARMAMENT SYSTEM (ATAS)	61,377	61,377	61,377	61,377
SOLDIER SUPPORT AND SURVIVABILITY	13,987	13,987	13,987	13,987
TACTICAL ELECTRONIC SURVEILLANCE SYSTEM - ADV DEV	17,068	17,068	17,068	17,068
NIGHT VISION SYSTEMS ADVANCED DEVELOPMENT	5,283	8,283	5,283	7,083
ENVIRONMENTAL QUALITY TECHNOLOGY	11,514	39,514	22,014	40,964
WARFIGHTER INFORMATION NETWORK-TACTICAL	90,774	82,311	82,311	82,311
NATO RESEARCH AND DEVELOPMENT	4,779	2,779	4,779	2,779
AVIATION - ADV DEV	9,968	13,968	14,968	14,468
WEAPONS AND MUNITIONS - ADV DEV	31,856	31,856	31,856	31,856
LOGISTICS AND ENGINEER EQUIPMENT - ADV DEV	12,008	9,308	19,508	13,008
COMBAT SERVICE SUPPORT CONTROL SYSTEM EVALUATION	8,682	8,682	8,682	8,682
MEDICAL SYSTEMS - ADV DEV	11,042	11,042	16,042	13,542

	Budget	House	Senate	Conference
	(In thousands of dollars)			
INTEGRATED BROADCAST SERVICE (JMIP/DISTP)	2,097	2,097	2,097	2,097
SCAMP BLOCK II	28,028	28,028	28,028	28,028
MEDIUM EXTENDED AIR DEFENSE SYSTEM (MEADS) CONCEPTS	276,259	276,259	---	252,259
TOTAL, DEMONSTRATION & VALIDATION	784,347	859,684	661,825	931,184
ENGINEERING & MANUFACTURING DEVELOPMENT				
AIRCRAFT AVIONICS	64,650	47,650	59,650	47,650
COMANCHE	1,079,257	1,079,257	1,079,257	1,079,257
EW DEVELOPMENT	33,214	33,214	33,214	33,214
JOINT TACTICAL RADIO	134,693	134,693	134,693	134,693
ALL SOURCE ANALYSIS SYSTEM	20,168	20,168	20,168	20,168
TRACTOR CAGE	16,215	16,215	16,215	16,215
COMMON MISSILE	183,790	165,790	107,790	94,690
INFANTRY SUPPORT WEAPONS	21,637	21,637	31,637	28,637
MEDIUM TACTICAL VEHICLES	4,366	4,366	4,366	4,366
SMOKE, OBSCURANT AND TARGET DEFEATING SYS-SDD	12,094	12,094	12,094	12,094
JAVELIN	956	956	956	956
FAMILY OF HEAVY TACTICAL VEHICLES	9,200	17,200	17,500	17,050
AIR TRAFFIC CONTROL	2,514	2,514	2,514	2,514
LIGHT TACTICAL WHEELED VEHICLES	15,700	20,700	15,700	18,200
ARMORED SYSTEMS MODERNIZATION (ASM)-SDD	1,701,331	1,701,331	1,701,331	1,701,331
NIGHT VISION SYSTEMS - SDD	29,022	35,022	30,522	35,222
COMBAT FEEDING, CLOTHING, AND EQUIPMENT	67,283	125,783	100,000	100,000
NON-SYSTEM TRAINING DEVICES - SDD	71,616	71,616	71,616	71,616
TERRAIN INFORMATION - SDD	6,977	6,977	6,977	6,977
INTEGRATED METEOROLOGICAL SUPPORT SYSTEM	3,309	3,309	3,309	3,309
AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE - SDD	29,297	29,297	29,297	29,297
CONSTRUCTIVE SIMULATION SYSTEMS DEVELOPMENT	16,994	16,994	16,994	16,994
AUTOMATIC TEST EQUIPMENT DEVELOPMENT	4,634	7,634	10,634	11,434
DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS) - SDD	26,358	26,358	26,358	26,058

	Budget	House	Senate	Conference
	(In thousands of dollars)			
TACTICAL SURVEILLANCE SYSTEMS - SDD	19,695	26,695	25,695	26,295
ARMY TACTICAL MISSILE SYSTEM (ATACMS)	55,075	2,000	4,000	10,000
JOINT SURVEILLANCE/TARGET ATTACK RADAR SYSTEM	4,705	4,705	4,705	4,705
POSITIONING SYSTEMS DEVELOPMENT (SPACE)	1,574	1,574	1,574	1,574
COMBINED ARMS TACTICAL TRAINER (CATT) CORE	3,998	3,998	3,998	3,998
JOINT NETWORK MANAGEMENT SYSTEM	9,437	9,437	9,437	9,437
AVIATION - SDD	2,379	2,379	3,379	3,379
WEAPONS AND MUNITIONS - SDD	129,409	148,909	153,409	160,859
LOGISTICS AND ENGINEER EQUIPMENT - SDD	86,288	92,288	86,288	88,388
COMMAND, CONTROL, COMMUNICATIONS SYSTEMS - SDD	219,088	229,088	219,088	219,088
MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT	12,202	24,702	16,202	22,852
LANDMINE WARFARE/BARRIER - SDD	90,396	98,396	90,396	97,196
ARTILLERY MUNITIONS	133,994	123,994	133,994	123,994
COMBAT IDENTIFICATION	3,541	11,541	15,541	15,941
ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE	98,129	104,129	98,129	102,229
LOSAT	30,809	30,809	30,809	30,809
FIREFINDER	27,107	27,107	27,107	27,107
ARTILLERY SYSTEMS	32,629	32,629	32,629	32,629
PATRIOT PAC-3 THEATER MISSILE DEFENSE ACQUISITION	174,475	174,475	---	158,475
INFORMATION TECHNOLOGY DEVELOPMENT	47,566	52,566	62,566	63,866
TOTAL, ENGINEERING & MANUFACTURING DEVELOPMENT	4,737,771	4,802,196	4,551,738	4,714,763
RDT&E MANAGEMENT SUPPORT				
THREAT SIMULATOR DEVELOPMENT	17,751	17,751	21,251	20,251
TARGET SYSTEMS DEVELOPMENT	13,890	13,890	13,890	13,890
MAJOR T&E INVESTMENT	62,135	62,135	62,135	62,135
RAND ARROYO CENTER	22,804	22,804	22,804	22,804
ARMY KWAJALEIN ATOLL	137,307	137,307	141,307	140,407
CONCEPTS EXPERIMENTATION PROGRAM	26,473	26,473	33,473	31,723
ARMY TEST RANGES AND FACILITIES	174,603	174,603	185,203	185,203
ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS	54,986	56,986	57,986	58,786

	Budget	House	Senate	Conference
	(In thousands of dollars)			
SURVIVABILITY/LETHALITY ANALYSIS	39,138	38,138	45,138	42,338
DOD HIGH ENERGY LASER TEST FACILITY	17,806	17,806	19,306	18,906
AIRCRAFT CERTIFICATION	3,098	3,098	3,098	3,098
METEOROLOGICAL SUPPORT TO RDT&E ACTIVITIES	9,669	9,669	9,669	9,669
MATERIEL SYSTEMS ANALYSIS	15,832	15,832	15,832	15,832
EXPLOITATION OF FOREIGN ITEMS	3,579	3,579	3,579	3,579
SUPPORT OF OPERATIONAL TESTING	67,795	67,795	67,795	67,795
ARMY EVALUATION CENTER	57,074	47,074	47,074	47,074
SIMULATION & MODELING FOR ACQ, RQTS, & TNG (SMART)	2,654	2,654	2,654	2,654
PROGRAMWIDE ACTIVITIES	71,555	65,055	71,555	65,055
TECHNICAL INFORMATION ACTIVITIES	28,520	43,520	28,520	43,520
MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY	19,855	43,355	29,855	41,105
ENVIRONMENTAL QUALITY TECHNOLOGY MGMT SUPPORT	4,938	4,938	4,938	4,938
MANAGEMENT HEADQUARTERS (RESEARCH AND DEVELOPMENT)	8,995	12,495	8,995	11,995
TOTAL, RDT&E MANAGEMENT SUPPORT	860,457	886,957	896,057	912,757
OPERATIONAL SYSTEMS DEVELOPMENT				
MLRS PRODUCT IMPROVEMENT PROGRAM	84,839	84,839	84,839	84,839
AEROSTAT JOINT PROJECT OFFICE	57,549	60,549	57,549	59,049
DOMESTIC PREPAREDNESS AGAINST WEAPONS OF MASS DESTRUCT	---	4,500	2,000	4,000
ADV FIELD ARTILLERY TACTICAL DATA SYSTEM	28,917	28,917	28,917	28,917
COMBAT VEHICLE IMPROVEMENT PROGRAMS	24,486	28,486	31,486	31,686
MANEUVER CONTROL SYSTEM	39,581	39,581	45,581	39,581
AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PROGRAMS	187,959	269,959	279,959	277,759
AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	3,399	10,399	8,399	5,399
DIGITIZATION	18,251	18,251	18,251	18,251
FORCE XXI BATTLE COMMAND, BRIGADE AND BELOW (FBCB2)	48,436	48,436	48,436	48,436
MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM	44,468	44,468	46,968	46,568
OTHER MISSILE PRODUCT IMPROVEMENT PROGRAMS	9,822	9,822	9,822	9,822
TRACTOR RUT	8,851	8,851	8,851	8,851

	Budget	House	Senate	Conference
	(In thousands of dollars)			
TRACTOR CARD	9,255	9,255	9,255	9,255
JOINT TACTICAL COMMUNICATIONS PROGRAM (TRI-TAC)	16,543	16,543	16,543	16,543
JOINT TACTICAL GROUND SYSTEM	9,767	9,767	9,767	9,767
SPECIAL ARMY PROGRAM	5,968	8,968	11,268	21,468
SECURITY AND INTELLIGENCE ACTIVITIES	---	14,500	10,500	16,050
INFORMATION SYSTEMS SECURITY PROGRAM	20,728	20,728	13,728	20,728
GLOBAL COMBAT SUPPORT SYSTEM	58,983	66,483	48,983	55,833
SATCOM GROUND ENVIRONMENT (SPACE)	87,352	87,352	87,352	87,352
WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM	20,124	17,124	20,124	17,124
TRAFFIC CONTROL, APPROACH AND LANDING SYSTEM	956	956	956	956
TACTICAL UNMANNED AERIAL VEHICLES	60,493	61,493	75,493	69,393
AIRBORNE RECONNAISSANCE SYSTEMS	4,751	4,751	4,751	4,751
DISTRIBUTED COMMON GROUND SYSTEMS	32,292	40,792	32,292	37,792
END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES	65,981	84,981	80,181	86,731
NATO JOINT STARS	503	503	503	503
TOTAL, OPERATIONAL SYSTEMS DEVELOPMENT	950,254	1,101,254	1,092,754	1,117,404
TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY	9,122,825	10,186,272	9,513,048	10,363,941

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

R-1		Budget Request	House	Senate	Conference
1	**IN-HOUSE LABORATORY INDEPENDENT RESEARCH**	**24,121**	**27,121**	**24,121**	**24,121**
	Coal-Based Jet Fuel		+3,000		0
2	**DEFENSE RESEARCH SCIENCES**	**128,798**	**143,198**	**157,498**	**157,498**
	Perpetually Assailable and Secure Information Systems Research, Training and Education (PASIS)		+10,000	+2,000	+6,100
	Research Center for Advanced Deployable Nano-Sensors (Note: only to continue support for a Research Center for Advanced Deployable Nano-Sensors to develop target recognition and identification nano-sensing capabilities.)		+2,000		+1,200
	Buffalo Center of Excellence in Bioinformatics		+2,400		+1,200
	Knowledge Management Fusion		0	[2,000]	+1,000
	Desert Terrain Analysis for Enhancing Military Operations			+4,000	+3,000
	Terrain Atmosphere Interactions			+2,200	+1,500
	Biofilms--Terrorist Agents in Drinking Water			+3,000	+2,100
	Nano-Materials Research			+1,000	+1,000
	Optical Technologies Research			+5,000	+3,500
	Advanced Research and Technology			+4,500	+3,100
	Alternative Energy Research			+1,000	+1,000
	Advanced Carbon Nanotechnology Program			+4,000	+3,000
	Nano-Photonic Systems Fabrication			+2,000	+1,000
3	**UNIVERSITY RESEARCH INITIATIVES**	**71,642**	**70,142**	**76,042**	**85,972**
	Reduce programmed growth		-7,000		-7,000
	Laboratory for Engineered Human Protection (LEHP)		+3,500		+2,100
	Desert Environmental Research (Note: only to complete the ongoing University-based GIS program)		+2,000		+1,700
	Institute for Entrepreneurial Excellence Technology Transfer Project (Note: transferred from RDTE,DW line 3)				+1,530
	Institute of Bioengineering and Nanoscience in Advanced Medicine (Note: transferred from RDTE,DW line 3)				+2,500
	Anti-corrosion studies (Note: transferred from RDTE,DW line 3)				+1,000
	MEMS Sensor for Rolling Element Bearings (Note: transferred from RDTE,DW line 3)				+1,400
	Center for Geosciences (Note: transferred from RDTE,DW line 3)				+1,500
	Defense Commercialization Research Initiative (Note: transferred from RDTE,DW line 3)				+5,000
	Electronic Engineering Technology Program (Note: transferred from RDTE,DW line 3)				+1,000
	National Security Training (Note: transferred from RDTE,DW line 3)				+1,000
	Bioinformatics Research (Note: Only for the Buffalo New York Bioinformatics Program)			+2,400	+1,200
	Low Temperature Research			+2,000	+1,400

R-1		Budget Request	House	Senate	Conference
4	**UNIVERSITY AND INDUSTRY RESEARCH CENTERS**	**84,816**	**95,916**	**100,142**	**100,642**
	Center for Ferroelectrics Electronic Photonic Nanodevices		+3,000	+3,000	+3,000
	Data Analysis & Conversion		+2,000		+1,000
	Army Centers of Excellence		+2,100		+1,500
	Institute for Creative Technologies		+2,000		+1,400
	Eye and Sensor Protection Against Laser Source		+2,000		+1,000
	Nanotubes Optimized for Lightweight Exceptional Strength		0	0	+500
	Rapidly Deployable Visualization for Training & Simulation			+1,000	+1,000
	Small Trailer Corrosion Prevention Program			+500	+500
	Dendritic Nanotechnology Research (Note: transferred to line 34)			+3,000	0
	University Based Automotive Research			+3,000	+2,100
	TACOM Automotive Research Center University Research			+4,000	+3,000
	Composite Materials Research			+826	+826
5	**FORCE HEALTH PROTECTION**	**9,847**	**15,347**	**12,847**	**16,647**
	MEMS for Defense Applications and Nanotechnology		+5,500		+4,700
	Gulf War Illness Research			+3,000	+2,100
6	**DEFENSE EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH**	**9,730**	**9,730**	**0**	**0**
	Transfer to RDTE,DW line 7			-9,730	-9,730
7	**HISTORICALLY BLACK COLLEGES AND UNIVERSITIES/ MINORITY INSTITUTIONS**	**14,083**	**14,083**	**0**	**0**
	Transfer to RDTE,DW line 10			-14,083	-14,083
8	**MATERIALS TECHNOLOGY**	**15,186**	**31,186**	**41,186**	**41,286**
	Advanced Material Processing for Future Combat Systems		+5,000	+7,000	+6,000
	Future Affordable Multi-Utility (FAMU) Materials for the Army Future Combat Systems		+3,000	+5,000	+4,300
	Precision Polishing of Large Optics (Note: Only for the continued development of MRF and RAP finishing of large optics)		+4,000		+3,400
	Titanium Powder Alloy Production (Note: Only to enhance domestic capacity to produce inexpensive, high-quality titanium powder for military use)		+2,000		+1,700
	Ballistic Shields		+1,000		+1,000
	Molecular Design of Polymer Nanocomposites		+1,000		+1,000
	Center for Innovative Material for Infrastructure Security		0	0	+1,000
	Materials Joining for Army Weapons Systems			+3,000	+1,800
	Composite Materials Technology for Future Combat			+4,000	+2,000
	Low Cost Enabling Technologies			+2,000	+1,400
	Advanced Materials for Mine Detection and Blast Mitigation			+5,000	+2,500

R-1		Budget Request	House	Senate	Conference
9	**SENSORS AND ELECTRONIC SURVIVABILITY**	**22,765**	**25,265**	**25,765**	**26,065**
	Disposable Sensors for Battlefield and Urban Warfare		+2,500		+1,200
	Portable Chemical-Biological Agent Detection System			+3,000	+2,100
10	**TRACTOR HIP**	**5,835**	**5,835**	**1,735**	**5,835**
	Classified program			-4,100	0
11	**AVIATION TECHNOLOGY**	**39,459**	**40,459**	**39,459**	**40,459**
	Advanced Control Technology		+1,000		+1,000
13	**MISSILE TECHNOLOGY**	**43,269**	**62,769**	**100,565**	**94,569**
	Hypersonic technology reduce programmed growth		-5,500	-1,904	-3,500
	Multiple Component Army Flight Test		+3,000	+2,500	+2,600
	LCGNU Technology Development		+2,000		+1,000
	MARIAH II Hypersonic Wind Tunnel Development Program		+6,000	+16,000	+12,000
	MEMS Technology Development Acceleration		+10,000		+8,500
	Large Energy National Shock Tunnel (LENS)			[3,000]	+500
	Unmanned Systems Initiative (USI) at the Aviation and Missile Research Development and Engineering Center (AMRDEC)		+4,000	+10,000	+9,200
	Red Rain			+4,000	+3,400
	E-STRIKE Short Range Radar			+6,000	+3,000
	Maneuver Air Defense			+6,500	+4,600
	Hypersonic Army Missile Technology			+14,200	+10,000
14	**ADVANCED WEAPONS TECHNOLOGY**	**14,189**	**14,189**	**14,189**	**15,189**
	Rapid Target Acquisition & Tracking System				+1,000
15	**ADVANCED CONCEPTS AND SIMULATION**	**15,941**	**21,941**	**29,941**	**31,441**
	Combat Trauma Patient Simulator (CTPS)		+6,000		+4,000
	On-Line Contract Data Management		0	0	+1,200
	Joint Unmanned Systems & Research Center			+4,000	+2,800
	Photonics Research			+5,000	+5,000
	Institute for Creative Technologies			+5,000	+2,500
16	**COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY**	**80,910**	**128,410**	**107,910**	**129,260**
	Advanced Coatings Research to Extend the Service Life of Vehicles/Equipment		+1,000		+1,000
	Advanced Electric Drive		+1,000	+2,000	+1,200
	Advanced Manufacture of Lightweight Materials (AMLM)		+500		+500
	Army Truck Diagnostic System		+2,000		+1,700
	Auragen Vehicle Integrated Primary Electrical Resource (VIPER)		+5,000		+3,500
	Ballistic Missile Technology		+6,000		+3,600
	CALSTART Defense Advanced Trans (Note: only to develop dual-use advanced transportation technologies benefitting both the commercial and military sectors)		+6,000		+5,100
	Combat Vehicle Mobility System		+6,000		+4,100
	Fuel Efficient Technology		+2,000		+1,000
	Fuel Preporator		+2,500		+1,750
	Full Spectrum Active Protection Close-in Layered Shield (FCLAS) (Note: only to support the Army's FCS survivability efforts)		+9,000	+7,000	+7,500
	Future Tactical Truck System (FTTS) Companion Trailer System(s)		+2,000		+1,700
	Hydrogen PEM Ambient Pressure Fuel Cell Demonstration		+5,000		+2,500
	Hydrogen PEM Fuel Cell Heavy Duty (Note: only to continue the existing program)		+4,000		+3,400
	Military Wheeled Vehicle Electronic Architecture Integration		+2,000		+1,700

R-1		Budget Request	House	Senate	Conference
	Reduce programmed growth		-7,500		-7,500
	Soldier Mobility Program--M-Gator Improvements		+1,000		+1,000
	SmarTruck			+5,000	+4,300
	Soldier Mobility Program			+1,000	+1,000
	Hybrid HMMWV Technology Insertion Program			+1,000	+1,000
	Unmanned Vehicle Control Technologies			+2,500	+1,700
	Advanced Energy and Manufacturing Technology			+3,000	+2,100
	Rapid Prototyping Technologies			+2,000	+1,400
	Advanced Coatings Research			+1,500	+1,100
	Moldite			+1,000	+1,000
	Digital Humans and Virtual Reality			+1,000	+1,000
17	**BALLISTICS TECHNOLOGY**	**53,478**	**56,478**	**55,478**	**59,078**
	Structural Reliability of Electronic Components for Munitions and Lightweight Structures		+3,000		+1,500
	Alloy Tungsten Armor Piercing Ammunition (Note: transferred from line 20)		0	0	+2,100
	Advanced LFT Composites for Lightweight Weapons Systems			+1,000	+1,000
	Structural Reliability of Electronic Components for Munitions			+1,000	+1,000
18	**CHEMICAL, SMOKE AND EQUIPMENT DEFEATING TECHNOLOGY**	**3,540**	**15,540**	**21,540**	**22,440**
	US Army Biotechnology Center		+1,500		+1,300
	Asymmetric Threat Countermeasure Solutions Suite		+3,500		+2,100
	Systems for Sampling and Detecting Bioaerosols		+3,000	+5,000	+4,000
	Metallic Particles in Defense Applications (MPDA) Obscurant Smokes		+4,000		+3,000
	Vaporized Hydrogen Peroxide Technology for Decontamination			+8,000	+5,000
	Deep Digger			+5,000	+3,500
20	**WEAPONS AND MUNITIONS TECHNOLOGY**	**39,485**	**95,235**	**52,985**	**77,785**
	Alloy Tungsten (LA-T) Armor Piercing Ammunition (Note: transferred to line 17)		+4,250		0
	Applied Research Integration		+3,000		+2,100
	Armaments Information Assurance		+5,500		+3,900
	Army Welding Technology Development Initiative		+6,000		+4,200
	Generation 2 Warhead Development		+3,000		+2,100
	Green Armaments Technology		+7,000		+4,900
	Homeland Defense Technologies		+4,000		+2,800
	Range Safe		+4,500	+7,000	+3,500
	Seamless Data to Display		+2,000		+1,400
	Single Crystal Tungsten Alloy Penetrator		+3,000		+1,500
	Smart Coatings		+5,500	+1,500	+3,900
	Acoustic Counter Battery System (ACBS)		+3,000		+2,550
	Advanced Materials and Processes for Non-Munition Armament Structures Program		+3,000		+950
	Tandem Explosively Formed Penetrator Warhead System		+2,000		+1,000
	Titanium Extraction Mining and Process Engineering			+2,000	+1,400
	MACS High Zone Development			+3,000	+2,100

R-1		Budget Request	House	Senate	Conference
21	**ELECTRONICS AND ELECTRONIC DEVICES**	**33,694**	**74,094**	**56,394**	**79,334**
	Center for Advanced Fuel Cell Technology (UND)		+3,000		+3,000
	1.5V Cylindrical Cell-Metal Oxide Cathode		+2,000		+1,700
	Advanced Liquid Silicon Rechargeable Battery		+3,000		+1,500
	Cylindrical Zinc Air Battery for Objective Force Soldier		+5,000		+2,500
	Micro and Miniature Fuel Cells (Note: only for fuel cells under consideration for use in individual power packs for infantry soldiers facilitating Land Warrior goals such as rifle-mounted laser, video and thermal sights, helmet-mounted video displays, and C3I systems for the individual soldier)		+2,400		+1,440
	Advanced Power		+4,000		+3,400
	Rechargeable Cylindrical Cell System--Lithium Ion/Nickel Metal Hydride		+1,000	+2,000	+1,500
	Dry Polymer Electrolyte Development for Safe Soldier Power		+4,000		+3,400
	Enhanced Wireless Digital Communications for the Army's Urban First Responder		+5,000		+5,000
	E-Beam Reticle and Lithography Inspection (Note: only to develop a prototype Electron Beam Reticle and Lithography Inspection tool.)		+4,000		+2,000
	Heat Actuated Coolers for Portable Military Applications		+2,000		+1,000
	Portable Reforming on the Battlefield		+2,000		+1,400
	Flexible Polymer Multilaminate Packaging		0	0	+1,000
	Flexible Display Initiative (FDI): High Performance Displays for Military Applications		+1,500	+6,000	+4,000
	Soldier Fuel Cell System		+1,500		+1,100
	Vehicle Battery Health Monitoring System (Note: moved from line 37)				+1,400
	Electronics and Electronic Devices			+6,000	+4,200
	Enhanced Wireless Digital Communications			+2,000	+1,400
	1.5v Alkaline Cylindrical Cell-Metal Oxide Cathode			+1,700	+1,200
	Transcritical CO2 Environmental Control Unit			+5,000	+3,500
23	**COUNTERMINE SYSTEMS**	**21,291**	**28,291**	**25,291**	**26,891**
	Acoustic Technology for Landmine Detection		+3,000		+1,100
	Polymer Based Landmine Detection		+4,000		+1,400
	AAHIS Overland Counter-Mine			+2,000	+1,700
	Small SAR Buried Mine Detection			+2,000	+1,400
24	**HUMAN FACTORS ENGINEERING TECHNOLOGY**	**16,749**	**26,249**	**16,749**	**24,699**
	Human Systems Integration (MANPRINT)		+3,500		+2,450
	Omni-Directional Treadmill Upgrade		+6,000		+5,500
25	**ENVIRONMENTAL QUALITY TECHNOLOGY**	**18,252**	**24,252**	**25,852**	**31,852**
	Army Environmental Solutions Program (Note: only to continue the current program of addressing environmental and renewable energy requirements associated with military operations. Moved to line 69 RDTE,A)		+5,000		0
	Surface Finishing Sustainability		+1,000		+1,000
	Army UXO Research and Development		0	0	+5,000
	Bio/Chemical Materials Env Modeling			+1,000	+1,000
	Hawthorne Army Depot Upgrades			+6,600	+6,600

R-1		Budget Request	House	Senate	Conference
28	**MILITARY ENGINEERING TECHNOLOGY**	**45,407**	**50,907**	**51,407**	**53,307**
	Advanced Power and Energy Program (APEP)		+1,000		+1,000
	DoD Stationary Fuel Cell Incentive Program		+3,000		+1,500
	Shuttle Radar Topography Mission Data Eval		+1,500		+1,000
	Geosciences Technology Research			+3,000	+1,800
	University Partnering for Operational Support			+3,000	+2,600
30	**WARFIGHTER TECHNOLOGY**	**29,421**	**44,421**	**38,421**	**50,971**
	Advanced Antimicrobial Technology		+2,000		+1,000
	Joint Precision Aerial Delivery System		+3,500		+2,450
	Shelter Extension for Future Combat Vehicle		+1,500		+1,000
	Chem-Bio Protection Technology		+4,000		+2,000
	Chemical Biological Command, Natick Soldier Center (Note: only for tent and shelter insulation technology enhancement for high efficiency/low logistics footprint, for application in the Future Combat System.)		+1,000		+1,000
	Soldier Systems Center		+3,000		+2,100
	MERWS Composite Field Medical Facility Prototype--Natick (Note: transferred from line 183)				+5,100
	NBC Integrated Protection Membrane--Shelters			+4,000	+3,400
	Chem-Bio Reactive Nanoparticle Materials			+5,000	+3,500
31	**MEDICAL TECHNOLOGY**	**58,877**	**185,177**	**101,377**	**188,727**
	Advanced Surgical Navigation		+3,000		+1,800
	Biomedical Engineering Technology & Advanced Materials		+1,000		+1,000
	Center for Military Biomaterials Research (CeMBR)		+3,000		+1,500
	Chitosan Control Dressing		+4,000	+3,000	+3,000
	Minimally Invasive Surgery Program for Ohio		0	0	+1,400
	Clotting and Wound Healing Accelerants for the Treatment of Traumatic Combat Injuries		+2,000		0
	Computation Proteomics		+3,000	+3,000	+3,000
	Center for Advanced Surgical and Interventional Technology		+2,500		+2,100
	Diagnostics in Traumatic Brain Injury-Blood Based		+2,000		+1,000
	Elgen Gene Delivery Technology		+2,000		+1,000
	Emergency Hypothermia		+2,800		+2,300
	Enhanced Research in Trauma Prevention, Treatment and Rehabilitation		+3,000		+1,500
	Genetic Reassortment by Mismatched Repair-Enhanced Acute Biowarfare Therapy Program		+1,000		+1,000
	Improving Soldier Performance		+4,000		+2,400
	Joint Diabetes Project (Note: for Type I Diabetes in children.)		+5,000		+4,250
	Medical Area Network for Virtual Technologies (MANVT)		+7,000		+5,900
	Molecular Genetics and Musculoskeletal Research Program (Note: only to continue the current program.)		+10,000		+8,500
	Monoclonal Human Anti-Anthrax Toxin Antibodies Development		+3,000		+1,500
	Nanofabricated Bioartificial Kidney		+4,000		+2,400
	Non-Invasive Medical Sensors		+1,000		+1,500
	Novel Growth Factor Delivery Technology		+2,000		+1,000
	Portable Rapid-Response Bio-Protector (PRRBP)		+1,000		0
	Prothestic Device Technology Enhancement and Clinical Evaluation at Walter Reed Amputee Center		+3,000		+2,500

R-1		Budget Request	House	Senate	Conference
	Proton Beam Therapy (Note: only to continue a civilian-military collaborative proton beam therapy initiative on the East Coast of the United States in conjunction with Walter Reed Army Medical Center to provide state-of-the-art radiation treatment with fewer side effects and the possibility of recurrent radiation treatment for numerous forms of cancer to include: lung, prostate, head and neck cancer in adults and brain tumors and other kinds of tumors in children as well as clinical and non-clinical research.)		+15,000		+10,000
	Rapid Diagnosis of Unknown Biological Pathogens		+1,000		0
	Remote Acoustic Hemostasis		+5,000		+3,500
	Sleep Deprivation Research at Walter Reed Army Medical Center		+1,500		+1,500
	The Soldier Wound Healing Project		+2,500		+2,100
	Synchrontron-Based Scanning Research (Note: $9,000,000 only to continue the synchrotron-based technology enhancement for scanning of breast and lung cancer patients and diagnotic development to maximize synchrotron-based proton therapy; $2,000,000 for mass casualty incident center demonstration; and $1,750,000 for continued expansion in the arena of proton telemedicine.)		+15,000		+12,750
	Digital Imaging and Catheterization Equipment		0	0	+1,000
	Marshall Island Diabetes Reversal/Wellness Program		0	0	+1,000
	Texas Training and Technology for Trauma and Terrorism (T5)		+11,000		+11,000
	Tissue Engineering and Wound Healing Research		0	0	+1,000
	Behavioral Genomics		0	0	+2,000
	Targeted Nano-Therapeutic for Advanced Breast and Prostate Cancer		0	0	+1,000
	Hemoglobin Blood Oxygen Carrier		0	0	+1,000
	Medical Vanguard for Diabetes Management		0	0	+1,500
	Tissue Replacement and Repair for Battlefield Injuries		+4,000	+3,000	+3,000
	Transportable Pathogen Reduction & Blood Safety System		+2,000	+3,000	+2,000
	Versa HSDI			+5,000	+4,250
	Conjugate Vaccines to prevent Shigellosis			+2,000	+1,400
	Therapeutic Vaccines for Biological Threat			+1,000	+1,000
	International Rehabilitation Network			+5,000	+3,500
	National Tissue Engineering Research			+2,000	+1,000
	Dermal Phase Meter			+2,000	+1,200
	USAMRID Anthrax Research			+2,500	+2,500
	Development of large-scale, polyclonal human antibody production			+3,000	+3,000
	Chronic Multi-symptom Illness			+5,000	+5,000
	Bio-Defense Gene Knockout Technology Program			+3,000	+2,100
33	**WARFIGHTER ADVANCED TECHNOLOGY**	**63,882**	**61,382**	**67,882**	**67,682**
	Reduce programmed growth		-13,500		-7,000
	Affordable Precision Airdrop Technology		+2,000		+1,000
	Ration Packaging Material and Systems for MREs		+7,000		+6,000
	Protection Against Toxic Industrial Chemicals		+2,000		+1,000
	ATIRCM/CMWS			+4,000	+2,800

R-1		Budget Request	House	Senate	Conference
34	MEDICAL ADVANCED TECHNOLOGY	35,168	233,968	105,668	220,418
	3D Imaging and Genomic Analysis for Breast Cancer Management		+2,000		+1,700
	Advanced Diagnostic and Therapeutic Digital Technologies		+1,500		+1,000
	Advanced Proteomics		+2,500		+1,200
	Battlefield Respirator and Ventilator (BRAV)		+1,500		+1,500
	Biology, Education, Screening, Chemoprevention and Treatment (BESCT) Lung Cancer Research Program (MDACC)		+9,500		+9,500
	Bio-Medical Engineering Center for Research on Bioterrisom Agents		+2,500		+1,200
	Biomedical Information Transfer (BIT)		+1,000		+1,000
	Blood Safety (Note: only for the continuation and expansion of the current program to provide improved blood products and safety systems compatible with military field use.)		+6,000		+4,100
	Brain, Biology and Machine		+3,000	+3,000	+3,000
	Center for Integration of Medicine and Innovative Technology (CIMIT)		+12,500	+10,000	+11,250
	Dendritic Nanotechnology Research		+3,800		+3,000
	Military Low Vision Research		+2,000		+1,000
	Center for Untethered Healthcare		+3,000		+1,500
	Comparative Functional Genomics Initiative		+4,000		+2,000
	Electrical Impedance Scanning Device		+1,000		+1,000
	Genomic Medicine and Gene Therapy (Note: only for a series of pilot clinical programs targeted at cardiovascular disease and neurodegenerative disorders that gravely affect veterans.)		+4,000		+3,400
	Gynecologic Disease Program (Note: only for the establishment of a public/private effort in coordination with an appropriate non-profit medical foundation, to provide programs in gynecologic diseases that will facilitate the development of early detection, prevention and treatment strategies.)		+5,000		+4,250
	Institute for Research and Education		+5,000		+3,700
	Integrated Information System		+1,000		+1,000
	Intravenous Membrane Oxygenator		+2,500		+1,000
	Joslin Diabetes Project		+5,000		+5,000
	Joint US-Norwegian Telemedicine Program		+4,000	+2,500	+2,800
	Medical Training Technology Enhancement Initiative		+1,000		+1,000
	Mobile Integrated Diagnostic and Data Analysis System (MIDDAS)		+2,500		+1,200
	National Bioterrorism Civilian Medical Response Center (CIMERC)		+4,000	+2,000	+3,000
	National Functional Genomics Center		+10,000		+5,000
	Neurofibromatosis Research Program (NF)		+23,000		+20,000
	Neurology Gallo Center-Alcoholism Research		+6,000	+4,000	+4,500
	Neurotoxin Exposure Treatment Research Program (NETRP) Parkinsons & neurological disorders		+31,000		+26,000
	Novel Safe and Effective Vaccines for Biodefense and Cancer		+8,000		+6,800
	On-Line Medical Training		+3,500		+1,750
	Operating Room of the Future		+4,000		+2,000
	Picture Archiving and Communications System (PACS)		+5,000		+3,500
	Project Collaboration Material (Note: only to enhance the interoperability and effectiveness of health officers, epidemiologists, and nurses.)		+1,000		+1,000
	Prostate Cancer Research-Gallo Center		+1,000		+1,000
	Proteomics Center		+4,000		+3,400

R-1		Budget Request	House	Senate	Conference
	Rapid Bio-Pathogen Detection Technology		+3,000		+1,500
	Regional Anesthesia and Pain Management Initiative (RAPMI) (Note: only for the public/private effort among DoD medical treatment facilities, and appropriate non-profit medical foundation and a rural primary health care center to provide a comprehensive program in pain management including treatment for acute pain using regional anesthesia techniques as well as a holistic approach to chronic pain.)		+1,500		+1,200
	Assistive Technology and Research Center at National Rehabilitation Hospital (Note: only for expanding ongoing collaborations to prevent and minimize loss of function from landmine and other military injuries.)		0	0	+2,000
	SEATreat		0	0	+2,000
	Pediatric Hospice Program at Walter Reed Army Medical Center		0	0	+1,000
	Rugged Textile Garments for Combat Casualty Care		+3,000	+3,500	+3,000
	Technologies for Metabolic Monitoring		+3,000		+3,000
	Western Rural Telemedicine Demonstration		+2,000	+2,000	+2,000
	Portable Digital X-Ray			+1,000	+1,000
	Tissue Development on Elastin Biomatrixes			+5,000	+4,300
	Medical Modeling and Simulation Through Synthetic Digital Genes			+1,000	+1,000
	Texas Training and Technology against Trauma and Terrorism (Note: moved to line 31)			+10,000	0
	VCT Lung Scan			+7,500	+5,200
	Stable Hemostat			+5,000	+3,000
	Study of Human Operator Performance (C-SHOP)			+2,000	+1,000
	Emerging Technologies Center			+3,000	+1,500
	Minimally Invasive Surgery Modeling and Simulation			+1,000	+1,000
	Pennington Biomedical Center Personnel Readiness and Performance Initiative			+3,000	+1,800
	Center for Prostate Disease Research (WRAMC)			+5,000	+4,500
35	**AVIATION ADVANCED TECHNOLOGY**	**72,083**	**81,468**	**83,583**	**86,018**
	Heavy lift demonstration		-4,615		-4,615
	Airborne Manned/Unmanned System Technology (AMUST)		+2,000		+1,000
	Locust USA Heavy Fuel Burning Engines for UAV's		+5,000		+2,500
	Radar Surveillance and Assimilation Network		+5,000		+4,450
	Reconfiguration Tooling System		+2,000	+1,500	+1,700
	Broad Area Unmanned Responsive Resupply Operations Aircraft (BURRO)			[3,000]	+1,000
	UAV and Micro Air Vehicle Dynamometer			+4,000	+2,800
	Vectored Ducted Thrust Propeller Compound Helo			+6,000	+5,100
36	**WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY**	**47,752**	**55,752**	**47,752**	**54,402**
	Technology Demonstration for the Prevention of Material Degredation		+5,000		+4,250
	Micro-electromechanical System Reliability Assessment Program		+1,000		+1,000
	Development Mission Integration		+2,000		+1,400

R-1		Budget Request	House	Senate	Conference
37	**COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY**	**210,856**	**248,356**	**262,856**	**274,006**
	Advanced Thermal Management System		+4,000		+2,000
	Battery Charging Technology (Note: Only to develop advanced battery charging algorithms for Hybrid-Electric Vehicle applications)		+1,000		+1,000
	Electrochromatics research		+3,000		+2,550
	High Power Density and Efficiency OPOC Engine and Electric Power Cell		+2,000		+1,200
	Mechanically Assisted Spare Tire Carrier (MASTC) for the HMMWVs		+2,000		+1,700
	NAC Standardized Exchange of Product Data (N-STEP) (Note: only for expanding the use of standardized product data sets in the Army's ground vehicle design and life cycle support activities, and to expand the functionality of the N-STEP process to include castings.)		+7,000		+3,500
	Rapid Optimization of Commercial Knowledge (ROCK) for FCS (Note: only for a joint research and development effort between regional commercial off-road vehicle manufacturers, suppliers, and universities to improve FCS affordability through utilization of advanced technology.)		+4,500		+2,250
	Turbo Fuel Cell Engine		+6,000		+5,100
	U.S. Army Hydrogen Infrastructure (Note: only to develop and deploy modular hydrogen infrastructure systems that would support the US Army's transition to fuel cell technologies.)		+4,000		+2,000
	Ultra-high Performance Hybrid Structures and Armors		+4,000		+3,400
	Center for Advanced Vehicular Systems		0	0	+750
	Ultra Reliability for Combat Systems		0	0	+1,000
	Chemical Warfare Agent Detection Devices		0	0	+1,500
	Pacific Rim Corrosion Research Program			+3,000	+2,600
	IMPACT--Combat Vehicle and Automotive Advanced Technology			+5,000	+4,500
	Smart Battery and Intelligent Generator Technology for Military Vehicles (Note: transferred to line 21)			+2,000	0
	Fuel Cell Technology			+4,000	+2,800
	Army Lightweight Structures Initiative			+1,000	+1,000
	Advanced Army Modular Composite Bridge			+3,000	+2,100
	Composite Body Parts--CAV Technology Transition			+4,000	+2,000
	Advanced Thermal Management Controls			+1,500	+1,000
	Advanced Collaborative Technologies			+3,000	+2,100
	Mobile Parts Hospital			+6,000	+4,200
	Electrochromatic Material Windows			+5,000	+2,500
	Fastening and Joining Technologies			+1,500	+1,000
	Tactical Vehicle Design Tools			+1,000	+1,000
	21st Century Truck			+12,000	+8,400
38	**COMMAND, CONTROL, COMMUNICATIONS ADVANCED TECHNOLOGY**	**10,379**	**11,629**	**10,379**	**11,479**
	Dynamic Re-Addressing and Management for Army (DRAMA)		+1,250		+1,100

R-1		Budget Request	House	Senate	Conference
39	**MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY**	**4,931**	**11,431**	**4,931**	**9,031**
	Ground Systems Team Training (GSTT) Program		+2,000		+1,000
	Ground Systems Team Training Advanced Technology		+4,500		+3,100
40	**ELECTRONIC WARFARE ADVANCED TECHNOLOGY (H)**	**40,347**	**45,347**	**60,347**	**59,947**
	GalaxyVue Image, Video and Data Compression Technology		+1,000		+1,000
	Portable and Mobile Emergency Broadband system		+4,000	+2,000	+3,000
	Networking Environment for C3 Mobile Services (NECMS)			+8,000	+5,600
	Applied Communications and Information Networking			+10,000	+10,000
41	**TRACTOR HIKE**	**8,781**	**8,781**	**6,781**	**7,781**
	Classified program			-2,000	-1,000
42	**NEXT GENERATION TRAINING & SIMULATION SYSTEMS**	**18,649**	**12,649**	**26,649**	**15,849**
	Reduce programmed growth		-9,000		-9,000
	Institute for Creative Technologies		+3,000	+4,000	+3,200
	CAVE Automated Virtual Environment			+4,000	+3,000
44	**TRACTOR ROSE**	**2,872**	**2,872**	**1,533**	**4,211**
	Classified program			-1,339	+1,339
45	**EXPLOSIVES DEMILITARIZATION TECHNOLOGY**	**9,349**	**9,349**	**28,749**	**25,149**
	Blue Grass SCWO Demonstration (Note: from line 26 RDTE, DW)				+1,000
	Missile Recycling Center--Anniston			+3,000	+2,100
	Tactical Missile Reuse/Demil--Letterkenny			+2,500	+1,750
	Reclamation of Class 1.1 Rocket Propellant			+2,000	+2,000
	Innovative Demil Technologies			+3,000	+2,100
	HMX Requalification Program			+1,000	+1,000
	Explosives Demilitarization Technology Program			+1,000	+1,000
	Thin Layer Chromatography			+2,400	+2,100
	Demilitarization of Obsolete Munitions			+2,500	+1,750
	Demilitarization and Destruction of Conventional Munitions			+2,000	+1,000
46	**MILITARY HIV RESEARCH**	**6,733**	**16,733**	**6,733**	**14,233**
	Test, Treatment and Preventive Vaccines		+10,000		+7,500
47	**COMBATING TERRORISM, TECHNOLOGY DEVELOPMENT**	**4,916**	**9,916**	**4,916**	**8,716**
	Support the implementation of an information security system to increase the survivability of critical Army computer systems in the event of a cyber attack.		+2,000		+2,000
	Detecting Contaminents in Drinking Water		+3,000		+1,800
49	**EW TECHNOLOGY**	**11,273**	**22,573**	**13,273**	**25,673**
	US Army Tactical ELINT for Ground Maneuver Forces		+3,500		+2,400
	WX Intelligence Sensor System		+1,000		+1,000
	Multifunction Intelligence and Remote Sensor System		+6,800		+5,000
	Shortstop Electronic Protection System			[5,000]	+5,000
	AN/VVR-1 Laser Warning Receiver			+2,000	+1,000

R-1		Budget Request	House	Senate	Conference
50	**MISSILE AND ROCKET ADVANCED TECHNOLOGY**	**111,321**	**104,321**	**136,849**	**122,621**
	Reduce programmed growth		-10,000		-10,000
	Micro-factories for Precision Parts (Note: only for a joint research and development effort to develop a desktop-sized micro factory system for production of miniature aerospace components required for new generation small UAVs and smart small rockets.)		+3,000		+1,500
	Army Maintenance and Manufacturing Organization (AMMO)		0	0	+1,000
	Loitering Attack Munition for Aviation (LAM-A)			+5,000	+3,500
	Close-in Active Protection System			+4,000	+2,800
	Missile Simulation Technology			+10,000	+7,000
	Warfighter Protection Lab			+5,000	+3,500
	National Aerospace Initiative			-472	0
	Volumetrically Controlled Manufacturing (Note: only to continue existing University-based research on Volumetrically Controlled Manufacturing to expand the pre-existing basic science from mechanical applications to thermal, electro-magnetic, acoustic, and optic applications.)			+1,000	+1,000
	Army AMCODE Integration			+1,000	+1,000
52	**LANDMINE WARFARE AND BARRIER ADVANCED TECHNOLOGY**	**24,552**	**24,552**	**32,452**	**30,052**
	EDIT Advanced Landmine Detection			+2,000	+1,400
	Advanced Demining Technology			+5,900	+4,100
53	**JOINT SERVICE SMALL ARMS PROGRAM**	**6,193**	**11,193**	**6,193**	**9,693**
	Anti-Material Sniper Rifle (ASMR) Technology		+5,000		+3,500
55	**NIGHT VISION ADVANCED TECHNOLOGY**	**47,088**	**89,088**	**60,088**	**85,138**
	Buster Backpack UAV		+12,000	+1,000	+8,400
	Night Vision Fusion (Note: only for the continued development of digital night vision fusion technology.)		+5,000	+1,000	+2,500
	Personal Thermal Vision System		+3,000		+1,500
	Camera Assisted Monitoring System (Note: only for demonstration of CAMS as a security and response system that provides real time surveillance capability for military force protection, peacekeeping and related missions.)		+2,000		+1,700
	Sensor Technology for Force Protection		+15,000		+12,750
	Wire Detection & Obstacle Avoidance for Helicopters		+5,000		+3,500
	Advanced Passive Milimeter Wave Imager			+7,000	+4,900
	Warfighter/Firefighter Position, Location, and Tracking (PLT) Sensor			+4,000	+2,800
56	**ENVIRONMENTAL QUALITY TECHNOLOGY DEMONSTRATION**	**15,776**	**24,276**	**15,776**	**20,726**
	Environmental Compliance Technology (Defense Acquisition of Developmental Technology)		+3,500		+2,450
	PEM Demonstration Program		+5,000		+2,500
57	**MILITARY ENGINEERING ADVANCED TECHNOLOGY**	**3,441**	**5,441**	**13,521**	**13,271**
	Fuel Cell Integration with Fuel-Flexible Infrastructure		+2,000		+1,700
	Canola Oil Fuel Cell Initiative			+2,500	+1,750
	Solid Oxide Fuel Cell Development for Defense			+4,000	+2,800
	Fuel Cell Hybrid Generating System w/Ramgen Jet Technology			+3,580	+3,580

R-1		Budget Request	House	Senate	Conference
58	**ADVANCED TACTICAL COMPUTER SCIENCE AND SENSOR TECHNOLOGY**	**20,255**	**26,255**	**24,255**	**25,055**
	MVMNT Program for Simulation Based Operations		+2,000	+4,000	+2,800
	Palletized Radar for Black Hawk Helicopters (Note: only to enhance Blackhawk ISR capabilities, particularly in urban and rough terrain environments.)		+4,000		+2,000
59	**ARMY MISSILE DEFENSE SYSTEMS INTEGRATION (NON SPACE)**	**51,547**	**78,547**	**103,547**	**109,297**
	Advanced Tactical Operations Center (ATOC)		+3,500	+6,500	+4,600
	Aero-acoustics Test Facility, Phase 1		+8,000		+5,600
	Dielectric Enhances Sensor System (DESS)		+1,500		+1,100
	Extended Range Interceptor Program		+1,000		+1,000
	Advanced Battery Technology		+3,000		+2,550
	Next Generation Passive Surveillance Systems (Acoustics Technology Research)		+5,000		+3,500
	Radar Power Technology (RPT)		+3,000		+2,100
	Vertical Integration for Missile Defense Surveillance Data		+2,000		+1,400
	Component Integrated Modeling and Simulation Test Analysis Environment (CIMSTA-E)		0	0	+1,000
	Next Generation Hardware-in-the-loop (HWIL) Tool (NGHT)			+4,000	+2,800
	Joint Wavelet Transform-based Hyperspectral Data			+5,000	+3,500
	Global Infrasound Monitoring of Atmosphere			+2,000	+1,400
	Dielectric Enhanced Sensor System (DESS)			+1,500	+1,100
	Integrated Composite Missile Structure			+4,000	+2,000
	Next Generation Passive Acoustic Surveillance			+5,000	+3,500
	Mobile Tactical High Energy Laser (MTHEL)			+20,000	+17,000
	Ballute Technology Development			+3,000	+2,100
	Nanoscience Initiative			+1,000	+1,500
60	**ARMY MISSILE DEFENSE SYSTEMS INTEGRATION (SPACE)**	**9,632**	**12,632**	**40,732**	**35,932**
	P3 Power System		+2,000	+2,000	+2,000
	Supercluster Distributed Memory Technology		+1,000		+1,000
	Eagle Eyes Research Program			+2,000	+1,400
	Low Cost Interceptor			+15,000	+11,000
	Radar Power Technology			+4,000	+2,800
	Kodiak Range Safety & Instrumentation			+8,100	+8,100
61	**AIR AND MISSILE DEFENSE SYSTEMS ENGINEERING**	**79,959**	**89,959**	**121,059**	**122,859**
	AMD Architecture Analysis (A3) Program		+5,000		+5,000
	Future Army Attack and Missile Defense Systems (FAAMDS)		+5,000		+3,000
	AMD Common Battle Management C4I System			+5,500	0
	Adaptive Integrated Fire Control (IFC) Technology Demonstration Program (AITD)			+2,500	+1,800
	Allen Army Airfield Upgrades			+33,100	+33,100
64	**TANK AND MEDIUM CALIBER AMMUNITION**	**11,249**	**24,749**	**21,249**	**26,349**
	GPS Anti-Jamming for Munitions		+4,500		+3,100
	Mid-Range Munition (MRM)		+8,000		+6,000
	Mid-Range Munition (MRM/TERM)		+1,000		0
	MRM/TERM TM3			+10,000	+6,000
68	**NIGHT VISION SYSTEMS ADVANCED DEVELOPMENT**	**5,283**	**8,283**	**5,283**	**7,083**
	Dominant Military Operations on Urbanized Terrain Viewer (DMV)		+3,000		+1,800

R-1		Budget Request	House	Senate	Conference
69	**ENVIRONMENTAL QUALITY TECHNOLOGY DEM/VAL**	**11,514**	**39,514**	**22,014**	**40,964**
	Casting Emission Reduction Program (CERP)		+4,000	+4,000	+4,000
	Solid Waste Sustainability Initiative		+1,000		+1,000
	Environmental Security Initiative (Note: to integrate remote detection and response work into a deployable technological capability.)		+4,000		+3,400
	Arsenic Removal (Note: to establish an industry/academic/government consortium to develop a portable, effective, environmentally acceptable process for removing arsenic from drinking water, thereby protecting the health of deployed Army personnel.)		+2,000		+1,700
	Aberdeen Proving Ground Asbestos Conversion Facility		+2,000		+1,400
	Transportable Detonation Chamber		+8,000		+4,800
	Technology Develoment for UXO in Support of Military Readiness		+6,000		+5,100
	Army Environmental Solutions Program (Note: only to continue the current program of addressing environmental and renewable energy requirements associated with military operations. Moved from line 25 RDTE,A)		0		+2,500
	Sustainable Installations Initiative (Note: only to incorporate next generation wideband information pipeline technology and installation of AN/WSQ-11.)		0	0	+1,000
	Managing Army Technologies for Environmental Enhancement		+1,000	+4,500	+3,150
	Waste Minimization and Pollution Prevention			+2,000	+1,400
70	**WARFIGHTER INFORMATION NETWORK-TACTICAL - DEM/VAL**	**90,774**	**82,311**	**82,311**	**82,311**
	Reduce programmed growth--Nuclear Arms Control Technology		-8,463	-8,463	-8,463
71	**NATO RESEARCH AND DEVELOPMENT**	**4,779**	**2,779**	**4,779**	**2,779**
	Program reduction		-2,000		-2,000
72	**AVIATION - ADV DEV**	**9,968**	**13,968**	**14,968**	**14,468**
	Virtual Cockpit Optimization Program (VCOP)		+4,000	+5,000	+4,500
74	**LOGISTICS AND ENGINEER EQUIPMENT - ADV DEV**	**12,008**	**9,308**	**19,508**	**13,008**
	Program execution		-2,700		-2,700
	Theater Support Vessel development			+7,500	+3,700
76	**MEDICAL SYSTEMS - ADVANCED DEVELOPMENT**	**11,042**	**11,042**	**16,042**	**13,542**
	Automated Laboratories for Biodefense			+5,000	+2,500
81	**MEDIUM EXTENDED AIR DEFENSE SYSTEM (MEADS) CONCEPTS**	**276,259**	**276,259**	**0**	**252,259**
	Transfer to RDDW			-276,259	
	Patriot-MEADS consolidation efficiencies				-24,000
82	**AIRCRAFT AVIONICS**	**64,650**	**47,650**	**59,650**	**47,650**
	Program Execution		-17,000	-5,000	-17,000

R-1		Budget Request	House	Senate	Conference
89	**COMMON MISSILE**	**183,790**	**165,790**	**107,790**	**94,690**
	Program refocused		-18,000		-18,000
	Funding ahead of maturation of technologies			-76,000	-71,100
90	**INFANTRY SUPPORT WEAPONS**	**21,637**	**21,637**	**31,637**	**28,637**
	XM307 25mm Advanced Crew Served Weapon			+2,000	+1,400
	XM312 .50 caliber Advanced Crew Served Weapon			+8,000	+5,600
95	**FAMILY OF HEAVY TACTICAL VEHICLES**	**9,200**	**17,200**	**17,500**	**17,050**
	HEMTT A3 System Development and Demonstration Phase		+5,000	+15,000	+12,000
	Condition Based Maintenance		+3,000		+2,550
	Future Tactical Truck System			-6,700	-6,700
98	**LIGHT TACTICAL WHEELED VEHICLES**	**15,700**	**20,700**	**15,700**	**18,200**
	PM Program for User Evaluation of Hybrid Electric Technology (HMMWV)		+5,000		+2,500
101	**NIGHT VISION SYSTEMS - SDD**	**29,022**	**35,022**	**30,522**	**35,222**
	Avenger		+2,000		+1,700
	Multi-platform Replacement Sight (MRS)		+4,000		+3,400
	Enhanced Night Vision Goggle			+1,500	+1,100
102	**COMBAT FEEDING, CLOTHING, AND EQUIPMENT**	**67,283**	**125,783**	**100,000**	**100,000**
	Land Warrior program restructure (transfer from OP,A)		+58,500	+32,717	+32,717
109	**AUTOMATIC TEST EQUIPMENT DEVELOPMENT**	**4,634**	**7,634**	**10,634**	**11,434**
	Integrated Family of Test Equipment (IFTE)		+3,000		+2,600
	Integrated Family of Test Equipment--Base Shop Test Facility (v) 6			+6,000	+4,200
110	**DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS) - ENG DEV**	**26,358**	**26,358**	**26,358**	**26,058**
	Programmed growth		-2,000		-2,000
	Army Rock Drill-Commander's Planning Tool		+2,000		+1,700
111	**TACTICAL SURVEILLANCE SYSTEMS - ENG DEV**	**19,695**	**26,695**	**25,695**	**26,295**
	Army Tactical Exploitation System (TES-A) (for I Corps)		+2,000	+6,000	+3,600
	Broadband Intelligence Training System		+5,000		+3,000
112	**ARMY TACTICAL MISSILE SYSTEM (ATACMS)**	**55,075**	**2,000**	**4,000**	**10,000**
	Reduce programmed growth (Note: the conference agreement provides $7 million only to finish the current ACTD)		-55,075	-55,075	-48,075
	Viper Strike Munition		+2,000	+4,000	+3,000
117	**AVIATION - ENG DEV**	**2,379**	**2,379**	**3,379**	**3,379**
	Advanced Ballistic Protection			1,000	1,000

R-1	Budget Request	House	Senate	Conference
118 WEAPONS AND MUNITIONS - ENG DEV	**129,409**	**148,909**	**153,409**	**160,859**
Common Remotely Operated Weapon Station (CROWS) (Note: only to continue the program with a goal of eventually fielding CROWS with increment I of the Future Combat System)		+5,000		+3,000
XM932 Short Range Practice Cartridge (SRPC)		+2,500		+1,200
Advanced Concept Artillery Program (ACA2P)		+10,000		+8,500
XM-116, Small Arms Fire Control System II (Note: Only for SAFCS II development and operational testing followed by system type classification)		+2,000		+1,700
Advanced Precision Kill Weapon System (APKWS)			+10,000	+7,000
Precision Guided Mortar Munition			+4,000	+2,800
Rapidly Installed Fuel Transfer System			+7,000	+5,250
Dual Purpose Improved Conventional Munitions (DPICM)			+1,000	+1,000
Hybrid Propellant for FCS Applications			+2,000	+1,000
119 LOGISTICS AND ENGINEER EQUIPMENT - ENG DEV	**86,288**	**89,288**	**86,288**	**88,388**
2kW Military Tactical Generator Product Improvements (Note: only to provide product improvements to the Army's currently fielded lightweight man-portable 2kW military tactical generator (MTG) while also concurrently accelerating the research and development on the MTG's successor.)		+3,000		+2,100
120 COMMAND, CONTROL, COMMUNICATIONS SYSTEMS - ENG DEV	**219,088**	**229,088**	**219,088**	**219,088**
Applied Communications and Information Networking (ACIN) Program (Note: transferred to line 40)		+10,000		0
121 MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT	**12,202**	**24,702**	**16,202**	**22,852**
LSTAT Medical Technology		+2,500		+2,100
Biomedical Engineering Technology & Advanced Materials		+1,000		+1,000
Pressure Swing Absorption Oxygen Concentrator		+2,000		+1,000
Bio-Chem Protection		+3,000		+2,550
Chem-Bio Protection Technology		+4,000		+2,000
Next Generation Cartilage Infuser			+4,000	+2,000
122 LANDMINE WARFARE/BARRIER - ENG DEV	**90,396**	**98,396**	**90,396**	**97,196**
Magneto Inductive RAMS (Note: only to accelerate Engineering and Manufacturing Development (EMD) of the Magneto Inductive Remote Activation Munition System)		+8,000		+6,800
123 ARTILLERY MUNITIONS - EMD	**133,994**	**123,994**	**133,994**	**123,994**
Offset for MEMS INS/GPS		-10,000		-10,000
124 COMBAT IDENTIFICATION	**3,541**	**11,541**	**15,541**	**15,941**
Coalition Combat Identification (CCID) (Note: only for		+8,000		+4,000
Integrated Battlefield Combat Situational Awareness System (IB-CSAS)			+12,000	+8,400
125 ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE	**98,129**	**104,129**	**98,129**	**102,229**
TOC 3D & Survivable Carrier (CECOM)		+6,000		+4,100

R-1	Budget Request	House	Senate	Conference
130 PATRIOT PAC-3 THEATER MISSILE DEFENSE ACQUISITION	**174,475**	**174,475**	**0**	**158,475**
Transfer to RDDW			-174,475	
Patriot-MEADS consolidation efficiencies				-16,000
131 INFORMATION TECHNOLOGY DEVELOPMENT	**47,566**	**52,566**	**62,566**	**63,866**
Army Field Support Command Information Technology Initiative		+2,000		+1,000
Knowledge System Management (Note: Only for use by ARDEC at Picatinny Arsenal, NJ)		+3,000		+2,600
Tactical Logistics Data Digitization Program			+15,000	+12,700
132 THREAT SIMULATOR DEVELOPMENT	**17,751**	**17,751**	**21,251**	**20,251**
RF/SAM Threat Simulator Program			+3,500	+2,500
136 ARMY KWAJALEIN ATOLL	**137,307**	**137,307**	**141,307**	**140,407**
Domed Housing Units			+3,000	+2,100
Aberdeen Technology Transfer Initiative			+1,000	+1,000
137 CONCEPTS EXPERIMENTATION PROGRAM	**26,473**	**26,473**	**33,473**	**31,723**
Technology Management and Collaboration Initiative			+7,000	+5,250
139 ARMY TEST RANGES AND FACILITIES	**174,603**	**174,603**	**185,203**	**185,203**
Non-Discarding Sabot			+1,700	+1,700
Hybrid Electric Vehicle testing only at Cold Region Test Activity			+8,900	+8,900
140 ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS	**54,986**	**56,986**	**57,986**	**58,786**
White Sand Missile Range (WSMR) Test Modernization (Note: only to provide for acquisition of data collection and procession systems and support including digital imagers, data transmission infrastructure, data analysis tools, and data storage and management systems for the effective collection, management and distribution of test data.)		+2,000		+1,000
Army Threat Support Activity		0	0	+1,000
Chemical Biological Defense Material T&E Initiative			+3,000	+1,800
141 SURVIVABILITY/LETHALITY ANALYSIS	**39,138**	**38,138**	**45,138**	**42,338**
Reduce programmed growth--Legacy systems		-1,000		-1,000
Decision Related Structures (DRS)			+6,000	+4,200
142 DOD HIGH ENERGY LASER TEST FACILITY	**17,806**	**17,806**	**19,306**	**18,906**
High Energy Lase Systems Test Facility Infrastructure Upgrade			+1,500	+1,100
148 ARMY EVALUATION CENTER	**57,074**	**47,074**	**47,074**	**47,074**
Reduce programmed growth		-10,000	-10,000	-10,000
150 PROGRAMWIDE ACTIVITIES	**71,555**	**65,055**	**71,555**	**65,055**
Reduce programmed growth		-6,500		-6,500

R-1	Budget Request	House	Senate	Conference
151 TECHNICAL INFORMATION ACTIVITIES	**28,520**	**43,520**	**28,520**	**43,520**
Army High Performance Computing Research Center (AHPCRC) (Note: The Committee directs that $15,000,000 is available only for the Army High Performance Computing Research Center (AHPCRC) High Performance Computing systems and networks, user support, AHPCRC-based staff scientist and research support staff, technology exchange and summer institute programs and research activities.)		+15,000		+15,000
152 MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY	**19,855**	**43,355**	**29,855**	**41,105**
Advanced Cluster Energetics		+3,000		+2,100
CZT Detectors for Automated Munitions Inspection and Surveillance Program		+3,500		+2,400
Life Cycle Pilot Process		+2,000		+1,400
Manufacturing RDTE Center		+2,000		+1,400
MEMS IMU Technology Capitalization		+3,500		+1,800
Metal Matrix Technology Partnership for Munitions at TACOM-ARDEC, Picatinny Arsenal		+3,000		+1,500
NanoConsortium (MEMS Technology Applications)		+2,000	+2,000	+2,000
Public-Private Partnerships - Munitions		+4,500		+3,150
Sierra Army Depot Cryofracture/Plasma Arc Demilitatization Program (Note: transferred from Chemical Agents and Munitions Destruction, Army)		0		+1,500
Public Private Partnership to Develop Metal Matrix Composite Technologies			+8,000	+4,000
154 MANAGEMENT HEADQUARTERS (RESEARCH AND DEVELOPMENT)	**8,995**	**12,495**	**8,995**	**11,995**
Domestic Preparedness Against WMD First Responder Training at NTPI		+3,500		+3,000
157 AEROSTAT JOINT PROJECT OFFICE	**57,549**	**60,549**	**57,549**	**59,049**
Lightweight X-Band Radar MEMS Antenna Technology		+3,000		+1,500
158 DOMESTIC PREPAREDNESS AGAINST WEAPONS OF MASS DESTRUCTION	**0**	**4,500**	**2,000**	**4,000**
Bioterrorism Education		+1,000		+1,000
Multiple Delivery Systems for Applying Aqueous Decontaminant		+3,000	+2,000	+2,500
Structural Biology Center		+500		+500
160 COMBAT VEHICLE IMPROVEMENT PROGRAMS	**24,486**	**28,486**	**31,486**	**31,686**
Combat Vehicle Electronics for Future and Legacy Programs		+4,000		+2,000
Tracked Hybrid-Electric Vehicle Advanced Technology Demonstrator			+4,500	+3,200
Abrams Track Development			+1,000	+1,000
Digitization Support to Fort Hood			+1,500	+1,000
161 MANEUVER CONTROL SYSTEM	**39,581**	**39,581**	**45,581**	**39,581**
Classified Program			+6,000	0

R-1	Budget Request	House	Senate	Conference
162 AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PROGRAMS	**187,959**	**269,959**	**279,959**	**277,759**
AH-64A Apache Helicopter Performance Support System for ARNG (Note: only to develop the infrastructure for a sustainable, scalable, state-of-the-art performance support system program)		+1,000		+1,000
Distributed Mission Training System		+2,000		+1,700
UH-60M prototype aircraft (transfer from AP,A)		+73,000	+85,000	+75,000
Maintenance Analysis Safety and Training (MAST) program		+6,000		+5,100
UH-60M IMD-HUMS Demonstration			+7,000	+7,000
163 AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	**3,399**	**10,399**	**8,399**	**5,399**
Wear Debris Data Repository Center		+5,000		0
Universal FADEC Control		+2,000	+5,000	+2,000
167 MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM	**44,468**	**44,468**	**46,968**	**46,568**
PATRIOT Light Antenna Mast Group			+1,000	+1,000
Advanced Composite Radome			+1,500	+1,100
173 SPECIAL ARMY PROGRAM	**5,968**	**8,968**	**11,268**	**21,468**
INSCOM Global Information Portal		+3,000		+1,500
Classified program			+5,300	+14,000
174 SECURITY AND INTELLIGENCE ACTIVITIES	**0**	**14,500**	**10,500**	**16,050**
Army Information Dominance Center Mobile Agent Technology		+2,500		+1,750
Army Information Dominance Center Expanded Processing for Data Analysis		+4,000		+2,800
Securametics		+5,000		+2,500
Technology for Specialized Field Communication and Machine Aided SIGINT Analysis for Linguists and Non-Linguist in Middle Eastern Languages		+3,000		+1,500
Asian/Arabic Language Technology			+500	+500
Documentation Exploitation Solution			+2,000	+1,400
Base Protection and Monitoring, Ft. Leavenworth			+8,000	+5,600
175 INFORMATION SYSTEMS SECURITY PROGRAM	**20,728**	**20,728**	**13,728**	**20,728**
Classified program			-7,000	0
176 GLOBAL COMBAT SUPPORT SYSTEM	**58,983**	**66,483**	**48,983**	**55,833**
Proof of Concept of Army Rapid Deployment Logistics System (Ft. Hood and Ft. Lewis)		+7,500		+6,850
Delayed approval of architecture backbone by OSD			-10,000	-10,000
178 WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM	**20,124**	**17,124**	**20,124**	**17,124**
Reduce programmed growth		-3,000		-3,000
180 TACTICAL UNMANNED AERIAL VEHICLES	**60,493**	**61,493**	**75,493**	**69,393**
I-GNAT Unmanned Aerial Vehicle		+1,000		0
Shadow 200 TUAV Airframe Optimization			+8,900	+5,300
TUAV Tactical Common Data Link (TCDL)			+6,100	+3,600

R-1	Budget Request	House	Senate	Conference
182 DISTRIBUTED COMMON GROUND SYSTEMS	**32,292**	**40,792**	**32,292**	**37,792**
Asymmetric Warfare Intelligence Analysis Advanced Tool Set (AW-IAATS)		+2,500		+1,500
Distributed Data Visialization & Management		+4,000		+2,800
National Defense Imagery Processing (NDIP) Program		+2,000		+1,200
183 END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES	**65,981**	**84,981**	**80,181**	**86,731**
21st Century High Tech. Legacy Parts Reinvention		+1,000		+1,000
21st Century High Technology for Legacy Parts Reinvention--Watervliet		+3,000		+1,500
Femtosecond Laser (Industrial Short Pulse Laser)		+6,000		+6,000
National Center for Defense Manufacturing and Machining		+4,000		+3,400
Reactive Atom Plasma (RAP) Processing		+3,000		+2,550
Industrial Preparedness, Manufacturing Science and Technology		+2,000		+1,000
Optics Manufacturing Research			+1,500	+1,000
Microwave Wastewater Treatment System			+1,700	+1,200
Bipolar Wafer-cell NiMH battery for Army vehicles			+2,000	+1,000
Lean Munitions			+3,000	+2,100
MERWS-Natick (Note: transferred to line 30)			+6,000	0

FUTURE COMBAT SYSTEM

The conferees share the view expressed in the reports accompanying both the House- and Senate-passed versions of the fiscal year 2004 Department of Defense Appropriations bill that the Army must improve the structure of the budget estimates in support of the Future Combat System (FCS). Adding detail to the budget justification materials is essential to justify the requested level of funding which totals $1,701,331,000 in fiscal year 2004 and $13,243,904,000 over the Future Years Defense Plan (FYDP).

Accordingly, the conferees direct that the Army establish two separate program elements for the purpose of supporting the FCS budget estimates. One program element shall include funding estimates for the Non-Line of Sight Cannon and resupply vehicle (NLOS–C). For fiscal year 2004, the conferees direct that $353,242,000 of the funds requested for the FCS program be made available only for NLOS–C. The conferees recognize that NLOS–C is an element of the FCS system of systems and that development of NLOS–C must be coordinated with other elements of the FCS program. The conferees further direct that this program is a special interest item subject to prior approval reprogramming procedures for the cumulative value of transfers in excess of $20,000,000. In addition, the conferees direct the Secretary of the Army to provide financial execution data on the NLOS–C element of FCS including, but not limited to: obligations, disbursements, and transfers.

The balance of the funding requested for fiscal year 2004, $1,348,089,000, shall be divided into the following projects within a separate program element:

[In thousands of dollars]

Non-Line of Sight (NLOS) Launch system	102,971
Reconnaissance Platforms and Sensors	284,925
Unmanned Ground Vehicles	186,768
Unattended Sensors	17,432
Sustainment	139,239
Command and Control	334,730
Manned Ground Vehicles	282,024

The conferees direct the Secretary of Defense to provide 30 days prior notification to the congressional defense committees on the cumulative value of transfers in excess of $20,000,000 into or out of these projects. In addition, the conferees direct the Secretary of the Army to provide quarterly financial reports to the congressional defense committees that include, but are not limited to obligations, disbursements, and transfers for each of these projects.

DEFENSE LANGUAGE INSTITUTE RESEARCH AND DEVELOPMENT

The conferees note that the Defense Language Institute (DLI) is funded primarily through the Operation and Maintenance, Army account. However, the conferees are aware that DLI often undertakes research and development work on technologies related to language, language learning, and curriculum development. Accordingly, the conferees urge the Secretary of the Army to establish a new program element code within the Research, Development, Test and Evaluation, Army account for the purpose of funding research and development efforts at DLI. The conferees also recommend that the Army provide a reasonable level of funding to support this effort from the resources provided in this Act.

ARMY MEMS–GPS/INS TECHNOLOGY DEVELOPMENT

The conferees agree to provide an additional $8,500,000 to continue development and testing essential to achieve a low-cost inertial guidance system using high-g MEMS technology and producing an anti-jam ''ultra-deeply coupled GPS/INS hardware/software system'' from funding included for the Excalibur artillery program. The conferees expect this joint Army-Navy effort to be robustly funded in the fiscal year 2005 budget request and in the Future Years' Defense Program.

OBJECTIVE FORCE COST MODULE

In fiscal year 2003, the conferees provided $3,600,000 to fund the initial development phase of the Objective Force Cost Module (OFCM), a cost analysis and estimating tool critical to the on-time and on-budget deployment of the Future Combat System (FCS). Given the positive development of the OFCM tool to date and continuing concerns that the FCS program keep its deployment and budget schedule, the conferees encourage to Army to continue fiscal year 2004 funding of the OFCM program with available FCS funds.

NEUROTOXIN EXPOSURE TREATMENT RESEARCH PROGRAM (NETRP)

The conferees are aware that the United States Army Medical Research and Materiel Command is conducting excellent research in investigating the underlying biologic mechanisms and therapeutic interventions of neurodegenerative effects caused by deployment, environmental and occupational exposures. Therefore, the conferees recommend $26,000,000 for the continuation of this research into Parkinsons and other neurological disorders. The conferees note the success of the collaborative work between the military, a non-profit organization and an academic laboratory with distinguished scientific credentials in this field that has helped accelerate NETRP research and would urge the Army to continue its support of this effort.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

The conference agreement on items addressed by either the House or Senate is as follows:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY				
BASIC RESEARCH				
UNIVERSITY RESEARCH INITIATIVES	70,669	81,669	91,669	92,519
IN-HOUSE LABORATORY INDEPENDENT RESEARCH	17,400	17,400	17,400	17,400
DEFENSE RESEARCH SCIENCES	368,517	379,017	384,517	379,617
TOTAL, BASIC RESEARCH	456,586	478,086	493,586	489,536
APPLIED RESEARCH				
POWER PROJECTION APPLIED RESEARCH	114,144	144,144	129,774	144,244
FORCE PROTECTION APPLIED RESEARCH	75,909	85,409	119,909	114,184
MARINE CORPS LANDING FORCE TECHNOLOGY	31,778	33,778	32,778	32,778
HUMAN SYSTEMS TECHNOLOGY	---	2,000	---	1,725
MATERIALS, ELECTRONICS AND COMPUTER TECHNOLOGY	---	---	---	1,800
COMMON PICTURE APPLIED RESEARCH	59,022	74,522	90,022	96,597
WARFIGHTER SUSTAINMENT APPLIED RESEARCH	52,213	90,113	92,963	101,788
RF SYSTEMS APPLIED RESEARCH	44,019	45,519	52,519	49,819
OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH	48,785	70,585	52,285	63,010
UNDERSEA WARFARE APPLIED RESEARCH	62,583	70,883	77,083	77,733
MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH	47,490	47,490	48,490	48,490
TOTAL, APPLIED RESEARCH	535,943	664,443	695,823	732,168

	Budget	House	Senate	Conference
	(In thousands of dollars)			
ADVANCED TECHNOLOGY DEVELOPMENT				
POWER PROJECTION ADVANCED TECHNOLOGY	173,478	225,478	230,580	260,178
FORCE PROTECTION ADVANCED TECHNOLOGY	55,780	123,030	97,980	125,380
COMMON PICTURE ADVANCED TECHNOLOGY	69,194	82,194	77,194	80,594
WARFIGHTER SUSTAINMENT ADVANCED TECHNOLOGY	54,794	71,294	80,294	87,944
RF SYSTEMS ADVANCED TECHNOLOGY	45,475	55,475	62,475	62,775
MARINE CORPS ADVANCED TECHNOLOGY DEMONSTRATION (ATD)	56,404	74,504	85,404	91,154
NAVY TECHNICAL INFORMATION PRESENTATION SYSTEM	151,058	151,058	136,058	139,058
WARFIGHTER PROTECTION ADVANCED TECHNOLOGY	11,435	30,435	14,435	26,935
UNDERSEA WARFARE ADVANCED TECHNOLOGY	38,168	38,168	51,168	47,068
JOINT WARFARE EXPERIMENTS	13,684	13,684	24,684	20,184
NAVY WARFIGHTING EXPERIMENTS AND DEMONSTRATIONS	20,584	20,584	39,984	39,984
MINE AND EXPEDITIONARY WARFARE ADVANCED TECHNOLOGY	31,719	37,719	38,219	39,369
TOTAL, ADVANCED TECHNOLOGY DEVELOPMENT	721,773	923,623	938,475	1,020,623
DEMONSTRATION & VALIDATION				
AIR/OCEAN TACTICAL APPLICATIONS	22,832	22,832	22,832	22,832
AVIATION SURVIVABILITY	6,809	19,009	11,809	16,209
DEPLOYABLE JOINT COMMAND AND CONTROL	79,449	79,449	64,329	64,329
ASW SYSTEMS DEVELOPMENT	11,149	15,149	17,149	18,949
TACTICAL AIRBORNE RECONNAISSANCE	7,051	2,051	7,051	2,051
ADVANCED COMBAT SYSTEMS TECHNOLOGY	3,394	3,394	7,394	5,794
SURFACE AND SHALLOW WATER MINE COUNTERMEASURES	140,731	150,731	140,731	147,331
SURFACE SHIP TORPEDO DEFENSE	48,347	56,347	40,347	45,397
CARRIER SYSTEMS DEVELOPMENT	144,965	148,465	164,965	158,365
SHIPBOARD SYSTEM COMPONENT DEVELOPMENT	20,431	26,431	32,431	37,081
PILOT FISH	95,301	95,301	95,301	95,301
RETRACT LARCH	74,111	74,111	74,111	74,111
RETRACT JUNIPER	20,526	20,526	20,526	20,526
RADIOLOGICAL CONTROL	1,112	1,112	1,112	1,112
SURFACE ASW	2,506	4,506	5,006	4,506

	Budget	House	Senate	Conference
	(In thousands of dollars)			
SSGN CONVERSION	68,988	71,488	68,988	70,188
ADVANCED SUBMARINE SYSTEM DEVELOPMENT	52,744	96,744	85,444	94,744
SUBMARINE TACTICAL WARFARE SYSTEMS	6,027	6,027	6,027	6,027
SHIP CONCEPT ADVANCED DESIGN	7,679	11,679	22,679	21,079
ADVANCED NUCLEAR POWER SYSTEMS	201,239	201,239	201,239	201,239
ADVANCED SURFACE MACHINERY SYSTEMS	1,468	7,468	1,468	6,568
CHALK EAGLE	17,463	17,463	17,463	17,463
LITTORAL COMBAT SHIP (LCS)	158,071	168,071	158,071	168,071
COMBAT SYSTEM INTEGRATION	86,836	93,336	100,836	99,091
CONVENTIONAL MUNITIONS	42,539	42,539	42,539	42,539
MARINE CORPS ASSAULT VEHICLES	240,695	240,695	240,695	240,695
MARINE CORPS MINE/COUNTERMEASURES SYSTEMS - ADV DEV	1,215	1,215	1,215	1,215
MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM	19,700	19,700	28,700	26,300
JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	12,385	17,885	12,385	17,060
COOPERATIVE ENGAGEMENT	72,506	90,506	72,506	87,806
OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT	18,180	18,180	18,180	18,180
ENVIRONMENTAL PROTECTION	30,127	30,127	33,127	32,227
NAVY ENERGY PROGRAM	1,713	1,713	3,713	1,713
FACILITIES IMPROVEMENT	1,440	1,440	1,440	1,440
CHALK CORAL	61,453	61,453	61,453	61,453
NAVY LOGISTIC PRODUCTIVITY	7,591	21,591	10,091	18,191
RETRACT MAPLE	300,864	300,864	300,864	300,864
LINK PLUMERIA	105,363	105,363	105,363	105,363
RETRACT ELM	43,755	43,755	43,755	43,755
SHIP SELF DEFENSE	9,733	9,733	9,733	9,733
LINK EVERGREEN	95,796	95,796	95,796	95,796
SPECIAL PROCESSES	53,450	53,450	53,450	53,450
NATO RESEARCH AND DEVELOPMENT	7,941	7,941	7,941	7,941
LAND ATTACK TECHNOLOGY	63,434	146,134	89,434	121,034
NONLETHAL WEAPONS	43,445	43,445	44,445	44,445

	Budget	House	Senate	Conference
	(In thousands of dollars)			
ALL SERVICE COMBAT IDENTIFICATION EVALUATION TEAM.....	16,765	16,765	15,065	15,065
JOINT PRECISION APPROACH AND LANDING SYSTEMS.....	24,304	24,304	24,304	24,304
SINGLE INTEGRATED AIR PICTURE (SIAP) SYSTEM ENGINEER..	15,053	15,053	15,053	15,053
SPACE & ELECTRONIC WARFARE (SEW) ARCHITECTURE/ENGINE..	31,369	35,369	36,369	37,669
TOTAL, DEMONSTRATION & VALIDATION.....	2,600,045	2,837,945	2,734,925	2,821,655
ENGINEERING & MANUFACTURING DEVELOPMENT				
OTHER HELO DEVELOPMENT.....	66,764	66,764	67,764	68,764
AV-8B AIRCRAFT - ENG DEV.....	10,527	8,027	10,527	8,727
STANDARDS DEVELOPMENT.....	50,063	53,063	50,063	50,063
MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT.....	76,998	76,998	76,998	76,998
AIR/OCEAN EQUIPMENT ENGINEERING.....	4,309	3,079	4,309	3,079
P-3 MODERNIZATION PROGRAM.....	7,306	11,306	19,606	14,756
WARFARE SUPPORT SYSTEM.....	1,466	---	5,266	2,000
TACTICAL COMMAND SYSTEM.....	68,805	72,305	62,005	66,255
E-2C RADAR MODERNIZATION.....	352,298	347,298	352,298	347,298
H-1 UPGRADES.....	90,589	90,589	92,589	91,989
ACOUSTIC SEARCH SENSORS.....	15,831	18,631	15,831	17,131
V-22A.....	441,142	441,142	398,142	407,142
AIR CREW SYSTEMS DEVELOPMENT.....	8,765	19,765	8,765	16,365
EW DEVELOPMENT.....	256,701	265,701	269,201	266,701
TAC AIR DIRECTIONAL INFRARED COUNTERMEASURES.....	---	14,000	---	12,000
VHXX EXECUTIVE HELO DEVELOPMENT.....	197,431	197,431	197,431	197,431
JOINT TACTICAL RADIO SYSTEM - NAVY (JTRS-NAVY).....	87,943	90,443	87,943	89,693
SC-21 TOTAL SHIP SYSTEM ENGINEERING.....	1,037,987	927,987	1,025,487	1,064,387
SURFACE COMBATANT COMBAT SYSTEM ENGINEERING.....	205,733	245,733	213,233	215,933
LPD-17 CLASS SYSTEMS INTEGRATION.....	7,989	7,989	7,989	8,989
TRI-SERVICE STANDOFF ATTACK MISSILE.....	25,137	16,137	25,137	21,137
STANDARD MISSILE IMPROVEMENTS.....	76,927	69,927	86,927	81,927
AIRBORNE MCM.....	88,514	92,514	91,514	92,014

	Budget	House	Senate	Conference
	(In thousands of dollars)			
SSN-688 AND TRIDENT MODERNIZATION	80,815	77,615	83,815	77,915
AIR CONTROL	10,472	10,472	10,472	10,472
ENHANCED MODULAR SIGNAL PROCESSOR	1,006	1,006	1,006	1,006
SHIPBOARD AVIATION SYSTEMS	18,352	22,352	23,852	23,852
COMBAT INFORMATION CENTER CONVERSION	21,244	13,244	21,244	13,244
NEW DESIGN SSN	112,355	158,855	141,555	155,305
SSN-21 DEVELOPMENTS	13,482	4,482	25,982	24,107
SUBMARINE TACTICAL WARFARE SYSTEM	32,238	25,738	38,738	32,738
SHIP CONTRACT DESIGN/ LIVE FIRE T&E	138,017	75,117	136,267	135,667
NAVY TACTICAL COMPUTER RESOURCES	2,267	19,267	2,267	12,667
MINE DEVELOPMENT	1,497	1,497	1,497	1,497
UNGUIDED CONVENTIONAL AIR-LAUNCHED WEAPONS	9,701	9,701	14,701	12,201
LIGHTWEIGHT TORPEDO DEVELOPMENT	3,442	7,442	3,442	6,242
JOINT DIRECT ATTACK MUNITION	33,029	33,029	33,029	33,029
JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	8,136	8,136	8,136	8,136
PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS	1,941	1,941	1,941	1,941
BATTLE GROUP PASSIVE HORIZON EXTENSION SYSTEM	16,942	16,942	16,942	16,942
JOINT STANDOFF WEAPON SYSTEMS	775	5,775	775	5,025
SHIP SELF DEFENSE (DETECT & CONTROL)	40,930	46,930	38,516	42,716
SHIP SELF DEFENSE (ENGAGE: HARD KILL)	23,076	24,576	41,076	24,576
SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW)	35,508	46,508	48,508	54,108
MEDICAL DEVELOPMENT	9,121	75,521	23,093	71,068
NAVIGATION/ID SYSTEM	45,726	45,726	45,726	45,726
DISTRIBUTED SURVEILLANCE SYSTEM	28,755	28,255	30,755	28,255
JOINT STRIKE FIGHTER (JSF)	2,171,736	2,105,736	2,216,536	2,183,536
SMART CARD	552	552	552	552
INFORMATION TECHNOLOGY DEVELOPMENT	8,835	8,835	8,835	8,835
INFORMATION TECHNOLOGY DEVELOPMENT	30,562	66,562	47,562	66,112
DEFENSE INTEGRATED MILITARY HUMAN RESOURCES SYSTEM	78,724	73,724	78,724	73,724
MULTI-MISSION MARITIME AIRCRAFT (MMA)	76,243	58,743	76,243	72,243

	Budget	House	Senate	Conference
	(In thousands of dollars)			
NAVY STANDARD INTEGRATED PERSONNEL SYSTEM (NSIPS)	4,653	4,653	4,653	4,653
TOTAL, ENGINEERING & MANUFACTURING DEVELOPMENT	6,239,357	6,215,761	6,395,465	6,468,869
RDT&E MANAGEMENT SUPPORT				
THREAT SIMULATOR DEVELOPMENT	28,004	28,004	28,004	28,004
TARGET SYSTEMS DEVELOPMENT	37,638	37,638	37,638	37,638
MAJOR T&E INVESTMENT	43,908	43,908	43,908	43,908
STUDIES AND ANALYSIS SUPPORT - NAVY	4,431	4,431	5,431	9,431
CENTER FOR NAVAL ANALYSES	40,726	40,726	40,726	40,726
FLEET TACTICAL DEVELOPMENT	2,006	2,006	2,006	2,006
TECHNICAL INFORMATION SERVICES	726	16,726	16,226	27,576
MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT	30,236	30,236	32,736	31,486
STRATEGIC TECHNICAL SUPPORT	3,883	3,883	3,883	3,883
RDT&E SCIENCE AND TECHNOLOGY MANAGEMENT	64,885	64,885	64,885	64,885
RDT&E INSTRUMENTATION MODERNIZATION	13,554	13,554	13,554	13,554
RDT&E SHIP AND AIRCRAFT SUPPORT	78,648	78,648	78,648	78,648
TEST AND EVALUATION SUPPORT	258,471	259,471	258,471	259,471
OPERATIONAL TEST AND EVALUATION CAPABILITY	12,094	12,094	12,094	12,094
NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT	3,187	3,187	3,187	3,187
SEW SURVEILLANCE/RECONNAISSANCE SUPPORT	12,091	12,091	12,091	12,091
MARINE CORPS PROGRAM WIDE SUPPORT	16,635	29,635	21,135	29,635
TOTAL, RDT&E MANAGEMENT SUPPORT	651,123	681,123	674,623	698,223
OPERATIONAL SYSTEMS DEVELOPMENT				
STRATEGIC SUB & WEAPONS SYSTEM SUPPORT	104,793	104,793	76,693	66,193
SSBN SECURITY TECHNOLOGY PROGRAM	38,408	38,408	38,408	38,408
SUBMARINE ACOUSTIC WARFARE DEVELOPMENT	2,955	7,955	2,955	5,955
NAVY STRATEGIC COMMUNICATIONS	27,357	27,357	27,357	27,357
RAPID TECHNOLOGY TRANSITION (RTT)	14,662	14,662	10,000	10,000
F/A-18 SQUADRONS	179,047	179,047	179,047	179,047
E-2 SQUADRONS	9,083	20,083	14,083	19,783

	Budget	House	Senate	Conference
	(In thousands of dollars)			
FLEET TELECOMMUNICATIONS (TACTICAL)	16,484	26,484	16,484	23,484
TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC)	71,385	78,385	81,385	77,385
INTEGRATED SURVEILLANCE SYSTEM	14,278	20,278	14,278	19,378
AMPHIBIOUS TACTICAL SUPPORT UNITS	5,652	5,652	5,652	5,652
CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT	21,719	22,719	21,719	22,719
CRYPTOLOGIC DIRECT SUPPORT	1,466	---	1,466	1,466
ELECTRONIC WARFARE (EW) READINESS SUPPORT	11,927	11,927	11,927	11,927
HARM IMPROVEMENT	49,381	53,381	49,381	52,181
TACTICAL DATA LINKS	44,526	44,526	44,526	44,526
SURFACE ASW COMBAT SYSTEM INTEGRATION	12,179	25,179	12,179	23,379
MK-48 ADCAP	17,227	17,227	17,227	17,227
AVIATION IMPROVEMENTS	60,073	74,573	60,073	69,323
NAVY SCIENCE ASSISTANCE PROGRAM	7,236	7,236	10,708	10,708
OPERATIONAL NUCLEAR POWER SYSTEMS	62,751	62,751	62,751	62,751
MARINE CORPS COMMUNICATIONS SYSTEMS	235,722	248,722	238,722	251,172
MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS	35,439	42,439	37,189	42,439
MARINE CORPS COMBAT SERVICES SUPPORT	19,723	19,723	19,723	19,723
TACTICAL AIM MISSILES	2,322	2,322	2,322	2,322
ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	9,297	9,297	9,297	9,297
SATELLITE COMMUNICATIONS (SPACE)	379,541	282,041	354,541	271,291
INFORMATION SYSTEMS SECURITY PROGRAM	18,404	25,404	21,404	25,704
COBRA JUDY	69,369	69,369	69,369	69,369
NAVY METEOROLOGICAL AND OCEAN SENSORS-SPACE (METOC)	4,966	4,966	4,966	7,966
JOINT C4ISR BATTLE CENTER (JBC)	50,413	50,413	36,513	45,413
JOINT MILITARY INTELLIGENCE PROGRAMS	5,314	5,314	5,314	5,314
TACTICAL UNMANNED AERIAL VEHICLES	56,521	48,321	102,921	86,721
ENDURANCE UNMANNED AERIAL VEHICLES	101,448	68,048	101,448	101,448
AIRBORNE RECONNAISSANCE SYSTEMS	13,345	20,345	28,445	27,295
MANNED RECONNAISSANCE SYSTEMS	13,717	18,717	13,717	16,717
DISTRIBUTED COMMON GROUND SYSTEMS	4,421	6,521	4,421	8,971

	Budget	House	Senate	Conference
	(In thousands of dollars)			
MODELING AND SIMULATION SUPPORT	7,044	7,044	15,044	13,644
DEPOT MAINTENANCE (NON-IF)	9,073	9,073	9,073	9,073
INDUSTRIAL PREPAREDNESS	54,593	54,593	63,593	64,993
MARITIME TECHNOLOGY (MARITECH)	10,068	13,068	14,068	14,668
TOTAL, OPERATIONAL SYSTEMS DEVELOPMENT	1,873,329	1,848,363	1,910,389	1,882,389
CLASSIFIED PROGRAMS	1,028,497	1,016,895	1,043,095	1,032,920
TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY	14,106,653	14,666,239	14,886,381	15,146,383

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
{In thousands of dollars}

R-1	Budget Request	House	Senate	Conference
1 UNIVERSITY RESEARCH INITIATIVES	**70,669**	**81,669**	**91,669**	**92,519**
Center for Southern Tropical Advanced Remote Sensing (Note: only for CSTARS ground segment for additional satellites; hardware and software to accommodate mission-specific needs of the US Southern Command; additional capabilities associated with scientific use of the facility)		+5,000	+5,000	+5,000
Southern Universities Research Associations (SURA) Coastal Ocean Observation Program (SCOOP) (Note: only to continue development of an integrated system of ocean sensors and models for a regional network of integrated data)		+6,000		+3,000
Center for Maritime Systems (Note: only for improvements in high-speed hydrodynamics research capabilities and university research programs in naval architecture, hydrodynamics and ocean engineering)				+3,600
Armed Forces food safety and security research			+4,000	+2,800
Center for Nanoscience and Nanomaterials			+6,000	+3,000
Low Temperature Research Center			+1,000	+1,000
MEMS Sensor for rolling element bearings			+2,000	+1,450
Nanomaterials for high performance coatings application			+1,000	+1,000
Neural engineering for human response augmentation			+2,000	+1,000
3 DEFENSE RESEARCH SCIENCES	**368,517**	**379,017**	**384,517**	**379,617**
Quantum Optical Science and Engineering - next generation of technology in optical telecommunications, optical computing, optical signal processing, and quantum code breaking		+5,000	+1,000	+2,500
Integrated WMD detection and collection system (Note: only to develop and produce an integrated NBC detection and collection system that will merge COTS nuclear and chemical detection devices with a small biological collection device already demonstrated on the Marine Corps Dragon Eye UAV)		+3,000		+2,100
Center for Photochemical Sciences (Note: only for continued support of the Center for Photochemical Sciences)		+2,500		+500
Academy for Closing and Avoiding Achievement Gaps			+1,000	+1,000
Center for Advanced Power Systems (CAPS) - moved to line 5			+5,000	0
Nanoscale architectures from protein nanocages			+2,000	+2,000
Neutron detector			+1,500	+1,000
Power and propulsion technologies for the electrical Naval force - moved to line 44			+2,500	0
Robotic countermine technology			+3,000	+2,000

R-1	Budget Request	House	Senate	Conference
4 POWER PROJECTION APPLIED RESEARCH	114,144	144,144	129,774	144,244
Non-linear Dynamics - Control of Chaos (Note: only for an effort by the Institute of Scientific Research in conjunction with ONR and SPAWAR to support ongoing efforts to expedite chaos control research)		+4,000		+3,400
Interrogator for high-speed retro reflectometer covert communications		+4,000		+2,000
FireLidar (Note: only to continue the development of technology that will permit detection through smoke, fog, water and other obscurants)		+2,000		+1,500
Advanced Development and Demonstration of Electric Actuator technology (Note: only for the development of a shipboard-qualified electric actuator to replace hydraulic-powered actuators)		+2,000		+1,200
Hybrid Lidar-Radar for improved optical imaging (Note: only to investigate the application of Hybrid Lidar-Radar to underwater, biomedical and atmospheric imaging)		+3,500		+1,700
Kill Assist All-Weather Targeting System (KAATS) (Note: only to continue development and demonstration of UAV mounted high resolution SAR for all weather precision targeting)		+4,500		+3,150
Device Integration of WBG Semiconductors and Crystalline Oxides		+2,000		+1,400
Ultra-Short Pulse Laser Technology		+2,000		+1,400
Radar Infrared Imaging		+2,500		+2,100
High Efficiency Piezoelectric Crystals		+2,500		+2,100
Integrated High Payoff Rocket Propulsion Technology Program (IHPRPT)		+1,000		+1,000
Nanocomposite warheads - moved from line 113				+2,550
UCAV-N Naval Precision Strike Operation; budget error - transferred to line 18			-25,000	-25,000
Hypersonic funding (NAI)- excludes HyFly			-1,920	0
Space Access (NAI) - excludes HyFly			-2,450	-1,500
Advanced Multi-INT Exploitation System (AMIES)			+4,000	+2,800
Chemical weapon detection for UAV applications			+2,000	+1,400
Combustion light gas for Naval Surface Fire Support program			+5,000	+4,250
Free Electron Laser			+10,000	+7,000
Gallium Nitride (GaN) microelectronics and materials development			+6,000	+3,000
Integrated biological warfare technology platform			+6,000	+5,150
Intelligent control systems for SWARM Unmanned Aerial Vehicles			+5,000	+4,250
Thermal management of environmentally enclosed ground stations and computing systems			+7,000	+5,250

R-1	Budget Request	House	Senate	Conference
5 FORCE PROTECTION APPLIED RESEARCH	**75,909**	**85,409**	**119,909**	**114,184**
Center for Advanced Power Systems (Note: only for Electric Ship R&D Consortium (ESRDC) for additional instrumentation and power generation equipment to complete the test bed)		+6,000		+4,000
Battery charging technology (Note: only to continue and expand the existing program to develop advanced battery charging algorithms)		+2,500		+2,125
Deployable Fiber Optic Force Protection System		+1,000		+1,000
Corrosion modeling software			+4,500	+3,150
Fusion processor and integrated contextual reasoning			+7,500	+6,400
High efficiency quiet electric drive			+2,000	+1,400
Integrated fuel processor - fuel cell system			+4,000	+2,400
Low-cost, rapid prototype/production technology for polymeric aircraft components			+3,000	+1,500
Miniature autonomous vehicles			+2,000	+1,200
Nanostructured composite marine coatings			+2,500	+2,500
Project Endeavor			+4,000	+3,400
Solid Oxide regenerative fuel cell			+3,500	+3,000
Structural reliability of FRP composites			+4,000	+2,000
Unmanned sea surface vehicles for Maritime missions			+7,000	+4,200
6 MARINE CORPS LANDING FORCE TECHNOLOGY	**31,778**	**33,778**	**32,778**	**+32,778**
Advanced Lead Acid Battery Development for Military Vehicles		+2,000	+1,000	+1,000
8 HUMAN SYSTEMS TECHNOLOGY	**0**	**2,000**	**0**	**1,725**
Polykinetics: Materials, electronics, and computer technology (Note: only to evaluate polymer applications for noise reduction, radar absorption, fire protection, surface wear prevention and environmental protection)		+2,000		+1,725
9 MATERIALS, ELECTRONICS AND COMPUTER TECHNOLOGY	**0**	**0**	**0**	**1,800**
Virtual Company (VC) Link				+1,800
10 COMMON PICTURE APPLIED RESEARCH	**59,022**	**74,522**	**90,022**	**+96,597**
National Center for Advanced Secure Systems Research (NCASSR)		+7,500		+7,500
Common Sensor Module - microelectronic sensors for unattended surveillance at remote sites		+3,000		+1,800
Web-based technology insertion for the EWT (Note: only for increasing interoperability amongst legacy systems for expeditionary warfare)		+1,500		+1,275
Coastal Area and Tactical Mapping System - provide the Marine Expeditionary Forces with next-generation airborne-scanning laser-mapping system - moved to line 11		+3,500		0
Transfer to RDT&E, DW PE 0603765E			-2,000	-2,000
AIREP			+7,500	+10,750
Expeditionary Strike Group Network (3rd FLEET)			+5,000	+4,250
M2C2			+7,500	+2,000
NAIF			+5,000	+5,000
Naval automation and information management technology			+2,000	+1,000
Theater Undersea Warfare Initiative (TUSW)			+6,000	+6,000

R-1	Budget Request	House	Senate	Conference
11 WARFIGHTER SUSTAINMENT APPLIED RESEARCH	**52,213**	**90,113**	**92,963**	**+101,788**
Low Volume Production (Note: only to continue development of advanced affordable low volume component rebuilding technology using a new generation of laser technologies)		+2,000		+2,000
Marine Mammal Research Program - national research facility for the study of dolphin and whale hearing		+2,200		+1,100
Single-wall Carbon Nanotube Low Observable Materials for Navy Stealth applications		+5,000	+4,000	+4,500
National Unmanned Undersea Vehicle (UUV) Test and Evaluation Center (NUTEC) - complete extension of range equipment and infrastructure		+6,500		+2,750
Three dimensional printing metalworking project - to further refine and expand the capabilities and integration of the 3D process		+2,000		+1,400
Fibrous Monolith Materials- accelerate insertion of Fibrous Monolith materials for Navy applications		+5,000		+2,500
Portable Language Translation System and Computing Platforms (Note: only to complete three prototypes of Pocketable Language Translation Systems and Computing Platforms)		+3,000		+2,100
Novel Materials Synthesis and Characterization		+3,500		+2,450
Aerospace material technology consortium- only to continue the link of government, industrial and academic institutions via a prototype web-based portal		+2,500		+1,875
Human systems technology		+1,700		+1,000
Integrated Biodefense Research Initiative		+2,000		+1,000
Porous Materials Research		+1,000		+1,000
Formable aligned carbon thermostats (FACTS) (Note: only for the development and demonstration of the FACTS product form)		+1,500	+1,000	+1,250
Naval Training, Performance, and Expertise				+500
Advanced fouling and corrosion control coatings			+8,000	+5,600
Advanced Materials and Intelligent Processing Center			+2,500	+1,250
Agile Vaccinology			+4,000	+4,000
Biodegradable Polymers for Naval Applications			+2,250	+1,575
Bioenvironmental Hazards Research Program			+1,000	+1,000
Carbon Foam Program			+2,500	+2,125
Coastal Area and Tactical Mapping System - provide the Marine Expeditionary Forces with next-generation airborne-scanning laser-mapping system - moved from line 10			+2,000	+2,000
Diagnostic Tool for Biowarfare-Inflicted Infectious Disease			+4,000	+2,000
Optimizing adaptive warrior performance			+3,000	+2,100
Rapid and highly sensitive detection of biowarfare agents			+3,000	+1,500
Titanium matrix composites program			+3,500	+1,000

R-1	Budget Request	House	Senate	Conference
12 RF SYSTEMS APPLIED RESEARCH	**44,019**	**45,519**	**52,519**	**49,819**
Vessel and Port Security Demonstration (Note: only for radar and sensor integration for a port security and surveillance demonstration)		+1,500		+1,000
Transfer to RDT&E, DW PE 0603765E			-5,500	-5,500
Advanced Microwave Ferrite research			+2,500	+1,500
Advanced semiconductor materials			+2,000	+1,400
High briteness electron sources			+3,000	+2,100
Maritime synthetic range			+5,000	+4,300
Wide bandgap silicon carbide semiconductor research			+1,500	+1,000
13 OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH	**48,785**	**70,585**	**52,285**	**63,010**
Oceanographic Sensors for Mine Countermeasures/Autonomous Marine Sensors - (Note: only to focus on development of sensor program to rapidly identify trace amounts of dissolved organic compounds)		+5,500		+4,675
Center for Maritime Systems - support ongoing research projects, including efforts related to the design of high-speed and littoral ships		+4,000		+2,800
South East Atlantic Coastal Ocean Observing System (SEACOOS) - consortium developing a regional coastal observing system		+6,000	+6,000	+6,000
Extended Capability Underwater Optic Imaging (Note: only to provide an innovative capability that will support underwater Intelligence, Surveillance and Reconnaissance, Homeland Defense, and environmental assessment)		+4,500		+2,250
Bioluminescence Truth Data Management and Signature Detection - expansion of the database of bioluminescence measurements		+1,800		+1,000
Transfer to RDT&E, DW PE 0603765E			-2,500	-2,500
15 UNDERSEA WARFARE APPLIED RESEARCH	**62,583**	**70,883**	**77,083**	**+77,733**
ATT (6.75-inch dia) Multi-Mission Undersea Weapon		+3,000		+2,550
High Powered Ultrasonics - Shipborne Waste Treatment System		+1,500	+1,500	+1,500
Lithium Carbon Monoflouride Battery		+1,300		+1,000
Low Acoustic Signature Motor/Propulsion for Electrically (LAMPrEY) Powered Undersea Vehicles (Note: only for support of "in range" vehicle testing at the NUWC acoustic range)		+2,500	+1,500	+1,750
AN/SQS-53C mine detection and classification enhancements			+2,000	+1,700
Magnetorestrictive Transduction (TERFENOL-D)			+4,500	+3,150
MEMS-IMU torpedo defense applications			+5,000	+3,500
16 MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH	**47,490**	**47,490**	**48,490**	**+48,490**
Mobile Underwater Coastal Surveillance System			+1,000	+1,000

R-1	Budget Request	House	Senate	Conference
18 POWER PROJECTION ADVANCED TECHNOLOGY	**173,478**	**225,478**	**230,580**	**260,178**
Uncooled High Resolution Infrared Sensors		+4,000		+3,400
Large Area Multi-Spectral Sapphire Windows for Airborne Reconnaissance		+2,000		+1,700
High-Speed Anti-Radiation Demonstration (HSAD)		+6,000		+5,100
Printed Wiring Boards (PWB)		+5,000		+4,250
Low-Cost Guided Imaging Rocket (LOGIR) (Note: only to develop and test guidance and control strategies and seeker signal processing algorithms in a simulation environment, evaluate and acquire a small inertial navigational system (INS) that fits in a 2.75 inch diameter missile)		+3,500		+3,000
Advanced Thin Film Coatings (Note: only to support the development and qualification of applique and flexible OLED lights)		+6,000		+5,000
Low-power mega-performance UAV processing engines (Note: only to accelerate technology advances to meet the difficult computational challenge of on-board sensor processing capabilities for UAVs)		+7,000		+1,500
DP-2 Thrust Vectoring Program		+10,000		+5,000
Laser Radar - autonomous targeting and destruction of time critical targets for Cruise Missile Real-Time Retargeting		+6,000		+3,000
Integrated Hypersonic Aeromechanics Tool (IHAT) - integrate multi-disciplines, time, manpower, and cost requirements for designing, or evaluating candidate designs, hypersonic weapons systems		+4,000		+3,500
Integrated High Payoff Rocket Propulsion Technology (IHPRPT)		+1,000		+1,000
Joint Program Office for UCAV		-2,500		-2,500
UCAV-N Naval Precision Strike Operation; budget error - transferred from line 4			+25,000	+25,000
Hypersonic funding (NAI)- excludes HyFly			-4,688	0
Space Access (NAI)- excludes HyFly			-210	0
Advanced Lifting Body research program			+5,000	+5,000
High Energy Laser-Low Aspect Target Tracking (HEL-LATT)			+3,000	+2,100
High Speed, Heavy-Lift, Shallow Draft-Capable Watercraft Demonstration			+9,000	+7,650
Magdalena Ridge Observatory			+15,000	+10,500
Precision Strike Navigator			+1,000	+1,000
Solar/Electric Airplane Military Telecommunications Relay Demonstration			+1,000	0
Variable Engine Nozzle			+3,000	+1,500

R-1	Budget Request	House	Senate	Conference
19 FORCE PROTECTION ADVANCED TECHNOLOGY	55,780	123,030	97,980	125,380
Aviation Ground Navigation System (AGNAS)		+2,000		+1,700
Damage Control Operations Concepts (DCOC)-technology insertion and manpower reductions for LHD 8, DDG 79, DD(X), CVN 21, and LCS Ship Classes		+2,000		+1,700
Wireless Programmable Logic Controllers		+1,250		+1,000
Technologies for Future Naval Capabilities (FNC)		+1,250		+1,100
Quad Hull Security Caisson Technical Demonstration		+5,000		+2,500
Laser welding (Note: only to complete development and qualification of the laser welding process)		+3,000	+4,000	+3,500
Superconducting DC Homoploar Motor		+8,000		+5,600
E-2C Infrared Search and Track (IRST) Technology Experimentation		+2,750		+1,375
High Temperature Superconducting AC Synchronous Ship Propulsion Motor (Note: only to continue the development of a DD(X) size AC synchronous High Temperature Superconducting Motor)		+5,000	+10,000	+6,000
Global Personal Locator Beacon (PLB) (Note: only to continue the development of the Global PLB Smart Sensor Web)		+2,500		+1,750
Project M (Note: only to continue Project M for application of technology to mitigate physical shock to crew and passengers of the MkV patrol craft)		+5,000	+4,700	+5,000
Large Unmanned Undersea Vehicle (LUUV) Test Bed (Note: only to support the design of the LUUV Test Bed)		+2,000		+1,200
Intermediate modulus COTS carbon fiber qualification (Note: only to complete the qualification of new, lower cost, commercially available intermediate modulus carbon fibers for Navy aircraft and missiles)		+4,000		+2,000
Wireless Sensor Network (Note: only for the Wireless Sensor Network for Total Ship Monitoring Project)		+1,500		+1,000
DockShock - A Ship Shock Test System - to mature the DockShock concept to conduct near shore ship shock testing - moved from line 115				+1,000
Littoral Support Craft - Experimental		+20,000		+14,000
Advanced Waterjet 21		+2,000	+2,000	+2,000
LSC(X)- budgeted funds available only for advanced lifting body			{5,000}	{5,000}
Agile Port and High Speed Ship Technology			+5,000	+5,000
Composite Special Operations craft			+1,000	+1,000
High performance lightweight generator			+6,000	+3,600
Remote continuous energetic material manufacturing pyrotechnic IR decoys			+2,000	+1,200
Uninterruptible PEM Fuel Cell substation			+3,500	+2,975
Wave power demonstration project			+4,000	+3,400

R-1	Budget Request	House	Senate	Conference
20 COMMON PICTURE ADVANCED TECHNOLOGY	**69,194**	**82,194**	**77,194**	**80,594**
Consolidated Undersea Situational Awareness System (CUSAS)		+4,000	+4,000	+4,000
Technology Insertion Support (Note: only for Technology Insertion Support for the Expeditionary Warfare Testbed at Naval Coastal Station)		+1,000		+1,000
Vessel Tracking (Note: only for program to address how best to effectively track shipping vessels)		+8,000		+4,400
Shipboard Automated Reconstruction Capability (SHARC)			+4,000	+2,000
21 WARFIGHTER SUSTAINMENT ADVANCED	**54,794**	**71,294**	**80,294**	**87,944**
Naval Maintenance Management (Note: only for an Intelligent Work Management System that streamlines required maintenance and predicts failures so prevention maintenance can be performed)		+1,000		+1,000
Photonic machining applications		+1,000		+1,000
Precision fabrication of large curved steel ship structures to achieve extremely close tolerances and stealthy characteristics for next generation ships		+5,000		+2,500
Reduction of catapult post retraction exhaust discharge (Note: only for the study of the use of dry lubricants on sliding mechanisms to potentially eliminate overboard discharge of oil)		+1,000		+1,000
AUTOGEN- commercialization phase to parallelize multi-processor driven applications for next generation shipbuilding		+3,000		+3,000
IMPRINT (Note: only to continue the development and integration of Navy manpower and personnel classification tools)		+1,500		+1,000
Emerging/Critical Interconnection Technologies Program (E/CIT)- to continue the Liquid Crystal Polymer (LCP) project		+4,000	+3,000	+3,500
Automatic Container and Cargo Handling System			+4,000	+2,000
Defense systems modernization and sustainment initiative			+1,000	+2,000
Energy and environmental technology			+5,000	+4,250
Expeditionary logistics software development			+2,000	+1,000
Extreme environment urban warfare research			+1,500	+1,000
Flight/hanger deck cleaner improvements			+3,000	+2,550
Integrated aircraft health management			+3,000	+2,550
Titanium matrix composites program				+1,800
On-line electro-hydrodynamic filter			+3,000	+3,000
22 RF SYSTEMS ADVANCED TECHNOLOGY	**45,475**	**55,475**	**62,475**	**62,775**
Remote Ocean Surveillance System (ROSS) (Note: only to initiate a proof-of-concept demonstration of multi-spectral sensor and image processing technology for remote ocean surveillance)		+3,000		+2,100
Highly Mobile Tactical Communications (Note: only for integrating modified Iridium off-the-shelf hardware and software into the existing tactical communications systems)		+2,000		+1,700
SCOUT (LPI) Radar Demonstration (Note: only for demonstration and evaluation of the use of advanced low probability of intercept, surveillance radars in littoral operational and coastal surveillance environments)		+5,000		+2,500
APY-6 Real-time Precision Targeting radar			+10,000	+5,000
Common affordable radar processor			+7,000	+6,000

R-1	Budget Request	House	Senate	Conference
24 MARINE CORPS ADVANCED TECHNOLOGY DEMONSTRATION (ATD)	**56,404**	**74,504**	**85,404**	**91,154**
C3RP (ONR) project #C2297 (Note: only to continue the existing program)		+4,600		+3,900
USMC UAV/UGV Wearable Computer Project #C-9154 (Note: only for the integration of strategic software and peripherals to enhance command and control)		+3,000		+2,550
Advanced Light Strike Vehicle (ALSV)		+5,000		+3,500
Center for Excellence for Robotics, Advanced Technology Demo		+2,000		+1,400
Telepresent Rapid Aiming Platform (TRAP) Advancement Program		+2,500		+1,750
Rapid Repair, Portable Production (R2P2)		+1,000		+1,000
Rapid deployment fortification wall				+1,000
Expeditionary warfare water purification			+8,000	+5,600
Man-portable quadrupole resonance landmine detection			+5,000	+3,500
Mobile Fire Support System (MFSS) 120mm mortar program			+4,000	+2,800
Project Albert			+5,000	+4,250
Transportable Transponder Landing system			+7,000	+3,500
28 NAVY TECHNICAL INFORMATION PRESENTATION SYSTEM/JOINT EXPERIMENTATION	**151,058**	**151,058**	**136,058**	**139,058**
Insufficient justification			-15,000	-12,000
29 TECHNOLOGY	**11,435**	**30,435**	**14,435**	**26,935**
Navy Medical System Configuration and Test Bed (NMSCTB)		+7,000		+5,950
Nursing Telehealth Research Program		+3,000		+2,550
Organ Transfer Safety		+3,000		+2,500
Center for Collaboration in Medical Modeling and Simulation		+3,000		+1,500
Portable Device for Remote Production of IV Fluids and Patient Specific IV Therapies		+3,000	+3,000	+3,000
30 UNDERSEA WARFARE ADVANCED TECHNOLOGY	**38,168**	**38,168**	**51,168**	**47,068**
Hawaii Undersea Vehicle Test and Training Environment			+2,500	+2,100
Primametric modification of the SQS-53C surface ship sonar			+7,000	+3,500
SAUVIM			+1,500	+1,300
Sea Test for Towed Acoustic Arrays			+2,000	+2,000
31 JOINT WARFARE EXPERIMENTS	**13,684**	**13,684**	**24,684**	**20,184**
JSIMS			-4,000	-4,000
National Security Modeling, Simulation and Training			+15,000	+10,500
32 NAVY WARFIGHTING EXPERIMENTS AND DEMONSTRATIONS	**20,584**	**20,584**	**39,984**	**39,984**
Transfer from OPN			+16,000	+16,000
FORCEnet Limited Objective Experiments- transferred from line 99			+3,400	+3,400

R-1	Budget Request	House	Senate	Conference
33 MINE AND EXPEDITIONARY WARFARE ADVANCED TECHNOLOGY	**31,719**	**37,719**	**38,219**	**39,369**
Extreme Terrain Medical Evacuation Vehicle Pilot (Note: only for the development and testing of the Zeus XTV)		+2,000		+1,700
Modeling the Warrior as a Cognitive System		+2,000		+1,700
Ocean Modeling for Mine and Expeditionary Warfare - implementation of an integrated, sustained, ocean-observing system, the first component of which is GoMOOS		+2,000		+1,000
Augmented reality program			+2,500	+1,250
Hyperspectral imager for the Coastal Ocean (HICO)			+4,000	+2,000
36 AVIATION SURVIVABILITY	**6,809**	**19,009**	**11,809**	**16,209**
Airbag Attenuated Airborne Troop Seat - shaped airbag under troop seat		+2,000		+1,000
Equipment Life Extension Program (ELEP) (Note: only to fund an Equipment Life Extension Laboratory for definition of systems no longer procurable but critical to functionality of weapons systems)		+4,200		+2,500
Rotocraft External Airbag Protection (REAP) (Note: only for the continued development and testing of REAP)		+2,000	+5,000	+3,500
Advanced Helmet Vision System (Note: only for continued development of the modular Advanced Helmet Vision System)		+4,000		+2,400
37 DEPLOYABLE JOINT COMMAND AND CONTROL	**79,449**	**79,449**	**64,329**	**64,329**
JFCOM Trainer			-9,600	-9,600
Transfer to OP, N for installation of systems			-5,520	-5,520
38 ASW SYSTEMS DEVELOPMENT	**11,149**	**15,149**	**17,149**	**18,949**
Nonlinear Dynamic/Stochastic Resonance		+4,000		+1,800
Claymore Marine			+1,000	+1,000
LASH Anti-Submarine warfare			+5,000	+5,000
39 TACTICAL AIRBORNE RECONNAISSANCE	**7,051**	**2,051**	**7,051**	**2,051**
UAV conops development- duplication of efforts		-5,000		-5,000
40 ADVANCED COMBAT SYSTEMS TECHNOLOGY	**3,394**	**3,394**	**7,394**	**5,794**
Improved shipboard combat information center			+4,000	+2,400
41 SURFACE AND SHALLOW WATER MINE COUNTERMEASURES	**140,731**	**150,731**	**140,731**	**147,331**
Mine Countermeasures (Note: only for the Venom Penetrator)		+4,000		+3,000
Remote Minehunting System (RMS) (Note: only for risk reduction of minehunting mission modules for Littoral Combat Ship (LCS))		+6,000		+3,600
42 SURFACE SHIP TORPEDO DEFENSE	**48,347**	**56,347**	**40,347**	**45,397**
Navy Surface Ship Torpedo Defense (SSTD)		+3,000		+2,550
Anti Torpedo Torpedo (ATT) (Note: only for the continued development and testing of low cost ATT components begun under SBIR N01-084)		+5,000	+4,000	+4,500
AN/WSQ-11 obligation and execution delays			-12,000	-10,000
43 CARRIER SYSTEMS DEVELOPMENT	**144,965**	**148,465**	**164,965**	**158,365**
Aviation Ship Integration Center (Note: only for the establishment of the Aviation Ship Integration Center at the VASCIC)		+2,000	+14,000	+9,800
Advanced Battlestation- Decision Support System (ABS/DSS) - consolidated situational awareness by combining technologies of agent-based decision support and battlespace visualization)		+1,500	+6,000	+3,600

R-1	Budget Request	House	Senate	Conference
44 SHIPBOARD SYSTEM COMPONENT DEVELOPMENT	**20,431**	**26,431**	**32,431**	**37,081**
Automated Maintenance Environment		+4,000		+2,400
Electromagnetic Launcher Railgun Program - to build and demonstrate technology		+2,000		+1,000
Circuit Breakers				+1,000
Center of Excellence for Advanced Naval Propulsors			+1,000	+1,000
Improved Surface Vessel Torpedo Launcher			+3,000	+1,500
Power and propulsion technologies for the electrical Naval force - moved from line 3				+1,750
MTTC/IPI			+8,000	+8,000
49 SURFACE ASW	**2,506**	**4,506**	**5,006**	**4,506**
ASW Risk Reduction (Note: only for MPP/ACRI SBIR Phase 3 for ASW risk reduction)		+2,000	+2,500	+2,000
50 SSGN CONVERSION	**68,988**	**71,488**	**68,988**	**70,188**
Tactical Naval Fires Capabilities		+2,500		+1,200
51 ADVANCED SUBMARINE SYSTEM DEVELOPMENT	**52,744**	**96,744**	**85,444**	**94,744**
Optical Fiber Sensors		+2,000		+1,700
MK-48 Torpedo Improvements (Note: only to continue MPP/APB Phase III SBIR technology insertion into the MK 48 ADCAP torpedo)		+6,000		+4,200
Fiber Optic Hull Mounted Array (FOHMA)		+2,000		+1,400
Fiber Optic Towed Array - (Note: only to develop the next generation fiber optic towed arrays to enhance the performance, reliability and affordability for littoral environments)		+4,000		+2,800
High Performance Brush Technology Program Sea Tests		+4,000	+8,700	+7,400
Advanced Composite Sail Phase II		+5,000	+2,000	+2,500
Patriot Periscope Radar System				+1,000
Advanced Submarine Technology		+21,000		+10,000
Submarine Payloads and Sensors Program			+20,000	+10,000
Rotary Electromagnetic (torpedo) launcher system (REML)			+2,000	+1,000
53 SHIP CONCEPT ADVANCED DESIGN	**7,679**	**11,679**	**22,679**	**21,079**
Document Automation for Condition Based Maintenance		+2,000		+1,700
Total Fleet Support		+2,000		+1,700
Small Combatant Craft- Sealion technology demonstration			+15,000	+9,000
Small Combatant Craft- Sealion technology demonstration situational awareness module (Note: only for electronics development)				+1,000
56 ADVANCED SURFACE MACHINERY SYSTEMS	**1,468**	**7,468**	**1,468**	**6,568**
Metallic Materials Advanced Development and Certification Program		+4,000		+3,400
Dockside Abrasive Waterjet Cutting		+2,000		+1,700
58 LITTORAL COMBAT SHIP (LCS)	**158,071**	**168,071**	**158,071**	**168,071**
Mission Modules		+25,000		+10,000
Ship Design		-15,000		0
Earmark of funds for mission modules and integration			{75,000}	{51,000}
59 COMBAT SYSTEM INTEGRATION	**86,836**	**93,336**	**100,836**	**99,091**
Advanced Laser Diode Arrays (ALDA)		+2,500		+2,125
Laser Induced Plasma Channeling (LIPC) System Compact Laser Sources		+4,000		+3,400
Maritime Directed Energy Test and Evaluation Center (MDETEC)			+14,000	+6,730

R-1	Budget Request	House	Senate	Conference
63 **MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM**	**19,700**	**19,700**	**28,700**	**26,300**
Electromagnetic gun initiative			+1,000	+1,000
Neutralization of facility threats			+2,500	+1,750
Urban ops environment research			+3,500	+2,450
Weaponization of novel technology			+2,000	+1,400
64 **JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT**	**12,385**	**17,885**	**12,385**	**17,060**
Magneto inductive MIFDS (Note: only for SDD for MI-FD)		+5,500		+4,675
65 **COOPERATIVE ENGAGEMENT**	**72,506**	**90,506**	**72,506**	**87,806**
Cooperative Engagement Capability		+18,000		+15,300
67 **ENVIRONMENTAL PROTECTION**	**30,127**	**30,127**	**33,127**	**32,227**
Integrated Marine Mammal Monitoring and Protection System (IMAPS)			+3,000	+2,100
68 **NAVY ENERGY PROGRAM**	**1,713**	**1,713**	**3,713**	**1,713**
Proton Exchange membrane fuel cell trial			+2,000	0
71 **NAVY LOGISTIC PRODUCTIVITY**	**7,591**	**21,591**	**10,091**	**18,191**
Collaborative Logistics Productivity (CLP)		+6,000		+5,100
Joint Engineering Data Management Information and Control System (JDMICS)		+3,000	+2,500	+2,500
Life Cycle Savings through Machinery Health Monitoring (Note: only develop the technologies needed to implement condition-based maintenance practices)		+5,000		+3,000
79 **LAND ATTACK TECHNOLOGY**	**63,434**	**146,134**	**89,434**	**121,034**
Affordable Weapon System (AWS) (Note: only to continue development of the AWS)		+40,000		+28,000
Advanced Medium Gun Demonstrator (Note: only for the Advanced XLR Medium Caliber Gun Demonstrator)		+4,000		+3,400
TES-N and P-3 ground station (Note: only to install a tactical ground station at Patuxent River Naval Air Station in order to provide real-time data to Navy aircraft)		+2,000		+1,700
Joint Fires Network - continue development of the Tactical Dissemination Module (TDM)		+1,000		+1,000
Autonomous Naval Support Round		+8,000	+20,000	+17,000
M-Code Anti-Jam GPS Receiver Communication link (Note: only to demonstrate the transition of technologies developed by SBIR Phase II program to hypersonic projectiles)		+1,000		0
Local Situational Assessment Segment Adjunct to TES-N (Note: only for the development of an LSAS operating capability baseline to support Anti-Terrorist Force Protection (ATFP))		+5,000		+2,500
GCCS common applications for targeting/land attack		+1,500		0
Consolidate program management for JFN and JSIPS-N		+20,200		0
Hardened precision sensors for missiles and projectiles			+4,000	+2,800
Millennium gun system			+2,000	+1,200
80 **NONLETHAL WEAPONS - DEM/VAL**	**43,445**	**43,445**	**44,445**	**44,445**
Non-lethal technology research, Marine Corps Research University			+1,000	+1,000
81 **ALL SERVICE COMBAT IDENTIFICATION EVALUATION TEAM**	**16,765**	**16,765**	**15,065**	**15,065**
Insufficient justification			-1,700	-1,700

R-1	Budget Request	House	Senate	Conference
87 SPACE AND ELECTRONIC WARFARE (SEW) ARCHITECTURE/ENGINE	**31,369**	**35,369**	**36,369**	**37,669**
Coalition Warfare Program (CWP) Operational Assessment (Note: only to complete development, accreditation and deployment of the CWP based Multiple Level Security (MLS) architecture)		+4,000		+2,800
Advanced wireless technology			+5,000	+3,500
91 OTHER HELO DEVELOPMENT	**66,764**	**66,764**	**67,764**	**68,764**
Advanced helicopter tow cable			+1,000	+1,000
Advanced cable design for mine and submarine warfare				+1,000
92 AV-8B AIRCRAFT - ENG DEV	**10,527**	**8,027**	**10,527**	**8,727**
Moving Map Capability - reduce risk in highly concurrent schedule		-2,500		-1,800
93 STANDARDS DEVELOPMENT	**50,063**	**53,063**	**50,063**	**50,063**
Navy Meteorology (Note: only to continue ongoing program)		+6,000		+3,000
Joint Tactical Radio System (JTRS) - new start to integrate JTRS into aircraft premature		-3,000		-3,000
96 AIR/OCEAN EQUIPMENT ENGINEERING	**4,309**	**3,079**	**4,309**	**3,079**
Integration of metrological and oceanographic sensors on HAEUAV premature		-1,230		-1,230
97 P-3 MODERNIZATION PROGRAM	**7,306**	**11,306**	**19,606**	**14,756**
P-3C Anti-Surface Warfare Improvement Program (AIP) Phased Capability Upgrade (Note: only for integrated tactical picture, Link 16, tactical common data link and electro-optic precision geo-location efforts)		+4,000	+12,300	+6,150
ALR-95 SEI networking program				+1,300
98 WARFARE SUPPORT SYSTEM	**1,466**	**0**	**5,266**	**2,000**
Naval Coastal Warfare		-1,466		-1,466
Integrated Condition Assessment System (ICAS)			+1,800	+1,000
Upgrade of mobile inshore undersea warfare units with deployable autonomous distributed systems			+2,000	+1,000
99 TACTICAL COMMAND SYSTEM	**68,805**	**72,305**	**62,005**	**66,255**
3D Common Operational Picture		+2,000		+1,700
AN/UYQ-70 Based IT-21 C4ISR Upgrades		+3,000		+2,550
GCCS common applications for targeting/land attack (moved to Land Attack Technology)		-1,500		0
FORCEnet Limited Objective Experiments - transferred to line 32			-6,800	-6,800
100 E-2C RADAR MODERNIZATION	**352,298**	**347,298**	**352,298**	**347,298**
Excessive management support costs		-5,000		-5,000
101 H-1 UPGRADES	**90,589**	**90,589**	**92,589**	**91,989**
Integrated mechanical diagnostics, UH-1/AH-1Z			+2,000	+1,400
102 ACOUSTIC SEARCH SENSORS	**15,831**	**18,631**	**15,831**	**17,131**
Automatic Radar Periscope Detection and Discrimination (ARPDD) (Note: only to accelerate ARPDD into the SDD phase for more rapid introduction of the technology to the Fleet)		+5,000		+3,500
ASW sensors- maintain 2003 levels based on review of ASW "way ahead"		-2,200		-2,200
103 V-22A	**441,142**	**441,142**	**398,142**	**407,142**
Transfer to RDT&E, DW for SOCOM ATA			-43,000	-34,000

R-1	Budget Request	House	Senate	Conference
104 **AIR CREW SYSTEMS DEVELOPMENT**	**8,765**	**19,765**	**8,765**	**16,365**
Night Vision Tube Technology Development		+4,000		+3,400
Joint Helmet Mounted Cueing System (JHMCS) (Note: only to provide JHMCS with night vision capabilities and enhanced situational awareness by expanding the field of view and including symbology in the goggles)		+7,000		+4,200
105 **EW DEVELOPMENT**	**256,701**	**265,701**	**269,201**	**266,701**
Integrated Defensive Electronic Countermeasures (IDECM) - continue development testing		+8,000	+12,500	+9,000
ACETEF and JRAAC (Note: only for development of a real-time link for the Air Combat Environment Test Evaluation Facility and the Joint Research Analysis Assessment Center)		+1,000		+1,000
105(a) **TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES (TADIRCM)**	**0**	**14,000**	**0**	**12,000**
Antimissile Technology		+14,000		+12,000
107 **JOINT TACTICAL RADIO SYSTEM - NAVY (JTRS-NAVY)**	**87,943**	**90,443**	**87,943**	**89,693**
Superconductor Micro-Electronics Project- development of an all-digital transceiver for the JTRS program		+2,500		+1,750
108 **SC-21 /DD(X) TOTAL SHIP SYSTEM ENGINEERING**	**1,037,987**	**927,987**	**1,025,487**	**1,064,387**
Wireless LAN Design Tools (Note: only for Phase III to continue development and implementation of the wireless LAN on ships)		+1,000		+1,000
Knowledge Projection for Fleet Maintenance (Note: only to continue efforts of NSWC Crane in development of new technologies for improving use of system knowledge to efficiently provide a cost-effective approach for maintenance operations)		+4,000		+2,000
Modular radio				+3,400
DD(X) Alternative engine		+20,000		+7,000
DD(X) Ship design		-100,000		0
DD(X) Systems design - excessive management support costs		-15,000		-15,000
Delay in volume search radar		-10,000	-12,500	0
DD(X) Advanced gun system- slow obligation/expenditure of 2003 funds		-5,000		0
DD(X) Integrated power system- slow obligation/expenditure of 2003 funds		-5,000		0
Volume Search Radar/"S" Band Radar Development				+28,000
109 **SURFACE COMBATANT COMBAT SYSTEM ENGINEERING**	**205,733**	**245,733**	**213,233**	**215,933**
Smart Integrated Data Environment (SIDE) (Note: only for the development of a SIDE prototype)		+1,000		+1,000
Deployable SmartLink Communications upgrade (Note: only for the Phase III SBIR to procure, install and operate additional SmartLink system for testing and deployment)		+4,000		+2,000
"S" Band Radar development		+35,000		0
Improved readiness for AN/SPY-1 series radar				+3,000
Integrated Logistics (IDESC)				+400
Open architecture upgrades			+5,000	+2,500
Silicon carbide MMIC Producibility Program			+2,500	+1,300
110 **LPD-17 CLASS SYSTEMS INTEGRATION**	**7,989**	**7,989**	**7,989**	**8,989**
Wireless gateway upgrade project				+1,000

R-1	Budget Request	House	Senate	Conference
111 TRI-SERVICE STANDOFF ATTACK MISSILE	**25,137**	**16,137**	**25,137**	**21,137**
Aircraft integration premature; excessive government management support costs		-9,000		-4,000
113 STANDARD MISSILE IMPROVEMENTS	**76,927**	**69,927**	**86,927**	**81,927**
Nanocomposite Warheads - moved to line 4		+3,000		0
Slow 2003 contract award; requirement appears undefined		-10,000		0
Extended range anti-air warfare			+10,000	+5,000
114 AIRBORNE MCM	**88,514**	**92,514**	**91,514**	**92,014**
Rapid Airborne Mine Clearance System (RAMICS)		+4,000		+2,000
AQS-20 Airborne minehunting sonar			+3,000	+1,500
115 SSN-688 AND TRIDENT MODERNIZATION	**80,815**	**77,615**	**83,815**	**77,915**
Affordable Towed Array Construction (ATAC) (Note: only to accelerate Fleet introduction of new, more reliable, fiber optic towed arrays)		+2,000		+1,400
DockShock - A Ship Shock Test System - to mature the DockShock concept to conduct near shore ship shock testing - moved to line 19		+2,000		0
Littoral Tactical Array System (LTAS) (Note: only for development to support research and development and at-sea validation of the LTAS capability)		+2,000		+1,400
Submarine Systems Equipment Development - Operational Evaluation schedule delays		-6,000		-4,000
Premature development of comms for UAVs		-3,200		-3,200
Submarine integrated antenna system			+3,000	+1,500
118 SHIPBOARD AVIATION SYSTEMS	**18,352**	**22,352**	**23,852**	**23,852**
Aviation Shipboard Information Technology Initiative (AS/ITI) - streamline information systems on Carriers for efficient flight operations		+4,000	+4,000	+4,000
Machine vision confirmation of launch bar engagement system			+1,500	+1,500
119 COMBAT INFORMATION CENTER CONVERSION	**21,244**	**13,244**	**21,244**	**13,244**
Common Undersea Picture - new start		-8,000		-8,000
120 NEW DESIGN SSN	**112,355**	**158,855**	**141,555**	**155,305**
Virginia Class SSN Development - SBIR Phase III research to establish and extend a technology insertion program and promote enhanced commonality with other Class submarines		+6,000		+5,000
Virginia Class multi-mission module - initiate evaluation of modular payload concepts to increase capacity and flexibility		+2,500	+10,000	+5,000
Submarine Technology Insertion		+4,000		+3,400
Q-70 Submarine Common Electronics Equipment Replacement		+9,000		+7,650
Virginia Class SSN Development		+25,000		+10,000
Submarine combat control system architecture			+3,000	+2,100
Virginia Class - information assurance			+8,200	+5,800
Virginia Class - Network Centric architecture			+8,000	+4,000
121 SSN-21 DEVELOPMENTS	**13,482**	**4,482**	**25,982**	**24,107**
SEAFAC Range		-9,000		0
SEAFAC Range Upgrade			+12,500	+10,625
122 SUBMARINE TACTICAL WARFARE SYSTEM	**32,238**	**25,738**	**38,738**	**32,738**
Submarine weapon control system		+4,000	+7,000	+4,000
AN/BSG-1 Milestone III schedule delay		-10,500	-10,500	-10,500
Submarine tactical control system			+10,000	+7,000

R-1	Budget Request	House	Senate	Conference
123 SHIP CONTRACT DESIGN/LIVE FIRE T&E	**138,017**	**75,117**	**136,267**	**135,667**
LHD-8 Performance-Based Logistics (PBL) (Note: only for the PBL support plan for the propulsion and auxiliary systems)		+2,000		+1,400
LHA (R)		-64,900		0
Heavy lift LCAC - insufficient justification			-5,750	-5,750
UNOLS research vessel			+4,000	+2,000
124 NAVY TACTICAL COMPUTER RESOURCES	**2,267**	**19,267**	**2,267**	**12,667**
Secure Voice System		+3,000		+2,550
AN/UYQ-70(V) System Technology Improvements		+11,000		+6,350
Secure Rapidly Reconfigurable Architecture for USS MT WHITNEY		+3,000		+1,500
126 UNGUIDED CONVENTIONAL AIR-LAUNCHED WEAPONS	**9,701**	**9,701**	**14,701**	**12,201**
Light Defender			+5,000	+2,500
127 LIGHTWEIGHT TORPEDO DEVELOPMENT	**3,442**	**7,442**	**3,442**	**6,242**
Mk 54 Torpedo P3I - improve array performance and reliability		+4,000		+2,800
133 JOINT STANDOFF WEAPON SYSTEMS	**775**	**5,775**	**775**	**5,025**
Electromagnetic test devices/high power microwave (HPM) bomblets (Note: only for the integration and testing of HPM sub-munitions in a JSOW bomb encasement or other weapons at China Lake NAS)		+5,000		+4,250
134 SHIP SELF DEFENSE (DETECT CONTROL)	**40,930**	**46,930**	**38,516**	**42,716**
Integrated Radar Optical Surveillance & Sighting System (IROS3) (Note: only to support maturation of shipboard protection requirement, systems integration and deployment of IROS3 radar, sensing capabilities across one battlegroup)		+6,000		+4,200
IRST Cancellation			-2,414	-2,414
135 SHIP SELF DEFENSE (ENGAGE: HARD KILL)	**23,076**	**24,576**	**41,076**	**24,576**
Phalanx SEA RAM (Note: only to complete development of the SEA RAM upgrade)		+4,000	+18,000	+4,000
Evolved Sea Sparrow Missile (ESSM)- schedule delays; slow obligation/expenditure of 2003 funds		-2,500		-2,500
136 SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW)	**35,508**	**46,508**	**48,508**	**54,108**
Surface Ship EW R&D Improvements (Note: only for Surface Ship EW SBIR Phase III Research and Development Improvements)		+14,000		+11,900
SEWIP - slow obligation/expenditure of 2003 funds		-3,000		-3,000
Advanced radar absorbing tiles			+4,000	+2,800
NULKA improvements			+7,000	+4,900
Shipboard EW Protect			+2,000	+2,000

R-1	Budget Request	House	Senate	Conference
137 MEDICAL DEVELOPMENT	**9,121**	**75,521**	**23,093**	**71,068**
Biomedical Research Imaging Core related to bone marrow transplantation, breast, and prostate cancer		+5,000		+3,000
National Bone Marrow Program		+34,000		+28,000
Rural Health Deployed Military Patient Records		+2,000		+1,700
Medical Procedures Reference Tool (MPRT)		+3,000		+2,550
Rural Health- Center of Excellence for Remote and Medically Under-Served Areas (CERMUSA)		+6,000		+5,100
Discovery, Early Detection, Evaluation Treatment and Prevention in Cancer Research (Note: only for the coordinated efforts among the National Naval Medical Center and a medical academic/research institute to conduct basic and clinical research to detect, evaluate, treat and prevent multiple types of cancer)		+7,000		+5,950
Applied Cognitive Science Technologies		+1,400		+1,000
Dental Research		+2,000		+1,200
Low Cost Retractable Needle and Safety Syringe		+1,000		+1,000
Minimally Invasive Surgical Technology Institute (MISTI) (Note: only to continue the ongoing CSMC Program)		+2,000		+1,000
Health Query and Analysis System				+2,000
Vectored Vaccine Research Program		+3,000	+1,000	+1,500
Normalizing budget request to justification documentation			-3,528	-3,528
Coastal Cancer Control			+5,000	+3,500
Distress Streamer Signaling System			+3,500	+2,975
Hemoglobin Based Oxygen Carrier		+7,000	+5,000	+5,000
Naval Blood Research Laboratory			+3,000	0
139 DISTRIBUTED SURVEILLANCE SYSTEM	**28,755**	**28,255**	**30,755**	**28,255**
CENTURION (Note: only for the development of a fiber optic remote powered undersea surveillance system)		+2,000	+2,000	+2,000
Schedule delay		-2,500		-2,500
140 JOINT STRIKE FIGHTER (JSF) - EMD	**2,171,736**	**2,105,736**	**2,216,536**	**2,183,536**
Systems engineering and mission support		-43,500		-27,000
Critical design review		-22,500		0
Inflation adjustment correction			-28,000	-28,000
F-136 Interchangeable Engine - restore inflation reduction			+52,800	+52,800
F-136 Interchangeable Engine - risk reduction			+20,000	+14,000

R-1	Budget Request	House	Senate	Conference
143 INFORMATION TECHNOLOGY DEVELOPMENT	**30,562**	**64,562**	**47,562**	**66,112**
Fiber Optic Components for Military Applications		+2,000		+1,700
Ready Response Center		+4,000		+3,400
Information technology development - distance learning (Note: only to continue the existing program)		+4,000		+3,400
On-line web-based learning development program (Note: only for CSUSB development of web-based Masters Degree Programs to serve the needs of the Defense workforce)		+5,000		+4,250
WeCan (Note: only for continued support, development, and deployment of NCT-WeCAN, to evolve a common collaboration tool for the Navy across all warfare areas and domains)		+8,000		+5,600
Horizontal Integrated Data Environment (HIDE) - accelerate delivery of the HIDE project under development at SPAWAR		+1,000		+1,000
SPAWAR Information Technology Center		+3,000	+12,000	+7,200
Maintenance Data Warehouse (Note: only to centralize Navy aviation logistics database and information systems)		+3,000		+2,250
Secure Interactive Distributive Learning Program (SIDL) (Note: only for the continued development of the SIDL learning software system)		+1,000		+1,000
Defense Systems Testing and Productivity Initiative (Note: only for the continuation of the Defense Systems Testing and Productivity Initiative, Office of Naval Research)		+3,000		+2,550
Virtual Perimeter Monitoring System			+3,000	+1,800
Wireless Sensor Technologies			+2,000	+1,400
144 DEFENSE INTEGRATED MILITARY HUMAN RESOURCES SYSTEM	**78,724**	**73,724**	**78,724**	**73,724**
Program reduction		-5,000		-5,000
146 MULTI-MISSION MARITIME AIRCRAFT (MMA)	**76,243**	**58,743**	**76,243**	**72,243**
SI option no longer part of the program		-17,500		-4,000
151 STUDIES AND ANALYSIS SUPPORT - NAVY	**4,431**	**4,431**	**5,431**	**9,431**
Fire resistant fibers			+1,000	+1,000
Future SIGINT Requirements/Joint ACS Program				+4,000
155 TECHNICAL INFORMATION SERVICE	**726**	**16,726**	**16,226**	**27,576**
Center for Commercialization of Advanced Technology (Note: only to expand the ongoing successful program to include planned university collaboration)		+10,000		+8,500
Lean Pathways 3		+3,000		+2,550
Supply Chain Practices for Affordable Navy Systems (SPANS) - to continue for development and adoption of industrial and logistical best practices		+3,000		+1,500
HTDV			+8,000	+6,800
RCUH Engineering Design Center			+500	+500
Pacific-Based Joint Info Tech Center			+7,000	+7,000

R-1	Budget Request	House	Senate	Conference
156 **MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT**	**30,236**	**30,236**	**32,736**	**31,486**
Combating terrorism wargaming and research			+2,500	+1,250
161 **TEST AND EVALUATION SUPPORT**	**258,471**	**259,471**	**258,471**	**259,471**
OMEGA Data Environment (Note: only to install one compatible data acquisition and storage system for all Navy test ranges)		+1,000		+1,000
165 **MARINE CORPS PROGRAM WIDE SUPPORT**	**16,635**	**29,635**	**21,135**	**29,635**
Corrosion Center of Excellence - Marine Corps Program Wide Support		+2,000		+1,400
Multi-Sensor Analyzer Detector (MSAD)		+2,500		+2,100
Chem-Bio Incident Response Force		+2,500	+1,500	+2,000
Chemical Biological Warfare Agent Detector Chip (Note: only to continue the initiative to provide CBIRF first responders with a low cost, light weight, wearable protection measure capable of detecting the presence of even trace amounts of chemical and biological warfare agents)		+2,000	+3,000	+2,500
Expeditionary Warfare Logistics Testbed (Note: only to incorporate next generation wideband information pipeline technology and installation of AN/WSQ-11)				+2,000
Marine Corps program wide support (Note: only for fielding state-of-the-art Chemical, Biological, Radiological, Nuclear and Explosive (CBNRE) defense protection, detection, medical support, decontamination, logistics support and reconnaissance systems to improve the national CBIRF and enhanced MEU missions)		+4,000		+3,000
169 **STRATEGIC SUB & WEAPONS SYSTEM SUPPORT**	**104,793**	**104,793**	**76,693**	**66,193**
Effectiveness enhancement (E2) Program			-29,600	-29,600
Thin plate pure lead technology in submarine batteries			+1,500	+1,000
Program growth				-10,000
171 **SUBMARINE ACOUSTIC WARFARE DEVELOPMENT**	**2,955**	**7,955**	**2,955**	**5,955**
Submarine Launched Littoral Warfare Weapon		+5,000		+3,000
173 **RAPID TECHNOLOGY TRANSITION (RTT)**	**14,662**	**14,662**	**10,000**	**10,000**
New start reduction			-4,662	-4,662
175 **E-2 SQUADRONS**	**9,083**	**20,083**	**14,083**	**19,783**
Non-Cooperative Combat Identification Capability		+2,000		+1,700
E-2C Program Support Activity (Note: only for SBIR Phase III development of a rapid technology insertion program)		+5,000		+3,500
E-2C Program Support Activity (Note: only for SBIR to perform environmental, ground, and flight tests on magneto rheological engineering development model)				+1,000
PMRF Network Centric Warfare Test Bed/Advanced Hawkeye Testing		+4,000	+5,000	+4,500
176 **FLEET TELECOMMUNICATIONS (TACTICAL)**	**16,484**	**26,484**	**16,484**	**23,484**
Joint Integrated Systems Technology for Advanced Digital Networking (JIST-NET)		+10,000		+7,000
177 **TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC)**	**71,385**	**78,385**	**81,385**	**77,385**
Precision Terrain Aided Navigation (PTAN) (Note: only for continuation of the PTAN EMD)		+7,000	+10,000	+6,000
178 **INTEGRATED SURVEILLANCE SYSTEM**	**14,278**	**20,278**	**14,278**	**19,378**
IUSS Mission Planning and Automation (Note: only to continue existing program)		+6,000		+5,100

R-1	Budget Request	House	Senate	Conference
180 CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT	**21,719**	**22,719**	**21,719**	**22,719**
Distributed Shipboard Classroom (Note: only for the Battle Force Tactical Training (BFTT) Improvement Program to fund a pilot Distributed Shipboard Classroom project)		+1,000		+1,000
181 CRYPTOLOGIC DIRECT SUPPORT	**1,466**	**0**	**1,466**	**1,466**
New start		-1,466		0
183 HARM IMPROVEMENT	**49,381**	**53,381**	**49,381**	**52,181**
Advanced Anti-Radiation Guided Munitions (AARGM) (Note: only for SDD to accelerate development and initial low rate production)		+4,000		+2,800
185 SURFACE ASW COMBAT SYSTEM INTEGRATION	**12,179**	**25,179**	**12,179**	**23,379**
Surface ship ASW R&D improvements (SQQ-89) (Note: only for Surface Ship MPP SBIR phase III research and development improvements)		+12,000		+10,200
Common Surface and Air Undersea Warfare - implementation of an Air and Surface Ship Peer Review Process integration approach for replacement of legacy equipment		+1,000		+1,000
187 AVIATION IMPROVEMENTS	**60,073**	**74,573**	**60,073**	**69,323**
Automated Wire Analysis (Note: Only for initial deployment of AWA equipment, continued engineering required to profile additional Navy aircraft, and to continue engineering development and evaluate prognostic potential)		+6,000		+3,000
Age Exploration Model (Note: only for a software program to automate the maintenance procedures of Navy aircraft)		+5,000		+3,750
NAVAIR Technology Commercialization Initiative (Note: only to increase commercial technologies in the NAVAIR laboratories)		+2,000		+1,500
Digital Integrated Cockpit Display System - replace analog with digital configuration		+1,500		+1,000
188 NAVY SCIENCE ASSISTANCE PROGRAM	**7,236**	**7,236**	**10,708**	**10,708**
Normalizing budget request to justification documentation			-3,528	-3,528
LASH MCM/ISR			+7,000	+7,000
191 MARINE CORPS COMMUNICATIONS SYSTEMS	**235,722**	**248,722**	**238,722**	**251,172**
Ship to Objective Maneuver Communications - demonstrate and integrate into DJC2, upgrades to communications equipment for comprehensive battlefield picture		+6,000		+5,100
MetaData				+1,250
Next Generation Mobile Electronic Warfare Support		+4,000		+3,400
DISM Research		+3,000		+2,100
Critical Infrastructure Protection				+1,500
Improved high performance long-range radar transmitter			+3,000	+2,100
192 MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEM	**35,439**	**42,439**	**37,189**	**42,439**
MCAGCC Range Instrumentation (Note: only for priority upgrades to support MAGTF JNTC)		+7,000		+5,950
Marine Corps mountain/cold weather clothing and equipment			+1,750	+1,050
199 SATELLITE COMMUNICATIONS (SPACE)	**379,541**	**282,041**	**354,541**	**271,291**
Covert Communications and Information Transfer (CCIT) (Note: only for the SPAWAR Covert Communication and Information Transfer (CCIT) Project)		+2,500		+1,750
MUOS		-100,000	-25,000	-110,000

R-1	Budget Request	House	Senate	Conference
200 INFORMATION SYSTEMS SECURITY PROGRAM	**18,404**	**25,404**	**21,404**	**25,704**
Navy Intelligent Agent Security Module (IASM) - enhancement and upgrade to existing IASM project		+7,000		+5,500
SECUREkit			+3,000	+1,800
203 NAVY METEOROLOGICAL AND OCEAN SENSORS-SPACE (METOC)	**4,966**	**4,966**	**4,966**	**7,966**
Radiation Hardened Vector Processing				+3,000
204 JOINT C4ISR BATTLE CENTER (JBC)	**50,413**	**50,413**	**36,513**	**45,413**
JEMPRS-NT				+2,000
Insufficient justification			-13,900	-7,000
206 TACTICAL UNMANNED AERIAL VEHICLES	**56,521**	**48,321**	**102,921**	**86,721**
Miniature detection devices for Navy UAV payload		+1,000		+1,000
FIRESCOUT UAV		+15,000	+46,400	+32,500
Precision Re-Supply Vehicle		+5,000		+4,250
Joint Operational Test Bed (JOTBS) for UAVs		+4,000		+2,400
Coastline Security Technology Initiative		+3,500		+1,750
Tactical Control System		-36,700		-11,700
207 ENDURANCE UNMANNED AERIAL VEHICLES	**101,448**	**68,048**	**101,448**	**101,448**
Global Hawk maritime demonstration- survivability package		-8,400		0
Global Hawk maritime demonstration- slow obligations/expenditures of 2003 funds		-25,000		0
208 AIRBORNE RECONNAISSANCE SYSTEMS	**13,345**	**20,345**	**28,445**	**27,295**
Advanced Sensor Initiative - Advanced Airborne Image Processor		+7,000		+3,500
Advanced sensors - Slow execution of previously appropriated funds			-2,000	-1,000
Deployable Unmanned Systems for Targeting, Exploitation, and Reconnaissance (DUSTER)			+8,600	+5,200
Airborne reconnaissance sensors			+4,000	+4,000
Multi-spectral glass windows for airborne reconnaissance podded sensors			+4,500	+2,250
209 MANNED RECONNAISSANCE SYSTEMS	**13,717**	**18,717**	**13,717**	**16,717**
Advanced Aircraft Collection System (Note: only for development and testing of advanced signal collection capabilities for Maritime Patrol and Reconnaissance aircraft in support of the War on Terrorism)		+1,000		+1,000
F/A-18E/F Shared Reconnaissance Pod (SHARP)		+4,000		+2,000
210 DISTRIBUTED COMMON GROUND SYSTEMS	**4,421**	**6,521**	**4,421**	**8,971**
Enterprise Targeting and Strike System		+6,500		+4,550
Consolidate program management		-4,400		0
212 MODELING AND SIMULATION SUPPORT	**7,044**	**7,044**	**15,044**	**13,644**
Naval modeling and simulation			+8,000	+6,600
214 INDUSTRIAL PREPAREDNESS	**54,593**	**54,593**	**63,593**	**64,993**
Navy Manufacturing Technology (MANTECH) program			+9,000	+10,400
215 MARITIME TECHNOLOGY (MARITECH)	**10,068**	**13,068**	**14,068**	**14,668**
Maritime Technology Center of Excellence		+3,000		+1,800
Automatic identification technology			+4,000	+2,800

ANTI-SUBMARINE WARFARE (ASW) MASTER PLAN

The conferees agree with the House position on the Navy's development of the Anti-Submarine Warfare (ASW) Master Plan. The conferees request the Navy provide the House and Senate Committees on Appropriations with a full report of the results and recommendations of ''Task Force ASW'' as well as its plan for implementing the recommendations.

''S'' BAND RADAR

The conferees have agreed to fund the Navy's ''S'' Band radar development as part of the DD(X) effort, as opposed to a separate development effort as proposed by the House. The conferees make this recommendation based on the Navy's decision to choose the ''S'' Band radar over its original recommendation of the ''L'' Band radar for DD(X).

COOPERATIVE ENGAGEMENT CAPABILITY (CEC)

The conferees understand that the Navy is potentially pursuing a new strategy for Cooperative Engagement Capability (CEC) development and system configuration. The conferees understand that no decision has yet been made to change the strategy as presented in the fiscal year 2004 budget request which calls for spiral development of hardware and software to a Block 2 configuration. The conferees understand that the Navy may potentially alter the development and acquisition strategy in such a manner as to affect the Block 2 program presented in the fiscal year 2004 budget request.

The conferees agree that should the Navy determine an alternative strategy for CEC, the additional funds provided in this Act for CEC Block 2 may be merged with and be available for purposes similar to the purposes for which appropriated. The conferees further agree that the Navy shall ensure the House and Senate Committees on Appropriations are fully apprised of the Navy's plans relative to changes in the CEC acquisition strategy.

TAC AIR DIRECTED INFRA-RED COUNTER-MEASURE (TADIRCM)

The conferees agree with the House position with respect to the development of Tac Air Directed Infra-Red Counter-Measure (TADIRCM) and direct that an initial suitability assessment obtained through the Early Operational Assessment (EOA) be submitted to the House and Senate Committees on Appropriations within 60 days of completion of the EOA.

TACTICAL CONTROL SYSTEM FOR UNMANNED AERIAL VEHICLES

The conferees agree with the House position that the fiscal year 2004 request for the multi-Service Tactical Control System (TCS) for multi-Service UAV control, is focused on Navy-centric UAV systems that are neither multi-Service nor interoperable with other UAV programs. The conferees also agree the Navy has a requirement for a single system that will support the operation of multiple UAVs from both fixed and moving platforms and understand that the FireScout and Global Hawk Maritime Demonstration platforms, the focus of the 2004 TCS efforts, meet current Navy needs.

Therefore, the conferees direct the Navy to restructure the existing TCS program to focus on its requirements. The conferees agree to provide $25,000,000 to support the continued development of the Navy's TCS program required to achieve this critical capability. The conferees direct that no fiscal year 2004 funds may be obligated or expended for TCS until the Navy submits a report to the House and Senate Committees on Appropriations, which details its plan for this restructured program. At a minimum, the report shall include the Navy's requirement for the TCS system, a plan to meet standards based on interoperability, and the Navy's UAV roadmap that justifies the requirement for TCS.

HELIOS REPLACEMENT

The conferees encourage the Office of Naval Research to examine developing a high altitude, long endurance unmanned aerial vehicle to replace the Helios in order to increase capabilities for high data rate communications and remote sensing.

FUTURE SIGINT REQUIREMENTS/JOINT ACS PROGRAM

The conferees are pleased that in reviewing its future SIGINT requirements, the Navy is pursuing a partnership with the Army in the development, testing, and procurement of a Joint multi-intelligence sensor and platform, the Aerial Common Sensor (ACS).

The conferees have provided $4,000,000 for the Navy to initiate and pursue the development and fielding of this Joint ACS program. The conferees direct the Navy to report to the House and Senate Committees on Appropriations by March 1, 2004, on its requirements and future acquisition plans for this program.

UNIFORMED SERVICES UAV REQUIREMENTS

The development and use of Unmanned Aerial Vehicles (UAVs) has become integral to each of the Uniformed Services warfighting and operational plans. In many instances, there are common requirements for these systems and similar technologies that can meet these requirements.

The conferees direct the Under Secretary of Defense for Acquisition, Technology and Logistics, in consultation with the Chief of Naval Operations, the Commandant of the Marine Corps, the Chief of Staff of the Army, the Chief of Staff of the Air Force, and the Commandant of the Coast Guard, to submit a report, no later than April 1, 2004, to the House and Senate Committees on Appropriations, which details the common UAV requirements for each of the Uniformed Services.

LITTORAL COMBAT SHIP

The conferees have included $168,071,000 for continued research and development of the Littoral Combat Ship (LCS), the amount recommended by the House and $10,000,000 above the amount recommended by the Senate.

The conferees agree with the House language regarding the need to refine the Navy's concept of operations in the littoral battlespace to ensure that there is no duplication of effort between LCS and other platforms. To this end, the conferees direct the Navy to provide a report to the House and Senate Committees on Appropriations, no later than March 1, 2004 that details the missions LCS will conduct in the littoral battle space, which platforms and systems currently conduct these missions, and what changes, if any, will be made to future years' budgets to eliminate any duplication of effort.

In addition, in order to maintain focus on the LCS' mission module development and integration, the conferees agree that $51,000,000 of the funds provided for LCS is available only for these efforts.

UNFORESEEN IMPACT OF BASE OPERATIONS FUNDING ON FUTURE NAVAL RESEARCH LABORATORY ACTIVITIES

The conferees are concerned about changes in the management of base operations funding and its potential to adversely impact ongoing and emergent research activities. The conferees urge the Navy to be sensitive to the special nature of such research activities and to ensure sufficient flexibility to accommodate unforeseen research needs.

USE OF RESEARCH AND DEVELOPMENT FUNDING FOR SHIPBUILDING

The conferees agree with the Senate concerning the Navy's plans to fund the purchase of ships—DD(X) and LCS—in fiscal year 2005 within the Research, Development, Test and Evaluation (RDT&E) appropriation. The conferees believe that the use of research and development funding to procure first ships of a class is not in keeping with budgetary guidelines regarding full-funding. The conferees agree that should the fiscal year 2005 request include these ships—DD(X) and LCS—within RDT&E, all research and development acquisition rules shall apply, including technology readiness reviews, milestone decisions, and test and evaluation before these ships may transition to procurement.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

The conference agreement on items addressed by either the House or Senate is as follows:

	Budget	House	Senate	Conference
	(In thousands of dollars)			
RESEARCH, DEVELOPMENT, TEST & EVAL, AF				
BASIC RESEARCH				
DEFENSE RESEARCH SCIENCES	204,754	212,254	209,554	214,804
UNIVERSITY RESEARCH INITIATIVES	105,224	108,724	105,224	107,224
HIGH ENERGY LASER RESEARCH INITIATIVES	12,063	12,063	12,063	12,063
TOTAL, BASIC RESEARCH	322,041	333,041	326,841	334,091
APPLIED RESEARCH				
MATERIALS	68,657	88,657	105,743	110,157
AEROSPACE VEHICLE TECHNOLOGIES	65,662	67,662	60,861	64,862
HUMAN EFFECTIVENESS APPLIED RESEARCH	66,795	89,795	70,795	87,895
AEROSPACE PROPULSION	101,575	141,075	92,610	128,075
AEROSPACE SENSORS	75,577	95,077	75,577	87,177
MULTI-DISCIPLINARY SPACE TECHNOLOGY	90,526	97,526	87,073	102,226
SPACE TECHNOLOGY	83,240	96,440	100,310	102,510
CONVENTIONAL MUNITIONS	46,455	46,455	46,455	46,455
DIRECTED ENERGY TECHNOLOGY	35,359	40,359	38,859	42,459
COMMAND CONTROL AND COMMUNICATIONS	71,674	79,674	80,674	80,274
DUAL USE SCIENCE AND TECHNOLOGY PROGRAM	10,586	10,586	10,586	10,586
HIGH ENERGY LASER RESEARCH	41,854	41,854	41,854	41,854
TOTAL, APPLIED RESEARCH	757,960	895,160	811,397	904,530

	Budget	House	Senate	Conference
	(In thousands of dollars)			
ADVANCED TECHNOLOGY DEVELOPMENT				
ADVANCED MATERIALS FOR WEAPON SYSTEMS	33,079	66,079	49,982	62,479
ADVANCED AEROSPACE SENSORS	36,550	36,550	37,550	41,550
FLIGHT VEHICLE TECHNOLOGY	---	---	1,000	1,000
AEROSPACE TECHNOLOGY DEV/DEMO	73,416	84,416	48,118	48,018
AEROSPACE PROPULSION AND POWER TECHNOLOGY	114,726	119,726	74,942	94,226
CREW SYSTEMS AND PERSONNEL PROTECTION TECHNOLOGY	34,487	44,487	38,487	43,187
ELECTRONIC COMBAT TECHNOLOGY	28,496	32,496	33,296	34,896
BALLISTIC MISSILE TECHNOLOGY	---	21,000	---	11,500
ADVANCED SPACECRAFT TECHNOLOGY	72,114	79,114	101,134	97,814
MAUI SPACE SURVEILLANCE SYSTEM (MSSS)	6,323	6,323	55,323	52,023
MULTI-DISCIPLINARY ADVANCED DEVELOPMENT SPACE TECHNOLO	62,610	62,610	61,055	62,610
CONVENTIONAL WEAPONS TECHNOLOGY	30,516	38,516	35,516	37,516
ADVANCED WEAPONS TECHNOLOGY	27,024	62,024	35,524	61,874
ENVIRONMENTAL ENGINEERING TECHNOLOGY	---	2,500	---	1,200
HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM	185,282	191,282	---	---
C3I ADVANCED DEVELOPMENT	31,538	52,038	36,538	45,338
SPECIAL PROGRAMS	369,483	369,483	367,483	367,483
INTEGRATED BROADCAST SERVICE	8,537	8,537	8,537	8,537
HIGH ENERGY LASER ADVANCED TECHNOLOGY PROGRAM	10,910	10,910	10,910	10,910
ADVANCED COMMUNICATIONS SYSTEMS	12,053	12,053	12,053	12,053
AMC COMMAND AND CONTROL SYSTEM	6,046	6,046	6,046	6,046
JOINT NATIONAL TRAINING CENTER	2,940	2,940	2,940	2,940
TOTAL, ADVANCED TECHNOLOGY DEVELOPMENT	1,146,130	1,309,130	1,016,434	1,103,200
DEMONSTRATION & VALIDATION				
INTELLIGENCE ADVANCED DEVELOPMENT	4,513	4,513	4,513	4,513
PHYSICAL SECURITY EQUIPMENT	24,483	24,483	24,483	24,483
ADVANCED EHF MILSATCOM (SPACE)	778,078	778,078	778,078	813,078
POLAR MILSATCOM (SPACE)	5,580	5,580	5,580	5,580
NATIONAL POLAR-ORBITING OPERATIONAL ENVIRONMENTAL SATE	267,716	267,716	267,716	267,716

	Budget	House	Senate	Conference
	(In thousands of dollars)			
SPACE CONTROL TECHNOLOGY	14,714	14,714	14,714	14,714
COMBAT IDENTIFICATION TECHNOLOGY	16,575	16,575	16,575	16,575
NATO RESEARCH AND DEVELOPMENT	3,888	3,888	3,888	3,888
INTERNATIONAL SPACE COOPERATIVE R&D	545	545	545	545
ADVANCED WIDEBAND SYSTEM (AWS)	439,277	289,277	349,277	339,277
INTEGRATED BROADCAST SERVICE	16,466	16,466	16,466	16,466
INTERCONTINENTAL BALLISTIC MISSILE	67,632	54,632	67,632	60,632
WIDEBAND GAPFILLER SYSTEM RDT&E (SPACE)	36,686	36,686	36,686	36,686
SPACE-BASED RADAR	274,104	174,104	199,104	174,104
POLLUTION PREVENTION	2,318	2,318	5,318	4,818
JOINT PRECISION APPROACH AND LANDING SYSTEMS	13,847	13,847	13,847	13,847
HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM (HDBTDS)	12,633	9,633	12,633	9,633
UNMANNED COMBAT AIR VEHICLE (UCAV)	161,269	161,269	161,269	161,269
OPERATIONALLY RESPONSIVE LAUNCH	24,440	26,440	24,440	26,140
COMMON AERO VEHICLE (CAV)	12,220	21,720	12,220	17,220
NEXT GENERATION BOMBER	---	100,000	---	45,000
TOTAL, DEMONSTRATION & VALIDATION	2,176,984	2,022,484	2,014,984	2,056,184
ENGINEERING & MANUFACTURING DEVELOPMENT				
GLOBAL BROADCAST SERVICE (GBS)	38,147	38,147	38,147	38,147
JOINT HELMET MOUNTED CUEING SYSTEM (JHMCS)	843	843	843	843
NUCLEAR WEAPONS SUPPORT	13,396	13,396	13,396	13,396
B-1B	88,703	88,703	88,703	88,703
SPECIALIZED UNDERGRADUATE FLIGHT TRAINING	3,267	3,267	6,667	3,267
F-22	620,740	620,740	620,740	620,740
B-2 ADVANCED TECHNOLOGY BOMBER	152,084	185,584	152,084	167,384
EW DEVELOPMENT	74,034	95,134	90,034	97,834
JOINT TACTICAL RADIO	48,814	38,814	44,714	38,814
PHYSICAL SECURITY EQUIPMENT	7,261	7,261	7,261	7,261
SMALL DIAMETER BOMB (SDB)	126,447	126,447	126,447	126,447
COUNTERSPACE SYSTEMS	82,565	82,565	82,565	82,565

	Budget	House	Senate	Conference
	(In thousands of dollars)			
INTERIM POLAR	13,740	13,740	13,740	13,740
SPACE BASED INFRARED SYSTEM (SBIRS) HIGH EMD	617,229	617,229	617,229	617,229
MILSTAR LDR/MDR SATELLITE COMMUNICATIONS (SPACE)	1,383	1,383	1,383	1,383
MUNITIONS DISPENSER DEVELOPMENT	15,849	18,349	15,849	17,649
ARMAMENT/ORDNANCE DEVELOPMENT	8,419	8,419	8,419	8,419
SUBMUNITIONS	4,717	4,717	4,717	4,717
AGILE COMBAT SUPPORT	5,574	5,574	18,474	13,474
JOINT DIRECT ATTACK MUNITION	34,061	34,061	36,061	35,461
LIFE SUPPORT SYSTEMS	269	8,269	269	5,069
UNMANNED COMBAT AIR VEHICLE (UCAV)	14,675	14,675	14,675	14,675
COMBAT TRAINING RANGES	20,383	25,883	20,383	24,283
INTEGRATED COMMAND & CONTROL APPLICATIONS (IC2A)	239	8,239	6,339	11,200
INTELLIGENCE EQUIPMENT	1,320	1,320	2,320	2,320
TACTICAL DATA LINK INFRASTRUCTURE	14,675	14,675	14,675	14,675
COMMON LOW OBSERVABLES VERIFICATION SYSTEM (CLOVERS)	7,000	7,000	7,000	7,000
JOINT STRIKE FIGHTER (JSF)	2,194,087	2,128,087	2,166,087	2,139,087
INTERCONTINENTAL BALLISTIC MISSILE	184,193	174,193	184,193	174,193
EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM (SPACE)	8,000	8,000	8,000	8,000
RDT&E FOR AGING AIRCRAFT	24,063	31,063	43,063	40,963
PRECISION ATTACK SYSTEMS PROCUREMENT	---	---	20,000	14,000
UNMANNED COMBAT AIR VEHICLE JOINT PROGRAM OFFICE	4,892	2,392	4,892	2,392
LINK-16 SUPPORT AND SUSTAINMENT	58,783	63,783	66,783	71,083
FULL COMBAT MISSION TRAINING	6,946	6,946	6,946	6,946
COMBAT SURVIVOR EVADER LOCATOR	14,684	14,684	14,684	14,684
CV-22	65,703	65,703	65,703	65,703
TOTAL, ENGINEERING & MANUFACTURING DEVELOPMENT	4,577,185	4,579,285	4,633,485	4,613,746
RDT&E MANAGEMENT SUPPORT				
THREAT SIMULATOR DEVELOPMENT	36,595	36,595	36,595	36,595
MAJOR T&E INVESTMENT	50,215	59,715	56,215	61,515

	Budget	House	Senate	Conference
	(In thousands of dollars)			
RAND PROJECT AIR FORCE	24,586	24,586	24,586	24,586
RANCH HAND II EPIDEMIOLOGY STUDY	4,692	4,692	4,692	4,692
INITIAL OPERATIONAL TEST & EVALUATION	34,646	34,646	34,646	34,646
TEST AND EVALUATION SUPPORT	336,720	329,720	336,720	329,720
ROCKET SYSTEMS LAUNCH PROGRAM (SPACE)	9,673	41,173	19,673	23,173
SPACE TEST PROGRAM (STP)	42,909	42,909	37,909	38,909
FACILITIES RESTORATION & MODERNIZATION - TEST & EVAL	33,940	33,940	33,940	33,940
FACILITIES SUSTAINMENT - TEST AND EVALUATION SUPPORT	15,770	15,770	15,770	15,770
GENERAL SKILL TRAINING	318	318	318	318
JUDGMENT FUND REIMBURSEMENT	36,434	36,434	36,434	36,434
INTERNATIONAL ACTIVITIES	3,867	3,867	3,867	3,867
TOTAL, RDT&E MANAGEMENT SUPPORT	630,365	664,365	641,365	644,165
OPERATIONAL SYSTEMS DEVELOPMENT				
B-2 ADVANCED TECHNOLOGY BOMBER	24,691	---	24,691	---
ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY	7,855	9,855	7,855	8,855
B-52 SQUADRONS	28,649	28,649	28,649	28,649
ADVANCED CRUISE MISSILE	13,364	13,364	13,364	13,364
AIR-LAUNCHED CRUISE MISSILE (ALCM)	29,804	29,804	29,804	29,804
STRAT WAR PLANNING SYSTEM - USSTRATCOM	1,748	1,748	1,748	1,748
ADVANCED STRATEGIC PROGRAMS	6,100	6,100	6,100	6,100
REGION/SECTOR OPERATION CONTROL CENTER MODERNIZATION	22,573	22,573	22,573	22,573
JOINT EXPEDITIONARY FORCE EXPERIMENT	51,367	51,367	51,367	51,367
A-10 SQUADRONS	29,729	29,729	29,729	29,729
F-16 SQUADRONS	87,478	87,478	97,478	96,978
F-15E SQUADRONS	112,085	101,085	111,585	123,485
MANNED DESTRUCTIVE SUPPRESSION	20,633	20,633	20,633	20,633
F-22 SQUADRONS	315,784	315,784	315,784	315,784
F-117A SQUADRONS	14,752	14,752	14,752	14,752
TACTICAL AIM MISSILES	375	375	375	375
ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	32,429	32,429	32,429	32,429

	Budget	House	Senate	Conference
	(In thousands of dollars)			
AF TENCAP	10,479	19,979	13,479	18,979
SPECIAL EVALUATION PROGRAM	164,239	164,239	164,239	194,239
COMPASS CALL	3,790	12,790	3,790	8,790
AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	180,112	180,112	180,112	180,112
CSAF INNOVATION PROGRAM	1,880	2,880	1,880	2,880
JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM)	31,216	20,216	31,216	25,716
AEROSPACE OPERATIONS CENTER (AOC)	27,887	27,887	27,887	27,887
CONTROL AND REPORTING CENTER (CRC)	16,083	16,083	16,083	16,083
AIRBORNE WARNING AND CONTROL SYSTEM (AWACS)	270,397	270,397	270,397	270,397
ADVANCED COMMUNICATIONS SYSTEMS	12,312	12,312	12,312	12,312
ADVANCED PROGRAM TECHNOLOGY	263,392	266,392	263,392	265,992
THEATER BATTLE MANAGEMENT (TBM) C4I	31,647	33,147	31,647	32,947
FIGHTER TACTICAL DATA LINK	42,877	42,877	42,877	42,877
BOMBER TACTICAL DATA LINK	12,959	12,959	12,959	12,959
C2ISR TACTICAL DATA LINK	26,927	26,927	26,927	26,927
MC2C (MULTI-SENSOR COMMAND AND CONTROL CONSTELLATION)	363,630	363,630	363,630	363,630
JOINT SURVEILLANCE AND TARGET ATTACK RADAR SYSTEM	58,431	58,431	58,431	58,431
SEEK EAGLE	19,587	19,587	19,587	19,587
ADVANCED PROGRAM EVALUATION	425,486	425,486	245,052	295,052
USAF MODELING AND SIMULATION	8,483	14,483	8,483	12,983
WARGAMING AND SIMULATION CENTERS	6,262	8,262	6,262	7,262
MISSION PLANNING SYSTEMS	62,348	52,348	62,348	52,348
INFORMATION WARFARE SUPPORT	12,091	12,091	12,091	12,091
NAIC	---	---	5,000	---
MISSILE AND SPACE TECHNICAL COLLECTION	---	---	5,000	3,000
E-4B NATIONAL AIRBORNE OPERATIONS CENTER (NAOC)	44,377	44,377	44,377	44,377
MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK	10,716	10,716	10,716	10,716
INFORMATION SYSTEMS SECURITY PROGRAM	37,667	48,167	39,667	48,367
GLOBAL COMBAT SUPPORT SYSTEM	17,473	17,473	17,473	17,473

	Budget	House	Senate	Conference
	(In thousands of dollars)			
GLOBAL COMMAND AND CONTROL SYSTEM	3,547	3,547	3,547	3,547
COMMUNICATIONS SECURITY (COMSEC)	---	4,000	---	---
MILSATCOM TERMINALS	173,831	173,831	173,831	173,831
SELECTED ACTIVITIES	107,800	93,800	97,800	144,200
GLOBAL AIR TRAFFIC MANAGEMENT (GATM)	7,164	7,164	7,164	7,164
SATELLITE CONTROL NETWORK (SPACE)	18,603	18,603	21,603	20,703
WEATHER SERVICE	16,317	16,317	16,317	16,317
AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM (ATC	10,622	10,622	10,622	10,622
SECURITY AND INVESTIGATIVE ACTIVITIES	474	474	20,474	20,474
AIR FORCE TACTICAL MEASUREMENT AND SIGNATURE INTELLIGE	7,510	7,510	7,510	7,510
DEFENSE RECONNAISSANCE SUPPORT ACTIVITIES (SPACE)	232,287	128,787	232,287	98,787
DEFENSE METEOROLOGICAL SATELLITE PROGRAM (SPACE)	918	918	918	918
NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SP	100,589	100,589	100,589	100,589
NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE AND CONTROL S	146,468	146,468	146,468	146,468
SPACE WARFARE CENTER	404	404	404	404
SPACELIFT RANGE SYSTEM (SPACE)	63,210	76,710	63,210	70,710
DRAGON U-2 (JMIP)	52,518	36,718	57,518	47,018
ENDURANCE UNMANNED AERIAL VEHICLES	398,631	398,331	402,131	404,931
AIRBORNE RECONNAISSANCE SYSTEMS	77,823	77,823	78,823	78,823
MANNED RECONNAISSANCE SYSTEMS	14,726	14,726	14,726	14,726
DISTRIBUTED COMMON GROUND SYSTEMS	27,107	28,107	27,107	28,107
NCMC - TW/AA SYSTEM	57,933	67,933	57,933	67,933
SPACETRACK (SPACE)	118,234	118,234	118,234	118,234
NUDET DETECTION SYSTEM (SPACE)	35,834	35,834	35,834	35,834
SPACE ARCHITECT	12,589	12,589	12,589	12,589
SHARED EARLY WARNING (SEW)	3,254	3,254	3,254	3,254
C-130 AIRLIFT SQUADRON	105,381	108,381	111,506	105,381
C-5 AIRLIFT SQUADRONS	356,570	356,570	356,570	356,570
C-17 AIRCRAFT	184,089	186,789	184,089	185,489
C-130J PROGRAM	13,551	13,551	13,551	13,551

	Budget	House	Senate	Conference
	(In thousands of dollars)			
LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCM)	45,946	45,946	45,946	45,946
KC-135S	1,473	1,473	1,473	3,173
KC-10S	2,306	2,306	2,306	2,306
DEPOT MAINTENANCE (NON-IF)	1,406	1,406	1,406	1,406
INDUSTRIAL PREPAREDNESS	39,396	51,396	55,896	57,496
LOGISTICS SUPPORT ACTIVITIES	---	2,000	---	1,400
PRODUCTIVITY, RELIABILITY, AVAILABILITY, MAINTAIN. PRO	---	6,800	9,000	9,000
SUPPORT SYSTEMS DEVELOPMENT	54,034	69,034	72,034	73,834
SERVICE-WIDE SUPPORT (NOT OTHERWISE ACCOUNTED FOR)	4,392	4,392	4,392	4,392
CIVILIAN COMPENSATION PROGRAM	7,130	7,130	7,130	7,130
FINANCIAL MANAGEMENT INFORMATION SYSTEMS DEVELOPMENT	13,464	13,464	13,464	13,464
COBRA BALL	---	1,500	---	1,100
TOTAL, OPERATIONAL SYSTEMS DEVELOPMENT	5,479,695	5,405,404	5,395,886	5,396,370
CLASSIFIED PROGRAMS	5,245,898	5,495,398	5,245,898	5,448,698
TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, AF	20,336,258	20,704,267	20,086,290	20,500,984

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

R-1		Budget Request	House	Senate	Conference
1	**DEFENSE RESEARCH SCIENCES**	**204,754**	**212,254**	**209,554**	**214,804**
	Chabot Space and Science Center		+4,000		+2,000
	National Hypersonic Research Center		+3,500		+2,000
	Quantum Info Technology			+1,500	+1,100
	Non-lethal Stunning/Immobilizing weapons research			+500	+500
	Information Security and Cyber Counter Terrorism			+3,500	+1,800
	Thin Film Magnetic Materials			+2,000	+1,400
	National Fotonics Research			+3,500	+1,700
	Corrosion Protection of Aluminum Alloys Used in Aircraft			+1,000	+1,000
	Reduce biological research			-5,000	-5,000
	Hypersonics funding (NAI)			-1,990	0
	Space Access (NAI)			-210	0
	Coal Based Jet Fuel				+2,550
	Advanced Adaptive Optics				+1,000
2	**UNIVERSITY RESEARCH INITIATIVES**	**105,224**	**108,724**	**105,224**	**107,224**
	Network and Information Space Security Center		+2,000		+1,000
	Kelly Material Science and Engineering Laboratory		+1,500		+1,000
4	**MATERIALS**	**68,657**	**88,657**	**105,743**	**110,157**
	Composite Fire Safety Initiative Consortium		+3,000		+1,500
	Advanced Wide Bandgap Materials		+3,000		+2,600
	Computational Tools for Material Development		+1,500		+1,000
	Gallium Nitride Microelectronics and Material Development		+3,500		+1,700
	Tyndall AFRL Research and Development		+4,000		+2,400
	Discontinuous Titanium Matrix Composites for Aerospace Applications		+1,000		+1,000
	Wright Brothers Institute - Nanostructured Materials for Advanced AF Concepts		+4,000	+5,500	+4,000
	Titanium Matrix Composites Program			+3,100	+2,900
	Closed Cell Foam Material			+2,000	+1,400
	UV FEL Capabilities for Aerospace Microfabrication			+4,000	+2,800
	Strategic Partnership for Research in Nanotechnology (SPRING)			+10,000	+10,000
	Durable Hybrid Coatings for Aircraft Systems			+2,000	+1,200
	Thermal Sprays for Structural Protection			+3,200	+2,300
	Nanotechnology Research			+1,500	+1,000
	Microfabrication			+6,000	+4,200
	Materials for Structures, Propulsion, and Subsystems (NAI)			-214	0
	Composite Materials for UAV's Initiative				+1,500
5	**AEROSPACE VEHICLE TECHNOLOGIES**	**65,662**	**67,662**	**60,861**	**64,862**
	Intelligent Flight Control - Simulation Research Laboratory		+2,000		+1,200
	Structures (NAI)			-653	0
	Aerospace Vehicle Technology (NAI)			-4,148	-2,000
6	**HUMAN EFFECTIVENESS APPLIED RESEARCH**	**66,795**	**89,795**	**70,795**	**87,895**
	Special Operations Target Acquisition & Control Suite		+2,500		+1,800
	3-D Auditory Display		+2,000		+1,400
	Flexible Display and Integrated Communication Device for the BAO		+3,000		+1,500
	DLEDS for USAF SOF Combat Control Team BAO Kit		+2,500		+1,800
	Integrated Medical Information Technology Initiative (IMITS) (Note: Only to continue IMITS and expand into Air Force clinics in the Pacific Rim.)		+12,000		+10,200
	Advanced Thermal Protection Systems (ATPS)		+1,000		+1,000
	Solid Electrolyte Oxygen Separator			+2,000	+1,400

R-1		Budget Request	House	Senate	Conference
	Nanoparticles for the Detection and Neutralization of Bioterrorist Agents			+1,000	+1,000
	Mobile Molecular Test Laboratory			+1,000	+1,000
7	**AEROSPACE PROPULSION**	**101,575**	**141,075**	**92,610**	**128,075**
	Center for Security of Large-Scale Systems		+3,000		+3,000
	HPALM System		+3,500		+2,500
	HVEPS For Supersonic Aircraft		+4,500		+2,200
	Cell-Level Battery Control [Note: Only for SBIR Phase 3 cell level battery controller development.]		+1,000		+1,000
	Engineering Tool Improvement Program (ETIP)		+5,000		+4,300
	Integrated High Payoff Rocket Propulsion Technology		+1,000		+1,000
	Advanced Vehicle and Propulsion Center		+7,000		+4,500
	Lightweight Photovoltaics for Portable Power and Hydrogen Generation		+1,000		+1,000
	Phase 3 Pulse Detonation Development and SBIR Phase 3 Laser Induced Thermal Acoustics (LITA) Instrument development.]		+6,000		+3,000
	Hybrid Plastics			+1,000	+1,000
	High Powered Electrical Aircraft Capabilities (HiPEAC)			+5,000	+3,000
	Hypersonics funding (NAI)			-13,965	0
	Rocket Propulsion Technology (NAI)			-1,000	0
8	**AEROSPACE SENSORS**	**75,577**	**95,077**	**75,577**	**87,177**
	Watchkeeper UWB Demonstration		+4,500		+3,200
	Center for Advanced Sensor and Communication Antennas		+5,000		+3,000
	3-D Packaging Technology for High Speed RF Communication		+4,000		+2,400
	General Purpose Reconfiguration Signal Processors System		+6,000		+3,000
9	**MULTI-DISCIPLINARY SPACE TECHNOLOGY**	**90,526**	**97,526**	**87,073**	**102,226**
	Photonics Technology		+1,000		+1,000
	Launch Vehicle Engine Project		+1,000		+1,000
	Jet & Rocket Engine Test Set (JRETS)		+12,500		+10,700
	Starfire Optical Range Coating Facility			+1,500	+1,000
	High Speed Airbreathing Propulsion Technology (NAI)			-734	0
	Multi-Disciplinary Space Technology (NAI)			-4,219	-2,000
10	**SPACE TECHNOLOGY**	**83,240**	**96,440**	**100,310**	**102,510**
	Elastic Memory Composites		+3,000		+1,500
	Converted Silicon Carbide for High Performance Optic Structures		+3,000		+1,500
	Affordable Multi-Junction Solar Cells		+4,700		+2,300
	Mixed Signal VLSI for Space Vehicles Communications Subsystems		+2,500		+1,800
	HAARP Experimentation			+5,000	+5,000
	Integrated Control for Autonomous Space Systems (ICASS)			+1,000	+1,000
	Technology Satellite of the 21st Century			+5,000	+3,000
	Electromagnetic Wave Gradiometer			+3,000	+2,100
	Elastic Memory Composite Materials			+3,000	+1,800
	Substrates for Solar Cells			+2,000	+1,200
	Space Craft Vehicle Technology (NAI)			-1,930	-1,930
12	**DIRECTED ENERGY TECHNOLOGY**	**35,359**	**40,359**	**38,859**	**42,459**
	975mm Stabilized Fiber Laser Pump Development		+5,000		+2,500
	National High Energy Laser Consortium			+500	+500
	Stabilized Fiber Laser Pump Development			+3,000	+2,100
	Adaptive Optics Lasercom [Note: Transferred from Line 19]		+4,000		+2,000

R-1		Budget Request	House	Senate	Conference
13	**COMMAND CONTROL AND COMMUNICATIONS**	**71,674**	**79,674**	**80,674**	**80,274**
	Griffiss Institute		+2,000		+1,200
	MASINT Warfighter Visualization Tools		+4,000	+4,000	+4,000
	Information Protection and Authentication - Information Hiding, Steganography & Digital Watermarking		+2,000		0
	Secure Knowledge Management for Collaborative Enterprise Management			+4,000	+2,400
	Effects Based Planning Execution and Assessment			+1,000	+1,000
16	**ADVANCED MATERIALS FOR WEAPON SYSTEMS**	**33,079**	**66,079**	**49,982**	**62,479**
	Vapor Grown Carbon Fiber		+3,000		+2,100
	Polymer Technology for Agile Combat Support		+2,000		+1,400
	Materials Integrity Management Research (MIMR) for Air Force Systems		+2,000		+1,400
	Quantitative Inspection Techniques for Assessing Aging of Military Aircraft		+6,000	+3,000	+3,600
	Metals Affordability Initiative		+5,000	+5,000	+5,000
	Molecular Marking of Explosives		+3,000		+1,500
	Hybrid Bearings		+2,000	+2,000	+2,000
	Advanced Laser Program for Plasma Enhanced Chemical Vapor Deposition		+2,000		+1,700
	Advanced Composite Processes for UAV Components		+2,000		+1,400
	E-SMART Threat Agent Network		+6,000		+3,000
	Plasma Arc/Waste to Energy Production			+4,000	+3,400
	Educate 21st Century IO Workforce			+1,500	+1,100
	Ceramic Matrix Composites for Engines			+3,000	+1,800
	National Aerospace Initiative (NAI)			-1,597	-1,000
	Transparent Conductive Polymer Technology				+1,000
17	**ADVANCED AEROSPACE SENSORS**	**36,550**	**36,550**	**37,550**	**41,550**
	National Operational Radar Signature Production and Research Capability			+1,000	+5,000
18	**FLIGHT VEHICLE TECHNOLOGY**	**0**	**0**	**1,000**	**1,000**
	AFRL Study of Legacy Tactical Aircraft			+1,000	+1,000
19	**AEROSPACE TECHNOLOGY DEV/DEMO**	**73,416**	**84,416**	**48,118**	**48,018**
	Advance Aluminum Aerostructures Initiatives (A3I)		+5,000		+4,300
	Simulation Based Research and Development - SensorCraft (UAV)		+2,000	+7,000	+3,500
	Adaptive Optics Lasercom [Note: Transferred to Line 12]		+4,000		0
	Bias Woven Preforms Development Program		+5,000		+2,500
	Fly-by-light Avionics for UCAV			+3,000	+2,100
	Advanced Aluminum Aerostructures Initiative			+3,000	+2,100
	UAV Composites			+2,000	+1,400
	National Aerospace Initiative			-42,298	-42,298
	MEDLINK Global Response			+2,000	+1,000
20	**AEROSPACE PROPULSION AND POWER**	**114,726**	**119,726**	**74,942**	**94,226**
	Advanced Turbine Engine Gas Generator and Aircraft Propulsion Subsystems Integration		+5,000		+2,500
	Single Engine Demo (NAI)			-38,885	-23,000
	Space and Missile Rocket Propulsion (NAI)			-899	0
21	**CREW SYSTEMS AND PERSONNEL PROTECTION**	**34,487**	**44,487**	**38,487**	**43,187**
	Virtual Warriors		+2,000		+1,400
	Laser Eye Protection Research		+2,000		+1,400
	Crew Systems Personnel Protection		+2,500		+1,800
	Helmet Queuing System		+3,500		+1,700
	The Logistics Institute			+2,000	+1,000
	TALON			+2,000	+1,400
22	**ELECTRONIC COMBAT TECHNOLOGY**	**28,496**	**32,496**	**33,296**	**34,896**
	Receiver and Processing Concepts Evaluation Program		+500		+500
	Detect and Avoid for UAV		+3,500		+2,500
	ATAR-LMSJ			+4,800	+3,400

R-1		Budget Request	House	Senate	Conference
23	**BALLISTIC MISSILE TECHNOLOGY**	**0**	**21,000**	**0**	**11,500**
	CAV, SLV, MMIII Critical Technology Development		+6,000		+3,000
	Ballistic Missile Technology		+10,000		+8,500
25	**ADVANCED SPACECRAFT TECHNOLOGY**	**72,114**	**79,114**	**101,134**	**97,814**
	Boron Energy Cell Development		+3,000	+5,000	+3,500
	Integrated Spacecraft Engineering Tool (ISET)		+2,000		+1,700
	AC Coupled Interconnect		+2,000		+1,200
	Radially Segmented Launch Vehicle Risk Reduction			+7,000	+4,700
	MRAM Innovative Communications Materials			+2,500	+1,500
	Hardening Technologies for Satellite Protection (HTSP)			+5,000	+3,500
	AESIR Reusable LOX/LNG Launch Vehicle Technology			+3,000	+2,100
	Thin film amorphous solar arrays			+7,000	+4,700
	Ballistic Missile Technology (NAI)			-480	0
	Robust Composite Materials and Structures [Note: Transferred from Line 173.]		+4,000		+2,800
27	**MAUI SPACE SURVEILLANCE SYSTEM (MSSS)**	**6,323**	**6,323**	**55,323**	**52,023**
	High Accuracy Network Determination System (HANDS)			+10,000	+8,500
	Pan Stars			+12,000	+10,200
	MSSS Operations and Research			+27,000	+27,000
28	**MULTI-DISCIPLINARY ADVANCED DEVELOPMENT**	**62,610**	**62,610**	**61,055**	**62,610**
	Rocket Propulsion Demonstration (NAI)			-1,555	0
29	**CONVENTIONAL WEAPONS TECHNOLOGY**	**30,516**	**38,516**	**35,516**	**37,516**
	Maverick Missile Upgrade LOAL (Live Testing)		+6,000	+5,000	+6,000
	LOCAAS		+2,000		+1,000
30	**ADVANCED WEAPONS TECHNOLOGY**	**27,024**	**62,024**	**35,524**	**61,874**
	Laser Illuminated Viewing and Ranging Sensor Development		+8,000		+4,000
	Geosynchronous Light Imaging National Testbed		+5,000		+2,500
	Aerospace Relay Mirror System Demonstration		+5,000		+2,500
	Laser Spark Countermeasure Program		+5,000		+4,300
	Low Speed Air Data Sensor for SO Aircraft		+4,000		+3,400
	Mobile Active Targeting Resource for Integrated Experiments (MATRIX)		+5,000		+4,300
	Advanced Technology For IRCM Component Improvement		+1,500		+1,000
	Wafer Integrated Semiconductor Laser		+1,500		+1,100
	Applications of LIDAR to Vehicles with Analysis (ALVA)			+8,500	+8,500
	Texas-New Mexico Sky Survey				+3,250
31	**ENVIRONMENTAL ENGINEERING TECHNOLOGY**	**0**	**2,500**	**0**	**1,200**
	Bioreactor Demonstrations and Deployments		+2,500		+1,200
32	**HIGH PERFORMANCE COMPUTING MODERNIZATION**	**185,282**	**191,282**	**0**	**0**
	High Performance Computer Prototype for NRL [Note: Transferred to RDDW line 44.]		+6,000		0
	Transfer to RDTE, DW line 44			-185,282	-185,282
33	**C3I ADVANCED DEVELOPMENT**	**31,538**	**52,038**	**36,538**	**45,338**
	Information Authentication and Protection		+5,000		+3,000
	Identification of Time Critical Targets (Target Under Trees)		+8,000		+4,800
	Automatic Acoustic Target Recognition		+4,000		+2,000
	Information Protection and Authentication - Information Hiding, Steganography & Digital Watermarking		+3,500		0
	Fusion SIGINT Enhancements for Network-Centric ISR			+4,000	+3,000
	Effects Based Operation			+1,000	+1,000
34	**SPECIAL PROGRAMS**	**369,483**	**369,483**	**367,483**	**367,483**
	Classified program			-2,000	-2,000
43	**ADVANCED EHF MILSATCOM**	**778,078**	**778,078**	**778,078**	**813,078**
	Transfer From Procurement				+35,000

R-1		Budget Request	House	Senate	Conference
50	**ADVANCED WIDEBAND SYSTEM (AWS)**	**439,277**	**289,277**	**349,277**	**339,277**
	Slow program pending further risk reduction [Note: Conferees agree that funds provided may be used for purposes requested in budget submission.]		-150,000	-90,000	-100,000
52	**INTERCONTINENTAL BALLISTIC MISSILE - DEM/VAL**	**67,632**	**54,632**	**67,632**	**60,632**
	California Space Infrastructure Program		+1,000		+1,000
	Execution		-3,000		-3,000
	Test Schedule		-10,000		-5,000
55	**SPACE-BASED RADAR DEM/VAL**	**274,104**	**174,104**	**199,104**	**174,104**
	Program Affordability [Note: Conferees agree that funds provided may be used for purposes requested in budget submission.]		-100,000	-75,000	-100,000
56	**POLLUTION PREVENTION (DEM/VAL)**	**2,318**	**2,318**	**5,318**	**4,818**
	Diesel Engine Particulate Exhaust Emissions Reduction			+2,000	+1,500
	Painting and Coating Pollution Prevention for Defense Facilities			+1,000	+1,000
58	**HARD AND DEEPLY BURIED TARGET DEFEAT**	**12,633**	**9,633**	**12,633**	**9,633**
	Execution		-3,000		-3,000
60	**OPERATIONALLY RESPONSIVE LAUNCH**	**24,440**	**26,440**	**24,440**	**26,140**
	Space Launch Complex 3 West Modernization		+2,000		+1,700
61	**COMMON AERO VEHICLE (CAV)**	**12,220**	**21,720**	**12,220**	**17,220**
	Hypersonic Flight Test Corridor		+500		+500
	CAV		+9,000		+4,500
New	**Next Generation Bomber**		**100,000**		**45,000**
			+100,000		+45,000
66	**SPECIALIZED UNDERGRADUATE PILOT TRAINING**	**3,267**	**3,267**	**6,667**	**3,267**
	Boom Operator Weapon System Trainer (BOWST) [Note: Transferred to line 208]			+3,400	0
68	**B-2 ADVANCED TECHNOLOGY BOMBER**	**152,084**	**185,584**	**152,084**	**167,384**
	EHF Satcom		+29,600		+12,600
	Aft Deck Design		+3,900		+2,700
70	**EW DEVELOPMENT**	**74,034**	**95,134**	**90,034**	**97,834**
	Rapid Replacement of Mission Critical Logistics Electronic Components		+3,900	+3,900	+3,900
	AN/ALR-69 (PLAID) Upgrade Program		+4,000	+10,000	+6,000
	PLAID Core development program shortfall		+9,700		+9,700
	Loitering Electronic Warfare Killer ACTD		+3,500	+6,000	+4,200
71	**JOINT TACTICAL RADIO**	**48,814**	**38,814**	**44,714**	**38,814**
	Phase 2 Contract		-10,000	-8,000	-10,000
	Rapid Replacement of Mission Critical Logistics Electronic Components [Note: moved to line 70]			+3,900	0
78	**MUNITIONS DISPENSER DEVELOPMENT**	**15,849**	**18,349**	**15,849**	**17,649**
	Passive Attack Weapon		+2,500		+1,800
81	**AGILE COMBAT SUPPORT**	**5,574**	**5,574**	**18,474**	**13,474**
	Deployable Oxygen System			+3,900	+2,800
	Nano-Technology to produce sterile water			+3,000	+2,100
	Base Operating Support Assessment Model (BOSAM)			+6,000	+3,000
82	**JOINT DIRECT ATTACK MUNITION**	**34,061**	**34,061**	**36,061**	**35,461**
	Tungsten Heavy Alloy Core Deep Penetration JDAM			+2,000	+1,400
83	**LIFE SUPPORT SYSTEMS**	**269**	**8,269**	**269**	**5,069**
	ACES II Improvements [Note: $2.8M for development of the modular seat and $2M for electromechanical stability control system.]		+8,000		+4,800
85	**COMBAT TRAINING RANGES**	**20,383**	**25,883**	**20,383**	**24,283**
	Nellis Air Combat Training Range System Integration		+5,500		+3,900
86	**INTEGRATED COMMAND & CONTROL APPLICATIONS (IC2A)**	**239**	**8,239**	**6,339**	**11,200**
	Air Force Electronic Systems Command / NPLACE		+4,000		+2,400
	Distributed Mission Interoperability Toolkit		+4,000	+3,500	+3,500

R-1		Budget Request	House	Senate	Conference
	Asset Source for Software Engineering Technology			+2,600	+2,300
	Interactive Three Dimensional Human Interface				+1,400
	Visual Computing for Productive Collateral Damage				+1,600
87	**INTELLIGENCE EQUIPMENT**	**1,320**	**1,320**	**2,320**	**2,320**
	High Powered Microwave Vulnerability Assessment			+1,000	+1,000
91	**JOINT STRIKE FIGHTER EMD**	**2,194,087**	**2,128,087**	**2,166,087**	**2,139,087**
	Systems Engineering Mission Support		-43,500		-27,000
	Critical Design Review		-22,500		0
	Inflation adjustment correction			-28,000	-28,000
92	**INTERCONTINENTAL BALLISTIC MISSILE - EMD**	**184,193**	**174,193**	**184,193**	**174,193**
	Program Growth/Execution		-10,000		-10,000
94	**RDT&E FOR AGING AIRCRAFT**	**24,063**	**31,063**	**43,063**	**40,963**
	Academic Center for Aging Aircraft		+3,000	+6,000	+4,200
	Enterprise Availability and Cost Optimization System		+2,000		+1,200
	Fleet Capability Assessment Process		+2,000		+2,000
	Aging Landing Gear Life Extension			+2,000	+1,500
	Air Vehicle Health Management, Improved Fleet Readiness			+8,000	+6,000
	Advanced Technology into Legacy Avionics Systems			+3,000	+2,000
95	**PRECISION ATTACK SYSTEMS PROCUREMENT**	**0**	**0**	**20,000**	**14,000**
	LITENING Targeting Pods for National Guard			+20,000	+14,000
96	**UNMANNED COMBAT AIR VEHICLE JOINT PROGRAM**	**4,892**	**2,392**	**4,892**	**2,392**
	Joint Program Office		-2,500		-2,500
97	**LINK-16 SUPPORT AND SUSTAINMENT**	**58,783**	**63,783**	**66,783**	**71,083**
	Air Defense Systems Integrator		+5,000		+4,300
	611th ETDL-D2-Link 16 Support and Sustainment			+8,000	+8,000
102	**MAJOR T&E INVESTMENT**	**50,215**	**59,715**	**56,215**	**61,515**
	B-52 Flight Test Instrumentation [Note: Only for the acquisition of hardware and software, including miniaturized instrumentation, solid state recorders, pre-flight test validation and display, mobile telemetry systems and mass storage and archiving systems for the effective collection, management, and distribution of critical flight test data.]		+2,000		+1,700
	ILIAD		+4,000		+3,400
	Advanced Range Communications System		+3,500		+1,700
	Holloman High Speed Test Track (HHSTT) Upgrade			+5,000	+3,500
	3-DATA Laser Upgrade			+1,000	+1,000
107	**TEST AND EVALUATION SUPPORT**	**336,720**	**329,720**	**336,720**	**329,720**
	Execution		-7,000		-7,000
108	**ROCKET SYSTEMS LAUNCH PROGRAM (SPACE)**	**9,673**	**41,173**	**19,673**	**23,173**
	Ballistic Missile Range Safety Technology		+15,500	+10,000	+13,500
	Rocket System Launch Program		+16,000		0
109	**SPACE TEST PROGRAM (STP)**	**42,909**	**42,909**	**37,909**	**38,909**
	Unexecuted Testing			-5,000	-4,000
116	**B-2 ADVANCED TECHNOLOGY BOMBER**	**24,691**	**0**	**24,691**	**0**
	AF Requested Transfer to APAF		-24,691		-24,691
117	**ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY**	**7,855**	**9,855**	**7,855**	**8,855**
	Active Protection for Integrated Circuits AFRL/SNKD		+2,000		+1,000
127	**F-16 SQUADRONS**	**87,478**	**87,478**	**97,478**	**96,978**
	AN/APG-68 (V) 9 Radar Upgrade			+10,000	+6,000
	Common Configurable Remote Interface Unit Initiative				+3,500
128	**F-15E SQUADRONS**	**112,085**	**101,085**	**112,585**	**123,485**
	Execution / Schedule Delays		-19,000	-16,000	-9,000
	F-15 ALR-56C Radar Warning Receiver Upgrade (RWR) Program for the Air National Guard		+4,000		+2,400
	ADCP Development		+4,000		+4,000
	F-15 C/D Radar Block Upgrade			+16,500	+14,000

R-1	Budget Request	House	Senate	Conference
135 AF TENCAP	**10,479**	**19,979**	**13,479**	**18,979**
FOGLITE [Note: Only to develop an eye-safe, day/night sensor capable of producing optical quality three-dimensional imagery and mapping data in real time through moderate cloud cover, smoke dust foliage and camouflage from an airborne platform.]		+6,500		+5,500
Global Positioning System-Jammer Detection and Location System		+3,000	+3,000	+3,000
136 SPECIAL EVALUATION	**164,239**	**164,239**	**164,239**	**194,239**
Air Force requested transfer from Line 185				+30,000
137 COMPASS CALL	**3,790**	**12,790**	**3,790**	**8,790**
COMPASS CALL - Block 35 upgrades		+9,000		+5,000
139 CSAF INNOVATION PROGRAM	**1,880**	**2,880**	**1,880**	**2,880**
Commercial Imagery Dissemination via BRITE		+1,000		+1,000
140 JOINT AIR-TO-SURFACE STANDOFF MISSILE	**31,216**	**20,216**	**31,216**	**25,716**
JASSM-ER Development		-11,000		-5,500
146 ADVANCED PROGRAM	**263,392**	**266,392**	**263,392**	**265,992**
Adaptive Information Protection Technologies		+3,000		+2,600
147 THEATER BATTLE MANAGEMENT (TBM)	**31,647**	**33,147**	**31,647**	**32,947**
Continuation of the C2 Mission Manager for AFSOC JSOAC		+1,500		+1,300
154 ADVANCED PROGRAM EVALUATION	**425,486**	**425,486**	**245,052**	**295,052**
Classified Program			-180,434	-130,434
155 USAF MODELING AND SIMULATION	**8,483**	**14,483**	**8,483**	**12,983**
Joint Synthetic Battlespace		+5,000		+3,500
Synthetic Theater Operations Research Model		+1,000		+1,000
156 WARGAMING AND SIMULATION CENTERS	**6,262**	**8,262**	**6,262**	**7,262**
Theater Aerospace Command and Control Simulation Facility		+2,000		+1,000
157 MISSION PLANNING SYSTEMS	**62,348**	**52,348**	**62,348**	**52,348**
Reduction		-10,000		-10,000
161 NATIONAL AIR INTELLIGENCE CENTER	**0**	**0**	**5,000**	**0**
Classified program			+5,000	0
163 MISSILE AND SPACE TECHNICAL COLLECTION	**0**	**0**	**5,000**	**3,000**
Measurement and Signatures Intelligence Battle Lab			+5,000	+3,000
170 INFORMATION SYSTEMS SECURITY PROGRAM	**37,667**	**48,167**	**39,667**	**48,367**
NORTHCOM Deployment and Support Planning		+1,000		+1,000
Center for Information Assurance Security		+3,000		+2,100
Enterprise Data Warehouse		+6,500		+4,600
Lighthouse Cyber Security Program			+2,000	+1,000
WISE				+2,000
173 COMMUNICATIONS SECURITY (COMSEC)	**0**	**4,000**	**0**	**0**
Robust Composite Materials and Structures [Note: Transferred to Line 25.]		+4,000		0
176 SELECTED ACTIVITIES	**107,800**	**93,800**	**97,800**	**144,200**
Classified Adjustment		-14,000	-10,000	+36,400
178 SATELLITE CONTROL NETWORK (SPACE)	**18,603**	**18,603**	**21,603**	**20,703**
Civil Reserve Space Service (CRSS) Initiative			+3,000	+2,100
181 SECURITY AND INVESTIGATIVE	**474**	**474**	**20,474**	**20,474**
Air Force Personnel Security Investment Program (Transfer from OPAF)			+20,000	+20,000
185 DEFENSE RECONNAISSANCE SUPPORT ACTIVITIES	**232,287**	**128,787**	**232,287**	**98,787**
Classified Adjustment		-103,500		-103,500
Air Force requested transfer into Line 136				-30,000

R-1		Budget Request	House	Senate	Conference
191	**SPACELIFT RANGE SYSTEM (SPACE)**	**63,210**	**76,710**	**63,210**	**70,710**
	Range Standardization & Automation Phase IIA		+5,000		+2,500
	Very Small Aperture Terminal (VSAT) Water Supply Monitoring Project [Note: To develop the capability to detect contamination of water sources by terrorists, accidents or natural causes.]		+3,500		+3,000
	QuakeFinder II Demonstration		+4,000		+2,000
192	**DRAGON U-2 (JMIP)**	**52,518**	**36,718**	**57,518**	**47,018**
	Airborne SIGINT Intelligence Payload (ASIP) sensor [Note: to be applied only to U-2 ASIP effort; Global Hawk ASIP effort fully funded.]		-15,800		-8,000
	SYERS-2 Focal Planes			+5,000	+2,500
193	**ENDURANCE UNMANNED AERIAL VEHICLES**	**398,631**	**398,331**	**402,131**	**404,931**
	Funds Available from FY2001 Southern Command Demo		-7,900		0
	Global Hawk Advanced Imagery Architecture		+4,600		+3,300
	Lithium Ion Battery Qualification for the RQ-4A Global Hawk (UAVs)		+3,000	+3,500	+3,000
194	**AIRBORNE RECONNAISSANCE SYSTEMS**	**77,823**	**77,823**	**78,823**	**78,823**
	Ultra-Wideband Airborne Laser Communications for ISR			+1,000	+1,000
196	**DISTRIBUTED COMMON GROUND SYSTEMS**	**27,107**	**28,107**	**27,107**	**28,107**
	C2 Integration for Joint Dynamic Targeting		+1,000		+1,000
197	**NCMC - TW/AA**	**57,933**	**67,933**	**57,933**	**67,933**
	NORTHCOM - FAA NCR Airspace Integration		+10,000		+10,000
204	**C-130 AIRLIFT SQUADRON**	**105,381**	**108,381**	**111,506**	**105,381**
	TN ANG - APN-241 Radar Upgrade Program [Note: Transferred to APAF, line 49.]		+3,000	+6,125	0
206	**C-17 AIRCRAFT**	**184,089**	**186,789**	**184,089**	**185,489**
	Test Data Archive		+2,700		+1,400
208	**LARGE AIRCRAFT IR COUNTERMEASURES**	**45,946**	**45,946**	**45,946**	**45,946**
	Boom Operator Weapon System Trainer (BOWST) [Note: Transfered from line 66]				+1,700
213	**INDUSTRIAL PREPAREDNESS**	**39,396**	**51,396**	**55,896**	**57,496**
	Electronic Industry-wide Network for Characteristics & Specifications		+1,000		+1,000
	Prototype Low Observable Coatings		+4,000		+2,800
	Bipolar Wafer Nickel Metal Hydride Battery Development		+2,000	+2,500	+2,000
	Doyle Center-TIDE Program		+5,000		+2,500
	Applied Research & Technology in Transition			+14,000	+9,800
214	**LOGISTICS SUPPORT ACTIVITIES**	**0**	**2,000**	**0**	**1,400**
	REMIS		+2,000		+1,400
215	**PRODUCTIVITY, RELIABILITY, AVAILABILITY,**	**0**	**6,800**	**9,000**	**9,000**
	Inspection Technology for Turbine Engines		+1,800		+1,000
	Turbine Engine Sustainment		+5,000		+3,500
	LEAn Depot Engine Repair (LEADER)			+9,000	+4,500
216	**SUPPORT SYSTEMS DEVELOPMENT**	**54,034**	**69,034**	**72,034**	**73,834**
	Teleoperated Semiautonomous Robot for Aging Aircraft Maintenance		+3,000		+1,500
	Air Force Center of Acquisition Reengineering & Enabling Technologies		+2,000		+1,200
	Information Assurance for Enabling Technologies		+1,000		+1,000
	C5/C17 SCME (Aging Aircraft)		+3,000	+3,000	+3,000
	Center for Aircraft Support/System Infrastructure (CASI)		+2,000		+1,200
	Fuel Cell-Based Common Core Power Production		+4,000	+6,000	+4,000

R-1		Budget Request	House	Senate	Conference
	Performance Based Logistics/Maintenance Steering Group 3			+2,000	+1,200
	Special Operations Aircraft Depot Maintenance			+2,000	+1,200
	Heavy Duty Hybrid Electric			+5,000	+3,000
	Low Emission/Efficient Hybrid Aviation Refueling Truck Propulsions [Sec. 8126, H.R. 2658]		[+5000]		+2,500
New	**Cobra Ball - Advanced Airborne Sensor Program - LADAR**	**0**	**1,500**		**1,100**
			+1,500		+1,100

ELECTRONIC WARFARE TRANSITION PLAN

The Senate included report language on the Air Force's electronic warfare transition plan. The conferees remain concerned about this issue and expect the Air Force to work with the House and Senate Appropriations Committees to address the concerns raised in the Senate report.

F–15E SQUADRONS

The conferees have reduced funding for F–15E Squadrons by $9,000,000. Activities in this program have continually had schedule delays of up to 2 quarters, and the account is a frequent source for reprogrammings and higher Air Force priorities. The conferees note that this reduction is taken only for the reasons stated and without prejudice against efforts to field Operational Flight Program Suite 5, which the conferees deem to be a high priority.

NEXT GENERATION BOMBER

The conferees have included $45,000,000 for acceleration of a program to develop a next generation long-range strike bomber. Many technologies needed for development of a next generation bomber can also be demonstrated and incorporated in the existing bomber fleet. The conferees urge that from the funds provided for next generation bomber development, the Air Force give consideration to the design and demonstration of a data collection capability as an upgrade to the Defense Management System on the B–2 bomber.

LOW BANDWIDTH RURAL TELEMEDICINE (LBRTS) SYSTEM

The conferees encourage the Air Force to accelerate the deployment and integration of the Low Bandwidth Rural Telemedicine (LBRTS) System from seven years to three years to enhance the Air Force's telemedicine infrastructure. Any funding for this program shall be made available from program element 0602202F.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

The conference agreement on the items addressed by either the House or the Senate is as follows:

	Budget	House	Senate	Conference
	(In thousands of dollars)			
RESEARCH, DEVELOPMENT, TEST & EVAL, DW				
BASIC RESEARCH				
DEFENSE RESEARCH SCIENCES	151,029	169,529	104,029	140,929
UNIVERSITY RESEARCH INITIATIVES	---	21,300	---	---
GOVERNMENT/INDUSTRY COSPONSORSHIP OF UNIVERSITY RESEAR	---	8,000	---	6,800
DEFENSE EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE	---	---	9,730	9,730
CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	35,831	45,031	53,631	51,931
TOTAL, BASIC RESEARCH	186,860	243,860	167,390	209,390
APPLIED RESEARCH				
MEDICAL FREE ELECTRON LASER	9,494	9,494	18,494	18,794
HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCU)	---	5,000	17,583	20,958
LINCOLN LABORATORY RESEARCH PROGRAM	27,231	27,231	27,231	27,231
COMPUTING SYSTEMS AND COMMUNICATIONS TECHNOLOGY	404,859	408,859	346,859	338,359
EMBEDDED SOFTWARE AND PERVASIVE COMPUTING	13,318	13,318	13,318	13,318
BIOLOGICAL WARFARE DEFENSE	137,254	147,254	108,754	150,704
CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	106,451	141,951	139,151	153,501
TACTICAL TECHNOLOGY	250,558	250,558	247,558	250,058
MATERIALS AND ELECTRONICS TECHNOLOGY	465,544	482,544	441,294	470,444
WMD DEFEAT TECHNOLOGY	183,178	186,178	183,178	185,578
STRATEGIC DEFENSE TECHNOLOGIES	116,049	116,049	120,049	117,049
MEDICAL TECHNOLOGY	9,213	9,213	12,213	11,813
SPECIAL OPERATIONS TECHNOLOGY DEVELOPMENT	9,715	9,715	9,715	9,715
SOF MEDICAL TECHNOLOGY DEVELOPMENT	1,961	1,961	1,961	1,961
TOTAL, APPLIED RESEARCH	1,734,825	1,809,325	1,687,358	1,769,483

	Budget	House	Senate	Conference
	(In thousands of dollars)			
ADVANCED TECHNOLOGY DEVELOPMENT				
MEDICAL ADVANCED TECHNOLOGY	5,028	5,028	7,028	6,028
EXPLOSIVES DEMILITARIZATION TECHNOLOGY	---	1,000	---	---
SO/LIC ADVANCED DEVELOPMENT	31,300	35,300	31,300	34,100
COMBATING TERRORISM TECHNOLOGY SUPPORT	60,526	95,526	85,526	98,726
COUNTERPROLIFERATION ADVANCED DEVELOPMENT TECHNOLOGIES	76,277	79,277	106,277	100,577
BALLISTIC MISSILE DEFENSE TECHNOLOGY	240,820	193,920	292,320	227,820
JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT	25,011	25,011	25,011	25,011
ADVANCED AEROSPACE SYSTEMS	323,730	326,730	311,530	319,330
CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM - ADVANCED DEV	103,725	161,225	121,725	158,175
SPECIAL TECHNICAL SUPPORT	11,693	15,693	11,693	13,693
ARMS CONTROL TECHNOLOGY	4,807	6,807	4,807	6,507
GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS	22,359	91,359	85,359	124,309
STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM	47,068	51,068	47,068	50,618
JOINT WARFIGHTING PROGRAM	9,685	9,685	11,185	10,435
ADVANCED ELECTRONICS TECHNOLOGIES	174,150	187,150	178,900	188,750
ADVANCED CONCEPT TECHNOLOGY DEMONSTRATIONS	213,361	225,861	213,361	223,511
HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM	---	---	206,182	205,482
COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS	242,738	242,738	190,638	195,638
SENSOR AND GUIDANCE TECHNOLOGY	342,914	342,914	342,914	342,914
MARINE TECHNOLOGY	13,898	13,898	13,898	13,898
LAND WARFARE TECHNOLOGY	82,387	82,387	82,387	82,387
CLASSIFIED DARPA PROGRAMS	210,532	210,532	220,532	220,532
NETWORK-CENTRIC WARFARE TECHNOLOGY	95,654	95,654	88,754	92,204
SOFTWARE ENGINEERING INSTITUTE	22,652	22,652	22,652	22,652
QUICK REACTION SPECIAL PROJECTS	74,385	49,385	74,385	56,385
JOINT WARGAMING SIMULATION MANAGEMENT OFFICE	44,887	44,887	44,887	44,887
TECHNOLOGY LINK	2,000	2,000	3,600	3,600
AIR-TO-AIR TECHNOLOGY	2,000	---	2,000	---
COUNTERPROLIFERATION SUPPORT	1,882	1,882	1,882	1,882

	Budget	House	Senate	Conference
	(In thousands of dollars)			
R&D IN SUPPORT OF DOD ENLISTMENT, TESTING & EVALUATION	13,757	13,757	13,757	13,757
SPECIAL OPERATIONS ADVANCED TECHNOLOGY DEVELOPMENT....	67,017	67,017	67,017	67,017
TOTAL, ADVANCED TECHNOLOGY DEVELOPMENT.....	2,566,243	2,700,343	2,908,575	2,950,825
DEMONSTRATION & VALIDATION				
PHYSICAL SECURITY EQUIPMENT.....	---	1,500	---	1,200
JOINT ROBOTICS PROGRAM.....	11,515	13,515	16,515	16,015
ADVANCED SENSOR APPLICATIONS PROGRAM.....	16,718	36,218	24,718	33,468
CALS INITIATIVE.....	4,000	4,000	4,000	4,000
ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM	35,594	35,594	35,594	35,594
ADVANCED CONCEPTS, EVALUATIONS AND SYSTEMS.....	151,696	151,696	151,696	151,696
BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT....	810,440	804,440	900,440	884,440
BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT...	3,613,266	3,629,166	3,844,266	3,794,716
BALLISTIC MISSILE DEFENSE BOOST DEFENSE SEGMENT.....	626,264	624,264	626,264	624,264
CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM.....	162,142	163,142	138,542	132,842
BALLISTIC MISSILE DEFENSE SENSORS.....	438,242	438,242	437,742	430,242
BALLISTIC MISSILE DEFENSE SYSTEM INTERCEPTOR.....	301,052	151,052	91,052	119,052
BALLISTIC MISSILE DEFENSE TEST & TARGETS.....	611,522	613,622	611,522	612,522
BALLISTIC MISSILE DEFENSE PRODUCTS.....	343,644	312,544	303,644	308,644
BALLISTIC MISSILE DEFENSE SYSTEMS CORE.....	483,996	451,496	437,030	450,396
HUMANITARIAN DEMINING.....	13,299	13,299	13,299	13,299
COALITION WARFARE.....	5,906	5,906	5,906	5,906
JOINT SERVICE EDUCATION AND TRAINING SYSTEMS DEVELOPME	---	---	---	1,000
JOINT ELECTROMAGNETIC TECHNOLOGY (JET) PROGRAM.....	6,362	6,362	16,362	15,162
TOTAL, DEMONSTRATION & VALIDATION.....	7,635,658	7,456,058	7,658,592	7,634,458
ENGINEERING & MANUFACTURING DEVELOPMENT				
CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM.....	148,017	159,517	137,017	142,817
MANPADS DEFENSE PROGRAM.....	25,000	3,000	25,000	3,000
JOINT ROBOTICS PROGRAM.....	13,597	24,597	20,097	21,697
ADVANCED IT SERVICES JOINT PROGRAM OFFICE (AITS-JPO)..	18,910	18,910	18,910	18,910
JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS)	10,633	10,633	10,633	10,633

	Budget	House	Senate	Conference
	(In thousands of dollars)			
PATRIOT PAC-3 THEATER MISSILE DEFENSE ACQUISITION	---	---	395,800	---
INFORMATION TECHNOLOGY DEVELOPMENT	10,539	3,858	10,539	3,858
INFORMATION TECHNOLOGY DEVELOPMENT-STANDARD PROCUREMEN	5,195	5,195	5,195	5,195
FINANCIAL MANAGEMENT SYSTEM IMPROVEMENTS	84,688	84,688	84,688	84,688
DEFENSE MESSAGE SYSTEM	10,170	10,170	10,170	10,170
INFORMATION SYSTEMS SECURITY PROGRAM	5,987	6,987	5,987	6,987
GLOBAL COMBAT SUPPORT SYSTEM	17,259	17,259	17,259	17,259
ELECTRONIC COMMERCE	6,028	6,028	6,028	6,028
ELECTRONIC COMMERCE	2,360	2,360	2,360	2,360
TOTAL, ENGINEERING & MANUFACTURING DEVELOPMENT	358,383	353,202	749,683	333,602
RDT&E MANAGEMENT SUPPORT				
TRAINING TRANSFORMATION (T2)	2,951	2,951	2,951	2,951
DEFENSE READINESS REPORTING SYSTEM (DRRS)	18,575	10,000	18,575	15,575
THERMAL VICAR	7,157	7,157	7,157	7,157
TECHNICAL STUDIES, SUPPORT AND ANALYSIS	30,204	30,204	30,204	30,204
CRITICAL TECHNOLOGY SUPPORT	1,858	1,858	1,858	1,858
BLACK LIGHT	19,675	19,675	19,675	19,675
GENERAL SUPPORT TO C3I	24,638	26,138	31,638	32,688
FOREIGN MATERIAL ACQUISITION AND EXPLOITATION	33,916	33,916	33,916	33,916
INTERAGENCY EXPORT LICENSE AUTOMATION	8,837	7,837	8,837	7,837
DEFENSE TRAVEL SYSTEM	31,806	31,806	31,806	31,806
JOINT THEATER AIR AND MISSILE DEFENSE ORGANIZATION	87,250	87,250	87,250	87,250
CLASSIFIED PROGRAM USD(P)	---	148,000	---	148,000
FOREIGN COMPARATIVE TESTING	34,873	34,873	34,873	34,873
CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	39,345	46,345	40,845	44,845
CLASSIFIED PROGRAMS - C3I	20,556	63,556	20,556	58,306
SMALL BUSINESS INNOVATION RESEARCH/CHALLENGE ADMINISTR	2,026	2,026	2,026	2,026
DEFENSE TECHNOLOGY ANALYSIS	5,209	5,209	5,209	5,209
FORCE TRANSFORMATION DIRECTORATE	19,675	19,675	19,675	19,675

	Budget	House	Senate	Conference
	(In thousands of dollars)			
DEFENSE TECHNICAL INFORMATION SERVICES (DTIC)	44,162	44,162	44,162	44,162
R&D IN SUPPORT OF DOD ENLISTMENT, TESTING & EVALUATION	8,858	8,858	8,858	8,858
DEVELOPMENT TEST AND EVALUATION	8,938	8,938	11,438	8,938
MANAGEMENT HEADQUARTERS (RESEARCH & DEVELOPMENT) DARP.	45,002	45,002	45,002	45,002
PENTAGON RESERVATION	14,481	14,481	14,481	14,481
MANAGEMENT HEADQUARTERS - MDA	93,441	93,441	93,441	93,441
IT SOFTWARE DEV INITIATIVES	8,605	8,605	8,605	8,605
TOTAL, RDT&E MANAGEMENT SUPPORT	612,038	801,963	623,038	807,338
OPERATIONAL SYSTEMS DEVELOPMENT				
PARTNERSHIP FOR PEACE (PFP) INFORMATION MANAGEMENT SYS	1,934	1,934	1,934	1,934
CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS D	3,442	3,442	---	---
ISLAND SUN	1,469	1,469	1,469	1,469
C4I INTEROPERABILITY	42,415	46,415	42,415	45,815
JOINT ANALYTICAL MODEL IMPROVEMENT PROGRAM	7,254	7,254	7,254	7,254
INFORMATION TECHNOLOGY SYSTEMS	550	550	550	550
NATIONAL MILITARY COMMAND SYSTEM-WIDE SUPPORT	1,133	1,133	1,133	1,133
DEFENSE INFO INFRASTRUCTURE ENGINEERING AND INTEGRATIO	2,460	2,460	2,460	2,460
LONG HAUL COMMUNICATIONS (DCS)	1,401	1,401	1,401	1,401
MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK	7,198	7,198	7,198	7,198
INFORMATION SYSTEMS SECURITY PROGRAM	14,790	14,790	14,790	14,790
INFORMATION SYSTEMS SECURITY PROGRAM	476,657	476,657	479,996	483,496
C4I FOR THE WARRIOR	4,199	4,199	4,199	4,199
C4I FOR THE WARRIOR	37,100	37,100	37,100	37,100
GLOBAL COMMAND AND CONTROL SYSTEM	49,991	41,991	61,991	52,191
JOINT SPECTRUM CENTER	18,850	18,850	18,850	18,850
DEFENSE COLLABORATION TOOL SUITE (DCTS)	14,915	14,915	14,915	14,915
NET-CENTRIC ENTERPRISE SERVICES (NCES)	40,830	30,830	40,830	30,830
TELEPORT PROGRAM	10,462	10,462	10,462	10,462
SPECIAL APPLICATIONS FOR CONTINGENCIES	24,587	24,587	24,587	24,587
DEFENSE IMAGERY AND MAPPING PROGRAM	161,873	161,873	174,873	172,323

	(In thousands of dollars)			
	Budget	House	Senate	Conference
CRITICAL INFRASTRUCTURE PROTECTION (CIP)	2,051	2,051	2,051	2,051
DEFENSE JOINT COUNTERINTELLIGENCE PROGRAM (JMIP)	82,266	92,266	82,266	90,266
DEFENSE JOINT COUNTERINTELLIGENCE PROGRAM (JMIP)	30,757	30,757	30,757	30,757
C3I INTELLIGENCE PROGRAMS	132,094	132,094	132,094	132,094
TECHNOLOGY DEVELOPMENT	249,152	226,652	249,152	249,152
DRAGON U-2 (JMIP)	2,747	2,747	2,747	2,747
AIRBORNE RECONNAISSANCE SYSTEMS	12,184	12,184	12,184	12,184
MANNED RECONNAISSANCE SYSTEMS	4,424	4,424	4,424	4,424
DISTRIBUTED COMMON GROUND SYSTEMS	979	979	979	979
TACTICAL CRYPTOLOGIC ACTIVITIES	112,691	112,691	112,691	112,691
INDUSTRIAL PREPAREDNESS	16,163	50,663	23,163	46,363
LOGISTICS SUPPORT ACTIVITIES	35,781	35,781	35,781	35,781
MANAGEMENT HEADQUARTERS (JCS)	18,943	18,943	18,943	18,943
NATO JOINT STARS	24,721	24,721	24,721	24,721
SPECIAL OPERATIONS TECHNOLOGY DEVELOPMENT	---	6,000	---	3,000
SPECIAL OPERATIONS ADVANCED TECHNOLOGY DEVELOPMENT	---	20,500	14,000	23,700
SPECIAL OPERATIONS TACTICAL SYSTEMS DEVELOPMENT	255,981	296,981	341,554	344,281
SPECIAL OPERATIONS INTELLIGENCE SYSTEMS DEVELOPMENT	16,726	23,726	22,726	24,526
SOF OPERATIONAL ENHANCEMENTS	64,430	83,930	46,580	92,950
TOTAL, OPERATIONAL SYSTEMS DEVELOPMENT	1,985,600	2,087,600	2,105,220	2,184,567
CLASSIFIED PROGRAMS	2,894,650	3,311,440	2,874,572	3,011,052
TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, DW	17,974,257	18,763,791	18,774,428	18,900,715

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

R-1		Budget Request	House	Senate	Conference
2	**DEFENSE RESEARCH SCIENCES**	**151,029**	**169,529**	**104,029**	**140,929**
	Joint Collaboration on Nanotechnology for Advance Biomedical Sensors and Devices		+3,500		+1,700
	Spin Electronics ($12.75M in addition to the $12.9 M in the request for a total of $25.6M)		+15,000		+12,750
	BioComputational Systems			-33,000	-18,000
	Biological Adaptation, Assembly and Manufacture			-11,200	-6,000
	Brain Machine Interface			-17,000	-10,000
	Advance Photonics Composites Research			+3,500	+2,450
	Joint Collaboration on Nanotechnology and Biosensors			+5,000	+3,000
	Photonics Technology Access Program			+1,700	+1,200
	Nano- and Microelectronics			+4,000	+2,800
3	**UNIVERSITY RESEARCH INITIATIVES**	**0**	**21,300**	**0**	**0**
	Anti-Corrosion Studies (Note - moved to RDTE,A line 3)		+2,000		0
	Center for Geosciences (Note - moved to RDTE,A line 3)		+3,000		0
	Defense Commercialization Research Initiative (Note - moved to RDTE,A line 3)		+5,000		0
	Electronic Engineering Technology Program (Note - moved to RDTE,A line 3)		+1,000		0
	Institute for Entrepreneurial Excellence Technology Transfer Project (Note - moved to RDTE,A line 3)		+1,800		0
	Institute of Bioengineering and Nanoscience in Advanced Medicine (Note - moved to RDTE,A line 3)		+5,000		0
	MEMS Sensors for Rolling Element Bearings (Note - moved to RDTE,A line 3)		+2,000		0
	National Security Training (Note - moved to RDTE,A, line 3)		+1,500		0
6	**GOVERNMENT/INDUSTRY COSPONSORSHIP OF UNIVERSITY RESEARCH**	**0**	**8,000**	**0**	**6,800**
	Semi Conductor Research (FOCUS Center Research (FCRP))		+8,000		+6,800
7	**DEFENSE EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE**	**0**	**0**	**9,730**	**9,730**
	Transfer from RDTE,A			+9,730	+9,730
8	**CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM**	**35,831**	**45,031**	**53,631**	**51,931**
	Advance Sensor Design and Threat Detection Facility		+2,200		+1,100
	Engineered Pathogen Identification and Countermeasures Program - Bug-to-Drug		+7,000	+5,000	+5,000
	Biodetection Research			+2,000	+1,000
	Detection of Biological Agents in Water			+3,000	+1,500
	Brooks City Base Biotechnology			+2,800	+2,000
	Plant-derived vaccine against anthrax and smallpox				+1,000
	Plant Vaccine Development			+5,000	+3,500
	Fluoroscence Activated Sensing Technology (FAST)				+1,000
9	**MEDICAL FREE ELECTRON LASER**	**9,494**	**9,494**	**18,494**	**18,794**
	MFEL			+9,000	+9,300
10	**HISTORICALLY BLACK & HISPANIC SERVING INSTITUTE SCIENCES**	**0**	**5,000**	**17,583**	**20,958**
	Hispanic Serving Institutions		+5,000		+4,250
	Tribal Colleges-Science Lab and Computer Equipment			+3,500	+2,625
	Transfer from RDTE,A			+14,083	+14,083

R-1		Budget Request	House	Senate	Conference
12	**COMPUTING SYSTEMS AND COMMUNICATIONS**	**404,859**	**408,859**	**346,859**	**338,359**
	Through-Wall Radar Imaging (TWRI)		+4,000		+3,400
	Secure Group Communications			+2,000	+1,000
	Asymmetric Threat Programs			-63,000	-73,000
	Counterterrorism Information Initiative			+3,000	+2,100
14	**BIOLOGICAL WARFARE DEFENSE**	**137,254**	**147,254**	**108,754**	**150,704**
	Center for Tropical Disease Research and Training		+2,000		+2,000
	Center for Water Security		+1,000		+1,000
	Hand Held Biosensors for Field Detection of Multiple Bioagents Civil/Military Incident Management Program (CMIM) Palm Pilots		+4,000		+3,400
	Hydrate Fractionation Desalination Systems		+3,000		+2,550
	Immune Buildings			-32,500	0
	HPGe Gamma Ray Detection Technology			+1,000	+1,000
	EluSys Heteropolymer System			+3,000	+1,500
	Asymmetric Protocols for Biological Defense				+2,000
15	**CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM**	**106,451**	**141,951**	**139,151**	**153,501**
	Air Contaminant Monitoring System (Note: Only to continue the SCAQMD Air Contaminant Monitoring System)		+1,000		+1,000
	Atmospheric Plasma for Biodefense Decontamination		+1,000		+1,000
	Automated Liquid Phase Detection of Toxic Compounds		+1,500		+1,000
	Center for Information Assurance Security		+3,000		+2,100
	Consortium for Countermeasures to Biological and Chemical Threats		+5,000		+3,500
	Early Warning and Detection Program (Note - only for the development of metal oxide early warning and detection techniques of chemical agents for the Early Warning and Detection Program)		+1,000		+1,000
	Global Pathogen Portal		+7,000		+3,500
	Heteropolymer Monoclonal Antibody		+1,000		+1,000
	LSH-SAW Biosensor		+5,500	+6,000	+5,500
	Oral Anthrax Plague Vaccine		+2,000		+1,000
	Rapid Antibody-Based Biological Countermeasures (RABBC)		+4,000		+2,800
	Rapid Decontamination System for Nerve Agents		+2,500		+1,250
	Remote Optical Sensing Program (Note - only for the development of transition metal oxide based ion insertion methods of wavelength tuning for improved chemical and biological sensors within the Remote Optical Sensing Program)		+1,000		+1,000
	Blast Mitigation Detection of CB on Contamination Surfaces			-4,200	-4,200
	Supporting S&T			-5,600	-5,600
	Bioinformatics Equipment			+1,500	+1,050
	Bioinformatics Network			+2,000	+1,400
	Multivalent Ebola, Marburg Filovirus Program			+12,000	+8,400
	Mustard Gas Treatment STIMAL			+5,000	+4,500
	Needle-less Delivery Methods for Vaccines			+2,000	+2,000
	Vaccines and Therapeutics to Counter Bio-threats			+3,500	+2,500
	Detection of Chemical, Biological and Pollutant Agents in Water			+3,500	+2,400
	Bioinformatics			+3,000	+2,100
	Heteropolymer Anthrax Immunity Research			+1,000	+1,000
	Advanced Emergency Medical Response			+3,000	+2,100

R-1		Budget Request	House	Senate	Conference
	Novel Pharmaceuticals for Anthrax (Note - Only for continued development of the Helinz-treated vaccine platform, with applications in both cancer and infectious disease, including those agents that pose threats in bioterrorism.)		[5000]		+1,250
	Project Ancile			[3000]	+1,500
	Long Range Biometric Target ID System			[3000]	+1,000
16	**TACTICAL TECHNOLOGY**	**250,558**	**250,558**	**247,558**	**250,058**
	Close-In Sensing/Odortype Detection			-5,000	-2,500
	RoboScout			-5,000	-5,000
	CEROS			+7,000	+7,000
17	**MATERIALS AND ELECTRONICS TECHNOLOGY**	**465,544**	**482,544**	**441,294**	**470,444**
	Center for Optoelectronics and Optical Communication at UNCC		+5,000		+2,500
	Cryo-power for the all-electric ship		+5,000		+2,500
	Integrated Nanomanufacturing and Micromanufacturing (Note - for miniaturized biological, environmental, and information technology systems)		+2,000		+1,000
	Nano Photonic Systems Fabrications		+1,500		+1,000
	UF Biosensor/Biomotive Nano Technology		+3,500		+1,700
	Intelligent Digitization of Analog Sensor Program			-6,000	-6,000
	Biochemical Material			-35,000	-9,000
	Fabrication of Three-Dimensional Structures			+4,000	+2,000
	Friction Stir Welding			+2,000	+1,200
	Heat Actuated Coolers			+2,000	+1,200
	Materials Science Technology			+750	+750
	Strategic Materials			+5,000	+4,250
	AMRI			+3,000	+1,800
19	**WMD DEFEAT TECHNOLOGY**	**183,178**	**186,178**	**185,578**	**185,578**
	GMU National Center for Biodefense		+1,000		+1,000
	GMU National Center for Blast Mitigation and Projection		+2,000		+1,400
20	**STRATEGIC DEFENSE TECHNOLOGIES**	**116,049**	**116,049**	**120,049**	**117,049**
	Enhanced Techniques for Detection			+2,000	+1,000
	SEMD (moved to line 62)			+2,000	0
21	**MEDICAL TECHNOLOGY**	**9,213**	**9,213**	**12,213**	**11,813**
	Noninvasive Biomodulation System			+3,000	+2,600
25	**MEDICAL ADVANCED TECHNOLOGY**	**5,028**	**5,028**	**7,028**	**6,028**
	Ex-Rad Radioprotectant			+2,000	+1,000
26	**EXPLOSIVES DEMILITARIZATION TECHNOLOGY**	**0**	**1,000**	**0**	**0**
	Blue Grass SCWO Demonstration (Note - moved to RDTE,A line 45)		+1,000		0
27	**SO/LIC ADVANCED DEVELOPMENT**	**31,300**	**35,300**	**31,300**	**34,100**
	Advanced Robotic Vehicle Development		+3,000		+1,800
	Reconnaissance and Surveillance Programs		+1,000		+1,000
28	**COMBATING TERRORISM TECHNOLOGY SUPPORT**	**60,526**	**95,526**	**85,526**	**98,726**
	Asymmetric Warfare Initiative		+4,000	+4,500	+4,000
	Biological Agent Counter-terrorism Monitoring System		+1,000		+1,000
	Blast Mitigation (Note - Only to continue the existing program)		+4,500	+10,000	+7,000
	Chemical, Biological, Radiological, Nuclear and High Yield Explosives (CBRNE) Force Response Element-Education, Development, Operations and Mitigation (FREEDOM) Program		+3,000		+2,600
	Chemical/Biological Electrostatic System/Electrostatic Decontamination System		+4,000	+3,500	+3,500
	Distributed Intrinsic Chemical Agent Sensing and Transmission Technology		+5,000		+3,500
	Face Recognition Access Control, Surveillance & Data Management		+2,000		+1,200
	Facility Security		+7,500		+6,400

R-1		Budget Request	House	Senate	Conference
	Project Athena Beta Site		+2,000		+1,200
	Quadropole Resonance Explosives Detection		+2,000		+1,400
	Technical Support Working Group			+5,000	+3,500
	CT-ISR			+2,000	+1,400
	Development of Integrated Systems Analysis Capabilities for Bioterrorism Response Exercises			[2,000]	+1,500
29	**COUNTERPROLIFERATION ADVANCED DEVELOPMENT TECHNOLOGIES**	**76,277**	**79,277**	**106,277**	**100,577**
	Center for Coastal and Maritime Security		+3,000		+1,800
	Guardian Portable Radiation Search Tool (PRST)			+30,000	+22,500
30	**BALLISTIC MISSILE DEFENSE TECHNOLOGY**	**240,820**	**193,920**	**292,320**	**227,820**
	Reduce programmed growth		-55,800		-55,800
	Kinetic Energy Anti-Satellite		+7,500	+7,500	+7,500
	Extended FootPrint Program		+1,400		+1,000
	Advanced Metallized Gelled Propellants			+3,800	+2,700
	Massiviely Parallel Optical Interconnects for Microsatellites			+4,500	+3,400
	Chemical Vapor Deposition of Organic Materials			+3,000	+2,100
	COLD			+3,000	+2,300
	Improved Materials for Optical Memories			+4,200	+2,900
	Silicon Carbide Wide Band Gap Research			+5,500	+3,900
	Wide Bandgap Optoelectronics			+8,000	+6,600
	Multiple Target Tracking Optical Sensor Array Technology (MOST)			+1,000	+1,000
	AEOS MWIR Adaptive Optic			2000	+1,700
	Advance RF Technology Development			+4,000	+3,400
	SiC Mirrors			+2,000	+1,700
	Porous Silicon			+3,000	+2,600
	Tulane Center for Missile Defense				[800]
33	**ADVANCED AEROSPACE SYSTEMS**	**323,730**	**326,730**	**311,530**	**319,330**
	Improved Suborbital Operations		+3,000		+1,500
	Space Assembly and Manufacture			-7,700	-3,500
	Hypersonics Funding (NAI)			-2,800	-1,400
	Space Access (NAI)			-1,700	-1,000
34	**CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM - ADVANCED DEVELOPMENT**	**103,725**	**128,725**	**121,725**	**158,175**
	Chem Bio Defense Initiative		+25,000		+25,000
	Chemical and Biological Detectors (only for continuation industry-based research to miniaturize chemical and biological detectors)		+3,000		+2,550
	Countermeasure to Biological and Chemical Threats Response (Note - only for continuation of research, education and training for public health, medical and civilian organizations with responsibility for responding to bioterrorism attacks and continued sensor research on biological and chemical agents)		+10,500		+7,350
	Handheld Biological Agent Detection (HBAD) System		+4,000		+2,000
	High-Intensity Pulsed Radiation Facility for Chemical and Biological Agent Defeat		+3,000	+2,000	+2,000
	Innovative Materials for MEMS Fabrication		+2,000		+1,200
	Rapid Response Database Systems Center		+4,000		+2,000
	SensorNet/CBRN Threat Using Public/Private Assets		+6,000	+9,000	+6,750
	Program Cost Growth			-16,000	-16,000
	Bioadhesion Research			+6,000	+4,200
	Immunochemical Bio/Chem Agent Detector			+5,000	+3,000
	Rapid Response Sensor Networking			+1,000	+1,000
	Reactive Air Purification			+7,000	+4,900
	Vaporized Hydrogen Peroxide Tech for Decontamination			+4,000	+2,000
	BIO-Mems				+6,500

R-1		Budget Request	House	Senate	Conference
35	**SPECIAL TECHNICAL SUPPORT**	**11,693**	**15,693**	**11,693**	**13,693**
	MultiView: Data Standards for the Integrated Digital Environment		+4,000		+2,000
36	**ARMS CONTROL TECHNOLOGY**	**4,807**	**6,807**	**4,807**	**6,507**
	Innovative Technologies and Equipment to Counter NBC Threat (Only for continuation of an industry-based mercuric iodide research program)		+2,000		+1,700
37	**GENERIC LOGISTICS R&D TECHNOLOGY**	**22,359**	**91,359**	**85,359**	**124,309**
	Cal NanoScale Innovation (Note - To continue the existing program and advance the state-of-the-art in nanoscience and Nanotechnology for defense applications)		+10,000		+8,500
	California Manufacturing Technology Center (Note - Only to develop a rapid response defense manufacturing supply chain pilot initiative on the West coast to meet urgent defense requirements, reduce cost, eliminate shortages and expand the supplier base for parts and equipment surge requirements)		+6,000		+5,100
	Commercial Technologies for Maintenance Activities (CTMA)		+7,500		+3,750
	Connectory for Rapid Identification of Technology Sources		+1,000		+1,000
	COTS Microelectronics Sustainment		+2,500		+1,250
	Diminishing Manufacturing Sources/Material Shortage (DMS/MS) for Ferrite Technology		+2,000		+1,200
	DMS Data Warehouse Solution		+1,500	+5,000	+2,500
	Functional Decomposition of Application Specific Integrated Circuits (ASIC)		+2,000		+1,000
	Integration and Assimilation of Hard and Soft Core IP		+2,000		+1,000
	Optimizing Electronics for Advance Controlled Environment Systems (ACES) (Note - Only to continue spiral develpment of the ACES program and to extend ACES technology to the electronic board and system level in test-scale prototypes capable of rapid field insertion into advanced controlled environment system)		+14,000		+12,000
	Silicon Germanium (SiGe) Migration		+2,500		+1,250
	Spray Cooling Migration		+12,000		+10,200
	Wireless Rural Communications Demonstration		+6,000		+3,000
	Chameleon Miniaturized Wireless System			+11,000	+7,700
	New England Manufacturing Supply Chain			+8,000	+5,600
	STAR4D Pollution Prevention			+1,000	+1,000
	Ultra-low Power Battlefield Sensor System			+30,000	+30,000
	Vehicle Fuel Cell Program			+7,000	+4,900
	Fuel Cell Mine Loader Prototype Locomotive			+1,000	+1,000
38	**STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM**	**47,068**	**51,068**	**47,068**	**50,618**
	Institute of Environmental and Human Health Toxic Chemical Cleanup		+1,000		+1,000
	National Environmental Education Training Center		+3,000		+2,550
39	**JOINT WARFIGHTING PROGRAM**	**9,685**	**9,685**	**11,185**	**10,435**
	JFCOMM Rapid Database Development			+1,500	+750
41	**ADVANCED ELECTRONICS TECHNOLOGIES**	**174,150**	**187,150**	**178,900**	**188,750**
	Advance X-Ray Lithography Demonstrations		+4,000		+3,400
	Crystal Material for Electro-Optic Imaging and Communication		+2,500		+2,125
	Laser Plasma X-Ray Lithography System		+4,000		+3,400
	Three Dimensional Imaging Technology Development		+2,500		+2,125
	Mil-tech Extension			+750	+750
	Advanced Lithography Thin Film			+4,000	+2,800

R-1		Budget Request	House	Senate	Conference
42	**ADVANCED CONCEPT TECHNOLOGY**	**213,361**	**225,861**	**213,361**	**223,511**
	Homeland Security Command and Control		+3,000		+1,500
	MARIA Mapping System		+3,000		+2,100
	Remote Unattended Sensing System		+3,000		+2,100
	Secured Hardware Based Data Encryption Device		+3,500		+2,450
	JP-8 Pilot Program				+2,000
44	**HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM**	**0**	**0**	**206,182**	**205,482**
	HPC Prototype for NRL (NOTE: Transferred from RDTE,AF line 32)				+5,100
	Transfer from RDTE,AF			+185,282	+185,282
	HPVCI			+3,000	+2,100
	Simulation HPC Upgrade			+4,000	+2,000
	ARSC			+6,000	+5,100
	MHPCC			+2,900	+2,900
	Naval Research Laboratory Multi-thread Architecture Upgrade			+5,000	+3,000
45	**COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS**	**242,738**	**242,738**	**190,638**	**195,638**
	Collaborative Operational Planning Environment			-6,000	-3,000
	Adaptive Waveforms			-5,700	-5,700
	Secure Digital Coherent Optical Communications				+2,000
	Asymmetric Threat - CCC-03			-40,400	-40,400
49	**CLASSIFIED DARPA PROGRAMS**	**210,532**	**210,532**	**220,532**	**220,532**
	Transfer from RDTE,N			+10,000	+10,000
50	**NETWORK-CENTRIC WARFARE TECHNOLOGY**	**95,654**	**95,654**	**88,754**	**92,204**
	Effects Based Network Targeting			-6,900	-3,450
54	**QUICK REACTION SPECIAL PROJECTS**	**74,385**	**49,385**	**74,385**	**56,385**
	Program Growth (Note: excludes Defense Acquisition Challenge Program)		-25,000		-18,000
57	**TECHNOLOGY LINK.**	**2,000**	**2,000**	**3,600**	**3,600**
	Technology Venture (Note: AK/ MT jt. venture)			+1,600	+1,600
58	**AIR-TO-AIR TECHNOLOGY**	**2,000**	**0**	**2,000**	**0**
	Unjustified Program		-2,000		0
62	**PHYSICAL SECURITY EQUIPMENT**	**0**	**1,500**	**0**	**1,200**
	Security Enhancement Through Mobile Devices (SEMD)		+1,500		+1,200
63	**JOINT ROBOTICS PROGRAM**	**11,515**	**13,515**	**16,515**	**16,015**
	Tactical Unmanned Ground Vehicle (TUGV)		+2,000	+1,500	+1,500
	Non Line-of-Sight Communications			+3,500	+3,000
64	**ADVANCED SENSOR APPLICATIONS PROGRAM**	**16,718**	**36,218**	**24,718**	**33,468**
	Active Sensors Components Development for Advance Tactical Systems		+2,500		+1,250
	Classified Adjustment		+10,000		+6,000
	Multi-Wave Length Surface Scanning Biologics Sensor		+2,000		+1,400
	Multi-Wave Length Freespace Airborne Communication		+5,000		+3,500
	High Data Rate Airborne Communications			+5,000	+2,500
	Advanced Solid State Laser			+3,000	+2,100
70	**BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE**	**810,440**	**804,440**	**900,440**	**884,440**
	Program Managed Growth (THAAD)		-6,000		-6,000
	Arrow			+90,000	+80,000
71	**BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE**	**3,613,266**	**3,629,166**	**3,844,266**	**3,794,716**
	Sea-Based X-Band Radar		+22,900		0
	Program Planning & Management		-7,000		-7,000
	GMD Additional Interceptors			+200,000	+160,000
	Range Command and Control Display Upgrade			+3,000	+2,600
	Range Data Monitor/Analysis Tool			+3,000	+2,600
	SHOTS			+5,000	+4,250
	PMRF Upgrades			+20,000	+19,000

R-1		Budget Request	House	Senate	Conference
	Kauai Test Facility			[4000]	[4000]
72	**BALLISTIC MISSILE DEFENSE BOOST DEFENSE**	**626,264**	**624,264**	**626,264**	**624,264**
	Program Management Growth		-2,000		-2,000
73	**CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM - DEM/VAL**	**162,142**	**163,142**	**138,542**	**132,842**
	Center for Bio Defense		+1,000		+1,000
	Program Concurrency/Cost Growth			-38,100	-38,100
	Oral Adjuvants			+1,500	+1,000
	Infectious Disease Tracking			+3,000	+1,800
	Biological Process Development			+6,000	+3,000
	Oral Anthrax/Plague Vaccine			+4,000	+2,000
74	**BALLISTIC MISSILE DEFENSE SENSORS**	**438,242**	**438,242**	**437,742**	**430,242**
	Consolidate Block 06 and 10			-15,500	-15,500
	Airborne Infrared Surveillance (AIRS)			+15,000	+7,500
75	**BALLISTIC MISSILE DEFENSE SYSTEM INTERCEPTOR**	**301,052**	**151,052**	**91,052**	**119,052**
	Reduce Programmed Growth		-150,000	-175,000	-162,000
	Experiment and Testing Programmed Growth			-35,000	-20,000
76	**BALLISTIC MISSILE DEFENSE TEST & TARGETS**	**611,522**	**613,622**	**611,522**	**612,522**
	Proton-Neutron Pulse Capability for Nuclear Weapons Simulation at the Indiana University Cyclotron Facility (IUCF)		+2,100		+1,000
77	**BALLISTIC MISSILE DEFENSE PRODUCTS**	**343,644**	**312,544**	**303,644**	**308,644**
	Reduce Programmed Growth		-31,100	-40,000	-35,000
78	**BALLISTIC MISSILE DEFENSE SYSTEMS CORE**	**483,996**	**451,496**	**437,030**	**450,396**
	Electro-Optic Components for Missile Defense		+5,000		+4,300
	Pump Arrays for High Energy Lasers		+2,500		+2,100
	Reduce Programmed Growth		-45,000	-60,000	-52,000
	Wide Bandwidth Technology (WBT)		+5,000		+2,500
	Carbon Foam Program			+2,500	+2,100
	ARC (Note - for computer equipment upgrades)			+10,534	+7,400
82	**JOINT SERVICE EDUCATION AND TRAINING SYSTEMS I**	**0**	**0**	**0**	**1,000**
	Multiplayer Immersive Learning Environment				+1,000
83	**JOINT ELECTROMAGNETIC TECHNOLOGY (JET) PROGRAM**	**6,362**	**6,362**	**16,362**	**15,162**
	Tech Development (JET)/Delta Mine Training			+5,000	+4,300
	Tech Development (JET)/HIPAS			+5,000	+4,500
84	**CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM - EMD**	**148,017**	**159,517**	**137,017**	**142,817**
	Chemical Biological Monitoring system (CVMSII)		+5,000		+2,500
	Critical Reagent Program		+500		+500
	Joint Service Lightweight Standoff Chemical Agent Detector (JSLSCAD)		+4,000		+2,000
	Laser Interrogation of Surface Agents		+2,000		+1,400
	Program Duplication			-13,000	-13,000
	LISA Recon Vehicle			+2,000	+1,400
85	**MANPADS DEFENSE PROGRAM**	**25,000**	**3,000**	**25,000**	**3,000**
	Unjustified Program Growth		-22,000		-22,000
86	**JOINT ROBOTICS PROGRAM - EMD**	**13,597**	**24,597**	**20,097**	**21,697**
	Under Vehicle Mobile Inspection/Search UGV		+6,000	+5,000	+5,100
	National Center for Defense Robotics		+3,000		+1,500
	Tactical Unmanned Ground Vehicle		+2,000	+1,500	+1,500
90	**PATRIOT PAC-3 THEATER MISSILE DEFENSE ACQUISITION**	**0**	**0**	**395,800**	**0**
	Transfer from Army-Consolidate PAC-3 and MEADS			+395,800	0

R-1		Budget Request	House	Senate	Conference
95	**INFORMATION TECHNOLOGY DEVELOPMENT**	**10,539**	**3,858**	**10,539**	**3,858**
	Rapid Acquisition Incentives		-6,681		-6,681
97	**INFORMATION SYSTEMS SECURITY PROGRAM**	**5,987**	**6,987**	**5,987**	**6,987**
	Secure Telecommunications Networks Initiative, FAU		+1,000		+1,000
103	**DEFENSE READINESS REPORTING SYSTEM (DRRS)**	**18,575**	**10,000**	**18,575**	**15,575**
	Program Growth		-8,575		-3,000
109	**GENERAL SUPPORT TO C3I**	**24,638**	**26,138**	**31,638**	**32,688**
	UAV See and Avoid		+1,500		+1,050
	PDC			+7,000	+7,000
111	**INTERAGENCY EXPORT LICENSE AUTOMATION**	**8,837**	**7,837**	**8,837**	**7,837**
	Program Reduction		-1,000		-1,000
114	**CLASSIFIED PROGRAM USD(P)**	**0**	**148,000**	**0**	**148,000**
	Classified Program Change		+148,000		+148,000
116	**CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM**	**39,345**	**46,345**	**40,845**	**44,845**
	Chemical Biological Warfare Agent Detector Chip		+2,000		+1,000
	Mobile Chemical Agent Detection		+5,000		+3,500
	Handheld Bioagent Identifier			+1,500	+1,000
119	**CLASSIFIED PROGRAMS - C3I**	**20,556**	**63,556**	**20,556**	**58,306**
	Automated Speech Recognition, Voice Command and Control (ASRVCC)		+18,000		+18,000
	Foreign Supplier Assessment Center		+6,000		+3,600
	Global Infrastructure Data Capture Program		+19,000		+16,150
125	**DEVELOPMENT TEST AND EVALUATION**	**8,938**	**8,938**	**11,438**	**8,938**
	GYPSY Delta (Note - Moved to OTE)			+2,500	0
134	**CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS DEVELOPMENT)**	**3,442**	**3,442**	**0**	**0**
	New Start Duplication			-3,442	-3,442
136	**C4I INTEROPERABILITY**	**42,415**	**46,415**	**42,415**	**45,815**
	System of Systems Engineering Center of Excellence (SoSECE)		+4,000		+3,400
148	**INFORMATION SYSTEMS SECURITY PROGRAM**	**476,657**	**476,657**	**479,996**	**483,496**
	Arabic Malta Server			+339	+339
	Secure Cell Phones				+5,000
	Network, Information and Space Security			+3,000	+1,500
151	**GLOBAL COMMAND AND CONTROL SYSTEM**	**49,991**	**41,991**	**61,991**	**52,191**
	Program Growth Reduction		-8,000		-8,000
	Joint Information Technology Project			+12,000	+10,200
154	**NET-CENTRIC ENTERPRISE SERVICES (NCES)**	**40,830**	**30,830**	**40,830**	**30,830**
	Program Growth Reduction		-10,000		-10,000
158	**DEFENSE IMAGERY AND MAPPING PROGRAM**	**161,873**	**161,873**	**174,873**	**172,323**
	PIPES			+9,000	+7,650
	BRITE			+4,000	+2,800
162	**DEFENSE JOINT COUNTERINTELLIGENCE PROGRAM**	**82,266**	**92,266**	**82,266**	**90,266**
	Defense Joint Counterintelligence Capability		+15,000		+10,500
	Reduction in Classified Activity		-5,000		-2,500
165	**TECHNOLOGY DEVELOPMENT**	**249,152**	**226,652**	**249,152**	**249,152**
	Classified Adjustment		-22,500	0	0

R-1		Budget Request	House	Senate	Conference
178	**INDUSTRIAL PREPAREDNESS**	**16,163**	**50,663**	**23,163**	**46,363**
	Copper Based Casting Technology		+2,000		+1,000
	Defense Supply Chain Technology Program		+8,000		+4,800
	Manufacturing Engineering of Spray Cooling		+20,000		+17,000
	Small Business Technical Procurement Center		+1,500		+1,250
	Twelve Screw Extruder for Fuel Cell Technology		+3,000		+1,500
	Laser Additive Manufacturing			+4,000	+2,400
	Next Generation Manufacturing Technologies			+3,000	+2,250
183	**SPECIAL OPERATIONS TECHNOLOGY DEVELOPMENT**	**0**	**6,000**	**0**	**3,000**
	Spike Urban Warfare System		+6,000		+3,000
184	**SPECIAL OPERATIONS ADVANCED TECHNOLOGY**	**0**	**20,500**	**14,000**	**23,700**
	Advanced Manpak Threat Warning and Surveillance Systems		+4,000	+5,000	+4,000
	Affordable Access to Night Vision Equipment		+2,000		+1,700
	Automated Assembly of Electro-Optic Sensors and Devices		+3,000		+2,550
	Dualband Universal Night Sight (DUNS)		+2,000		+1,700
	Image Fusion Common Aperture Systems Development		+2,500		+2,125
	Light Recon Vehicle with Chemical/Biological Real Time Sensor		+4,000		+2,400
	Sensors for Autonomous Navigation		+3,000		+2,550
	Covert Waveform			+2,500	+1,750
	SOF Unmanned Vehicle Technology Integration			+4,000	+2,800
	Special All Terrain Vehicles			+2,500	+2,125
185	**SPECIAL OPERATIONS TACTICAL SYSTEMS**	**255,981**	**296,981**	**341,554**	**344,281**
	Advanced Target Identification Capability for AC-130U Gunship		+3,000	+5,500	+3,850
	Gunshot/Sniper Detection System		+5,000		+2,500
	Mark V Computer System Upgrade		+1,000		+1,000
	Material Improvement and Corrosion Control on Communications Equipment		+3,000		+2,550
	Millimeter Forward Looking Synthetic Aperture-Radar		+5,000		+4,250
	Multi-Band Multi-Mission Radio		+5,000		+4,250
	Rebreather (Note: Only to continue development of state of the art military closed-circuit rebreather applications)		+4,000		+3,400
	SOCOM Rotary Wing UAV (ICW existing DARPA program) (Note: only to continue development of the A160 SOCOM rotary wing UAV)		+18,000		+15,300
	SOCOM ATV Project (Note: moved to P,DW Line 50)		+7,000		
	Underexecution		-10,000		0
	Advanced SEAL Delivery System (Note: Transfer from P,DW			+23,573	0
	Dominant Vision			+8,000	+4,800
	Air-Ground Interface simulator			+7,000	+4,200
	CV-22 Transfer from RDTE,N			+34,000	+34,000
	Lightweight Counter Mortar Radar			+1,500	+1,000
	Digital Auto Flight Control System			+6,000	+4,200
	Naval Special Warfare Craft				+3,000
186	**SPECIAL OPERATIONS INTELLIGENCE SYSTEMS**	**16,726**	**23,726**	**22,726**	**24,526**
	Optimal Placement of Unattended Sensors		+3,000		+1,500
	SOCOM Multipurpose Antenna, X-Band (SMAX)		+1,000		+1,000
	Special Operations Joint Interagency Collaboration Center		+3,000		+1,600
	Joint Threat Warning System			+3,500	+2,450
	SOF Intelligence System Development			+2,500	+1,250
187	**SOF MEDICAL TECHNOLOGY DEVELOPMENT**	**0**	**0**	**0**	**0**

R-1	Budget Request	House	Senate	Conference
188 SOF OPERATIONAL ENHANCEMENTS	**64,430**	**83,930**	**46,580**	**92,950**
SOF Specific DISM System Tailoring		+1,000		+1,000
Special Collection (SC) Program		+2,000		+1,200
Specialized Unattended Sensor Network		+2,000		+1,700
Tactical Information Display (Wrist Mounted Tactical Wireless Display System GVSS-Global Video Surveillance System) (Note: only to continue Phase III SBIR development and integration)		+12,000		+10,200
Tactical Surveillance Equipment		+2,500		+2,120
B-Band Night Vision System			+4,000	+2,800
Nanotechnology Research			+7,500	+5,200
Logistics Support Craft			+7,250	+4,300
Program Duplication			-36,600	0
999 CLASSIFIED PROGRAMS	**2,894,650**	**3,311,440**	**2,874,572**	**3,011,052**
Classified Program Adjustment		+416,790	-20,078	+116,402

TECHNOLOGY VENTURE CENTER

The conferees agree to provide $1,600,000 for the Technology Venture Center in Montana and for an entrepreneurial training/virtual business incubator in Alaska using science and technology.

SPRAY COOLING MANUFACTURING ENGINEERING

The conferees are aware of the major contributions that DMEA's spray cooling program has made to a number of defense programs through its ability to allow commercial electronics to operate successfully in harsh military environments while reducing size and weight. The conferees urge the department to standardize spray cooling technology components and products to facilitate their migration to other military programs. Accordingly, the conferees have added funding above the president's request to continue its efforts to standardize this important technology. The conferees also encourage DMEA to continue its work with the services to increase service familiarity with this advanced technology.

TERRORISM INFORMATION AWARENESS (TIA)

The conferees agree with the Senate position which eliminates funding for the Terrorism Information Awareness (TIA) program within the Defense Advanced Research Projects Agency (DARPA). The conferees are concerned about the activities of the Information Awareness Office and direct that the Office be terminated immediately. The only research projects previously under the jurisdiction of the Information Awareness Office that may continue under DARPA are: Bio-Event Advanced Leading Indicator Recognition Technology, Rapid Analytic Wargaming, Wargaming the Asymmetric Environment, and Automated Speech and Text Exploitation in Multiple Languages (including Babylon and Symphony). The conferees find these programs are not components of TIA for the purposes of section 8131. The conference agreement does not restrict the National Foreign Intelligence Program from using processing, analysis and collaboration tools for counterterrorism foreign intelligence purposes.

CHEMICAL IMAGING FOR FOOD AND WATER SAFETY

The conferees are aware of recent research which rapidly measures the presence of pathogens in food and water by chemical imaging. Successful implementation of this technology will have a significant impact on the soldier in the field and can be applied to commercial uses as well. The conferees encourage the Department to consider further research in this field.

CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM

Within funds provided for the Chem-Bio Defense Initiatives Fund, the conferees recommend the creation of an end-to-end point of care based diagnostic network to combat terrorism. Funds should be distributed to partnerships that combine universities and non-profit institutes with industrial partners to insure rapid translation into clinical use.

GROUND-BASED MIDCOURSE DEFENSE

Additional funding is provided to the Ground-based Midcourse Defense program to procure additional Ground Based Interceptors at Fort Greely; to enhance security measures to protect this strategic facility; and to accelerate installation of communications at Eareckson Air Station. The conferees direct the Director of the Missile Defense Agency to submit a report to the Committees on Appropriations within 120-days of enactment of the fiscal year 2004 Defense Appropriations Act on the Department's plan to implement this funding guidance.

OPERATIONAL TEST AND EVALUATION, DEFENSE

The conference agreement on items addressed by either the House or Senate is as follows:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
OPERATIONAL TEST & EVAL, DEFENSE				
ADVANCED TECHNOLOGY DEVELOPMENT				
TEST & EVALUATION SCIENCE & TECHNOLOGY	12,804	12,804	12,804	12,804
TOTAL, ADVANCED TECHNOLOGY DEVELOPMENT	12,804	12,804	12,804	12,804
RDT&E MANAGEMENT SUPPORT				
CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT (CT	123,215	130,215	138,815	138,115
OPERATIONAL TEST AND EVALUATION	37,323	37,323	37,323	37,323
LIVE FIRE TESTING	10,074	10,074	12,574	11,874
DEVELOPMENT TEST AND EVALUATION	103,245	103,245	103,245	105,745
TOTAL, RDT&E MANAGEMENT SUPPORT	273,857	280,857	291,957	293,057
TOTAL, OPERATIONAL TEST & EVAL, DEFENSE	286,661	293,661	304,761	305,861

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

Line		Budget Request	House	Senate	Conference
	CENTRAL TEST AND EVALUATION INVESTMENT				
2	**DEVELOPMENT (CTEIP)**	**123,215**	**130,215**	**138,815**	**138,115**
	Airborne Separation Video System		+1,000		+1,000
	Digital Video Laboratory		+6,000		+3,000
	Roadway Simulator			+5,600	+3,400
	UAV Systems and Operations Validation Facility			+7,000	+4,900
	Unmanned Systems Testbed Project			+3,000	+2,600
4	**LIVE FIRE TESTING**	**10,074**	**10,074**	**12,574**	**11,874**
	Reality Fire-fighting Training			+2,500	+1,800
5	**DEVELOPMENT TEST AND EVALUATION**	**103,245**	**103,245**	**103,245**	**105,745**
	GPS Vulnerability Testing GYPSY DELTA - Transferred from RDTE, D-W line 125				+2,500

TITLE V—REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

The conferees recommend an appropriation of $1,641,507,000 for the Defense Working Capital Funds instead of $1,712,507,000 as proposed by the House or $1,449,007,000 as proposed by the Senate.

DEFENSE WORKING CAPITAL FUND REDUCTIONS

The conferees concur with Senate Report 108–87 regarding the adequacy of budget justifications for the Defense Working Capital Funds. The conferees recommend a reduction of $80,000,000 to the budget estimate, to be distributed only as follows:

Working Capital Fund, Defense-Wide	−$40,000,000
Working Capital Fund, Air Force	−$40,000,000

MEALS READY-TO-EAT (MRE) INVENTORIES

The conferees are concerned that the current MRE inventory does not provide adequate stock levels to meet documented war reserve requirements. While the Department has identified a war reserve requirement of 6.0 million cases of MRE's, current inventory is only 3.4 million cases. The conferees applaud the Defense Logistics Agency for identifying a higher MRE war reserve requirement to improve the Department's long-term MRE war reserve requirement to improve the Department's long-term sustainment posture. The conferees direct the Secretary of Defense to fund that increase requirement in the Department's fiscal year 2005 budget submission, with the goal of a full war reserve inventory of MREs by fiscal year 2006.

NATIONAL DEFENSE SEALIFT FUND

The conferees agree to provide $1,066,462,000 for the National Defense Sealift Fund, $3,700,000 above the budget request for the conversion of a former Naval vessel into a training ship for the Great Lakes Maritime Academy. The conferees further agree that within funds made available in the National Defense Sealift Fund, $6,500,000 is available only for the construction of additional sealift capacity.

The conference agreement fully funds the construction of the T–AKE program as requested.

TITLE VI – OTHER DEPARTMENT OF DEFENSE PROGRAMS

The conference agreement on the items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

	Budget Request	House	Senate	Conference
Defense Health Program	15,270,509	15,613,159	15,656,913	15,730,013
Chemical Agents and Munitions Destruction, Army	1,650,076	1,533,261	1,620,076	1,500,261
Drug Interdiction and Counter Drug Activities, Defense	817,371	817,371	832,371	835,616
Office of the Inspector General	162,449	162,449	162,449	162,449
Total, Other Department of Defense Programs	17,900,405	18,126,240	18,271,809	18,228,339

DEFENSE HEALTH PROGRAM

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

	Budget Request	House	Senate	Conference
Operation and Maintenance	**14,876,887**	**14,874,037**	**14,918,791**	**14,914,816**
In-House Care	**4,105,010**	**4,121,160**	**4,146,914**	**4,162,539**
"Golden Hour" Container		+1,000		+1,000
Alaska Federal Health Care Network			+2,500	+2,500
Automated Clinical Practice Guidelines			+7,500	+6,300
Brown Tree Snakes			+1,000	+1,000
Center for Disaster Humanitarian Assistance Medicine (USUHS)			+1,000	+1,000
Colon Cancer Program (NNMC)				+7,000
Defense and Veterans Head Injury Program		+3,000		+2,100
Digital Access and Analysis of Historic Records at AFIP			+12,000	+10,200
DOD/VA Collaborative Wound Healing Initiative		+3,000		+500
Graduate School of Nursing			+2,500	+2,500
Health Study at the Iowa Army Ammunition Plant			+1,000	+1,000
Madigan Army Medical Trauma Center		+1,000		+1,000
Military Sexual Integrity Program		+150		+150
Pacific Island Health Care Network			+5,000	+4,500
Technology for Rapidly Diagnose Dermatological Diseases		+3,000		+1,500
Tri-Service Nursing Research Program			+6,000	+6,000
Universal Medical-Surgical Product Catalog		+5,000		+3,500
Walter Reed Amputee Center				+2,375
Walter Reed Army Medical Center SRM			+10,000	+10,000
ONW/OSW/ODS Conops			-6,596	-6,596
Private Sector Care	**7,420,972**	**7,420,972**	**7,420,972**	**7,420,972**
Consolidated Health Care Support	**862,391**	**862,391**	**862,391**	**862,391**
Information Management	**721,083**	**702,083**	**721,083**	**701,483**
Medical Records Data Conversion at WRAMC		+1,000		+1,000
Medical Records Data Conversion at BNNMC		+1,000		+1,000
Assessment and Demonstration Center for USAF Surgeon General		+4,000		+3,400
General Reduction		-25,000		-25,000
Management Activities	**239,459**	**239,459**	**239,459**	**239,459**
Education and Training	**385,317**	**385,317**	**385,317**	**385,317**
Base Operations/Communications	**1,142,655**	**1,142,655**	**1,142,655**	**1,142,655**

	Budget Request	House	Senate	Conference
Procurement	**327,826**	**328,826**	**327,826**	**328,826**
DEPMED Refurbishment		+1,000		+1,000
Research, Development, Test and Evaluation	**65,796**	**410,296**	**410,296**	**486,371**
Anti-Radiation Drug Development at AFRRI			+5,000	+2,500
Army Peer-Reviewed Breast Cancer Research Program		+150,000	+150,000	+150,000
Army Peer-Reviewed Prostate Cancer Research Program		+85,000	+85,000	+85,000
Border Health and Environmental Threats Initiative		+1,500		+1,000
Clinical Coupler Integration			+6,000	+4,200
Complementary and Alternative Medicine (MIL-CAM)		+4,000	+3,000	+3,000
Comprehensive Reproductive System Care Program (Note: only for continued coordination between Walter Reed Army Medical Center, a rural medical center and non-profit medical foundation to provide a program for reproductive system's risk assessment, diagnosis, treatment and cutting edge research.)		+16,000		+13,600
Computer Assisted Cancer Device (Note: only for research relating to 3D imaging capabilities for detection and diagnosis of breast cancer at Walter Reed Army Medical Center.)		+1,000		+1,000
Donor Cord Blood Demonstration		+1,000		+1,000
Genetic Cancer Research				+2,000
Global HIV/AIDS Prevention		+5,000		+4,250
Gynecological Cancer Center		+3,000		+2,100
Hawaii Federal Health Care Network			+24,000	+23,000
Healthcare Informatics Testbed		+2,000		+1,700
Integrative Healing Practices for Veterans			+2,000	+1,200
Joint Replacement Program		+1,000		+1,000
Laser Vision Correction		+3,000		+1,500
Leukemia Research (CMLRP)		+5,000		+4,250
Manganese Health Research			+2,000	+1,400
Medical Error Reduction Initiative		+1,000		+1,000
Molecular and Clinical-Based Comprehensive Cardiac Care (Note: only for the Uniformed Services University of Health Sciences to continue on-going efforts among Walter Reed Army Medical Center, an appropriate non-profit medical foundation and a rural primary healthcare center.)		+7,000		+5,950
Molecular Medicine				+1,000

	Budget Request	House	Senate	Conference
Muscle Research Consortium		+1,000		+1,000
Muscular Dystrophy Research		+5,000		+4,250
Myeloproliferative Disorders Research			+5,000	+4,250
Neurogenetic Research and Computational Genomics			+1,500	+1,000
Neuroscience Research (Note: only for the coordinated effort among DoD Medical Treatment Facilities, the Uniformed Services University of the Health Sciences, a primary healthcare center, with funding management accomplished by the Uniformed Services University of the Health Sciences.)		+10,000		+8,500
Ophthalmology Training and Education				+1,000
Ovarian Cancer Research Program		+10,000	+10,000	+10,000
Peer Reviewed Medical Research Program			+50,000	+50,000
Periscopic Surgery Project		+2,500		+2,125
Portable Remote Medical Collection and Relay Capability				+1,500
Post-Polio Syndrome		+3,000		+2,550
Preventive Medicine Research for Prostate Cancer			+1,000	+1,000
Spinal Cord Injury Research (Note: only for the project to cure paralysis.)		+3,500		+1,750
Temperature Stable Hemoglobin Based Oxygen Carrier (Note: Transferred to RDTE,N Line 137)		+7,000		0
Tuberous Sclerosis Complex (TSC)		+4,000		+3,000
Type 2 Diabetes Research		+10,000		+10,000
United States Military Cancer Institute		+3,000		+3,000
Volume Angio CAT (VAC) Research				+4,000
Operation and Maintenance	14,876,887	14,874,037	14,918,791	14,914,816
Procurement	327,826	328,826	327,826	328,826
Research, Development, Test and Evaluation	65,796	410,296	410,296	486,371
Total	**15,270,509**	**15,613,159**	**15,656,913**	**15,730,013**

DHP REPROGRAMMING PROCEDURES

The conferees remain concerned regarding the transfer of funds from DoD military medical treatment facilities (MTFs) to pay for contractor-provided medical care. To limit such transfers within the Defense Health Program operation and maintenance account, the conferees have included bill language designating Private Sector Care under the TRICARE program as a separate sub-appropriation within the Defense Health Program. Any transfer of funds into or out of the Private Sector Care sub-appropriation will require the Department of Defense to follow prior approval reprogramming procedures.

MYELOPROLIFERATIVE DISORDERS RESEARCH

The conferees recommend $4,250,000 for research into the specific chronic myeloproliferative disorders of the polycythemia vera, idiopathic myelofibrosis, and essential thrombocytosis. These disorders of the bone marrow are malignant diseases that offer great research promise with respect to the behavior of human blood cells. The conferees direct that the Secretary of Defense, in conjunction with the service Surgeons General, select basic or translational medical research projects of clear scientific merit and of direct relevance to military health.

PEER REVIEWED MEDICAL RESEARCH PROGRAM

The Senate recommended $50,000,000 for a Peer Reviewed Medical Research program. The conferees agree to provide $50,000,000 for this program, and recommend the following projects as candidates for study: amyotrophic lateral sclerosis; alcoholism research; anti-diarrhea supplement; blood-related cancer research; childhood asthma; chronic pain research; epilepsy research; geneware rapid vaccine development; interventional cardiovascular magnetic resonance imaging technologies; muscle function research; Malaria vaccine initiative [SBRI]; Muscular Dystrophy; osteoporosis and bone related disease research; Padget's disease; providence cancer research project; post traumatic stress disorders; social work research; interstitial cystitis; military medical informatics research; limb loss and paralysis research; and Reserve component medical training program.

The conferees direct the Department to provide a report by March 1, 2004, on the status of this Peer Reviewed Medical Research Program.

COST SHARING FOR MEDICAL RESEARCH PROGRAMS

The conferees commend the Department for its management of the peer reviewed medical research and cancer research programs, but note with concern the challenge of funding increases to these programs within the resources available for military spending. Therefore, the conferees direct the Assistant Secretary of Defense (Health Affairs), in consultation with the service Surgeons General and the Institute of Medicine, to investigate alternative funding sources, including private sector and non-Federal contributions, that can best be used to leverage appropriated funds without biasing the peer review selection process. The Department should report their findings and recommendations when submitting their annual report on the status of the Peer Review Medical Research Program, due on March 1, 2004.

CHROPRACTIC HEALTH CARE INITIATIVE

The Congress appropriated $750,000 in the Department of Defense Appropriations Act 2003 (Pubic Law 107–248) under the heading ''Defense Health Program'' for operation and maintenance for the Chiropractic Initiative. The conferees agree and direct the Department to make available from any available balances, $750,000 to develop and carry out a joint chiropractic health care initiative with the Texas Chiropractic College.

BETANCES HEALTH CENTER

The Congress appropriated $500,000 in the Department of Defense Appropriations Act 2003 (Public Law 107–248) under the heading ''Defense Health Program'' for operation and maintenance for the Betances Health Center. The conferees agree and direct the Department to make available from any available balances $500,000 to the Betances Health Center to support the restoration of health care services.

HEALTHFORCES/OUTCOMES MANAGEMENT PROGRAM

The conferees agree with the Senate position on the Walter Reed Army Medical Center's HealthForces/Outcomes Management Program and note that a portion of the funds may be used for collaborative projects for chronic disease management in medically underserved, rural areas.

DISPOSABLE TOOTHBRUSHES

The conferees encourage the Army to consider looking at the viability of adding disposable toothbrushes to sundry packs.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
CHEM AGENTS & MUNITIONS DESTRUCTION, ARMY				
CHEM DEMILITARIZATION - O&M	1,199,168	1,199,168	1,169,168	1,169,168
CHEM DEMILITARIZATION - PROC	79,212	79,212	79,212	79,212
CHEM DEMILITARIZATION - RDTE	251,881	254,881	251,881	251,881
CHEM DEMILITARIZATION - MILCON	119,815	---	119,815	---
TOTAL, CHEM AGENTS & MUNITIONS DESTRUCTION, ARMY	1,650,076	1,533,261	1,620,076	1,500,261

SIERRA ARMY DEPOT

The conferees have provided funding for the Sierra Army Depot Cryofracture/Plasma Arc Demilitarization Program within Research, Development, Test and Evaluation, Army as opposed to the funding provided in the House bill.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

The conference agreement includes $835,616,000 for ''Drug Interdiction and Counter-drug Activities, Defense'' as opposed to $817,371,000 as proposed by the House and $832,371,000 as proposed by the Senate. Adjustments to the budget request are as follows:

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

	Budget Request	House	Senate	Conference
	817,371	**817,371**	**832,371**	**835,616**
RECOMMENDED INCREASES:				
Young Marines		+2,000		+1,700
Florida National Guard Counter-Drug Activities		+2,500		+2,125
Indiana National Guard Counter-Drug Activities		+1,000		+1,000
National Interagency Civil-Military Institute		+3,000		+1,500
Southwest Border Fence		+5,700		+4,000
Kentucky National Guard Counter-Drug Activities		+3,000	+3,600	+3,000
Multi-Jurisdictional Counter-Drug Task Force Training		+3,500		+2,975
Southwest Anti-Drug Border States Initiative		+10,000		+8,500
Army Reserve Support			+4,000	+2,000
Navy Reserve Support			+2,000	+1,000
Marine Corps Reserve Support			+1,500	+750
Air Force Reserve Support			+2,000	+1,000
National Guard Counter-Drug Support			+25,000	+18,000
Regional Counter-Drug Training Academy Mississippi			+6,000	+4,200
North East Regional Counter-Drug Training Center			+6,800	+4,760
Midwest Regional Counter-Drug Training Center			+3,000	+2,100
Alaska National Guard Counter-Drug Program			+3,000	+2,700
Hawaii National Guard Counter-Drug Program			+3,000	+2,700
West Virginia National Guard Counter-Drug Program			+3,100	+2,635
Nevada National Guard CD RAID Program			+2,000	+1,500
Appalachia High Intensity Trafficking Area			+1,000	+1,000
RECOMMENDED REDUCTIONS:				
Intelligence, Surveillance, Reconnaissance and Tanker Support		-2,000		-2,000
Ground Based End Game Operations		-5,600	-8,500	-6,500
Airborne Reconnaissance Low		-5,000		-5,000
Maritime Patrol Aircraft		-2,000	-3,000	-3,000
Hemispheric Radar Systems		-1,000		-2,000
CN Command and Management System		-2,000		-2,000
Aerostats		-4,000		-6,000
Enhanced Peru/Colombia Support		-5,000	-17,000	-6,500
SOF CD Support		-4,100	-3,000	-4,100
RDT&E			-3,000	-4,300
Fleet Support			-1,500	-1,500
JIATF-E			-3,000	0
Northern Command CN Mission Support			-10,000	-4,000
Emerging Threats			-2,000	-4,000

NORTHERN COMMAND

The Senate included report language expressing concern about plans to consolidate some existing functions and personnel currently residing with the regional Commands at the newly created Northern Command and adjusted the budget accordingly. The House shares these concerns. While the conferees agree that Northern Command has a tremendous responsibility for protecting the continental United States from many threats to include those associated with counter-narcotics and fully support their requirements, they also fully support the missions and expertise that reside with the existing regional commands, most notably the United States Pacific and Southern Commands. The conferees direct that none of the resources or personnel to include those of the reserve components currently assigned to Pacific Command or Southern Command shall be diverted to Northern Command without 15 days prior notification of the congressional defense committees. The conferees have adjusted the budget to support their recommendation.

OFFICE OF THE INSPECTOR GENERAL

The conferees agree to provide $162,449,000, as proposed by both the House and Senate, for the Office of the Inspector General.

TITLE VII—RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

The conference agreement appropriates $226,400,000 for payment to the Central Intelligence Agency Retirement and Disability System Fund, as proposed by both the House and the Senate.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

The conference agreement appropriates $175,113,000 instead of $170,640,000 as proposed by the House and $165,390,000 as proposed by the Senate.

The conference agreement provides for a transfer of $44,300,000 to the Department of Justice for the National Intelligence Center to support the Department of Defense's counter-drug intelligence responsibilities, instead of $46,100,000 as proposed by the House and $34,100,000 as proposed by the Senate.

PAYMENT TO KAHO'OLAWE ISLAND CONVEYANCE, REMEDIATION, AND ENVIRONMENTAL RESTORATION FUND

The conference agreement provides $18,430,000 for the Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund as proposed by the Senate.

NATIONAL SECURITY EDUCATION TRUST FUND

The conference agreement appropriates $8,000,000 for the purposes of title VIII of Public Law 102–183, to be derived from the National Security Education Trust Fund, as proposed by both the House and the Senate.

TITLE VIII—GENERAL PROVISIONS

The conference agreement incorporated general provisions of the House and Senate versions of the bill which were not amended. Those general provisions that were amended in conference follow:

The conferees included a general provision (Section 8008) which amends language recommended by the House and the Senate with respect to the programs granted multi-year procurement authority.

The conferees included a general provision (Section 8014) which amends House language regarding converting functions of the Department of Defense to contractor performance, by adding cost differential criteria; crediting conversions toward outsourcing goals, and excluding depot contracts and depot maintenance contracts.

The conferees included a general provision (Section 8018) which amends Senate language to require that the Department of Defense budget submission for fiscal year 2005 shall identify anticipated residual value settlements.

The conferees included a general provision (Section 8049) which amends House and Senate language recommending rescissions. The rescissions agreed to are:

(RESCISSIONS)

Fiscal Year 2001:	
Shipbuilding and Conversion, Navy: Auxiliaries Craft and Prior Year Program Costs	$3,835,000
Fiscal Year 2002:	
Shipbuilding and Conversion, Navy: Auxiliaries Craft and Prior Year Program Costs	9,336,000
Fiscal Year 2003:	
Aircraft Procurement, Army:	
Chinook	39,100,000
A2C2S	8,000,000
Weapons and Tracked Combat Vehicles, Army: M1A2	30,000,000
Procurement of Ammunition, Army: CTG, 40MM, All Types	36,000,000
Other Procurement, Army: Advanced Aviation Instrumentation Training Simulator	8,000,000
Other Procurement, Air Force: Classified	10,000,000
Procurement, Defense-Wide:	
EC–130J Upgrades	15,000,000
DIRCM Laser	33,000,000
Research, Development, Test and Evaluation, Army:	
Environmental Medical Unit	1,650,000
Classified Program	1,339,000
Research, Development, Test and Evaluation, Defense-Wide: SOF Tactical Systems	25,000,000
National Defense Sealift Fund: Unobligated Balance	105,300,000

The conferees included a general provision (Section 8082) which amends Senate language regarding the Under Secretary of Defense for Intelligence. The conference agreement requires a quarterly report from the Secretary of Defense, the contents of which are discussed in the classified annex accompanying the conference report.

The conferees included a general provision (Section 8083) which amends Senate language providing that government travel card and purchase card refunds may be credited to operation and maintenance accounts for fiscal year 2005.

The conferees included a general provision (Section 8091) which amends language recommended by the House and Senate to make funds available for transfer to other activities of the Federal Government, and provides funds for certain classified activities.

The conferees included a general provision (Section 8093) which amends House language which provides $2,000,000 for 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. The Senate recedes. The conferees are aware that the nonappropriated fund instrumentalities (NAFI) which were established by law to help defray the operating costs of Fisher Houses have decreased in value due to poor financial market performance. The conferees are also aware that the costs to manage many Fisher Houses are much higher than planned due to an influx of patients at military treatment facilities as a result of casualties suffered during operations IRAQI FREEDOM and ENDURING FREEDOM. The conferees provide $1,800,000 in the Defense Health Program to help mitigate any deficit, which will occur in fiscal year 2004. The conferees direct the Secretary of Defense to analyze the financial condition of the Fisher House operating accounts and submit with the fiscal year 2005 budget a plan to ensure their solvency without increasing the current service fee paid by military family members.

The conferees included a general provision (Section 8094) which amends House language regarding funds reduced from certain operation and maintenance and research, development, test and evaluation accounts for savings or excessive growth in advisory assistance services, support services, analysis, engineering and technical support contracted by the military departments and defense agencies.

The conferees included a general provision (Section 8095) which amends Senate language making $80,000,000 available for component coproduction for the Arrow Missile Defense Program.

The conferees included a general provision (Section 8096) which amends Senate language to provide funds only for transfer to the Coast Guard for mission essential equipment for HC–130J aircraft.

The conferees included a general provision (Section 8101) which amends House language which reduces $200,000,000 of operation and maintenance funds for cost growth information technology development.

The conferees included a general provision (Section 8104) which amends House language on the amounts reduced from working capital fund excess cash balances.

The conferees included a general provision (Section 8105) which amends House language regarding the amount reduced in ''Operation and Maintenance, Navy'' for excess funded carryover.

The conferees included a general provision (Section 8108) which amends Senate language to retain a total of 94 B–52 aircraft by providing a total funding amount of $40,600,000.

The conferees included a general provision (Section 8109) which amends Senate language that restores a fiscal year 2003 provision which makes $8,000,000 available in ''Operation and Maintenance, Air Force'' for railroad tack realignment by adding a provision which makes $26,000,000 from funds available in ''Operation and Maintenance, Air Force'' for phased infrastructure repairs for Air Force managed ranges in Alaska.

The conferees included a general provision (Section 8112) which amends House and Senate language which provides for grants to various organizations.

The conferees included a general provision (Section 8115) which amends Senate language specifying certain budget justification documents required for overseas contingency operations.

The conferees included a general provision (Section 8117) which amends Senate language making classified transfer of funds.

The conferees included a general provision (Section 8122) which amends House language to prohibit the disestablishment of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve and which allows the Squadron to perform other missions in support of national defense requirements during the non-hurricane season.

The conferees included a general provision (Section 8125) which amends House language which provides for $17,000,000 in ''Operation

and Maintenance, Army'' only for a grant to the Silver Valley Unified School District for the purpose of school construction at Fort Irwin, California.

The conferees included a general provision (Section 8126) which amends House language reducing certain accounts in Operation and Maintenance for efficiencies in management, outsourcing, and improved economic assumptions.

The conferees included a general provision (Section 8127) which amends House language that reduces the amount available in ''Operation and Maintenance, Air Force'' for excess cash in the Transportation Working Capital Fund.

The conferees included a general provision (Section 8128) which amends Senate language to rescind funds available in the ''Iraq Freedom Fund'' provided in Public Law 108–11.

The conferees included a general provision (Section 8129) which amends House language to allow the Secretary of Defense to make additional payments to those local educational agencies who have children with severe disabilities.

The conferees included a general provision (Section 8131) which amends Senate language concerning the Terrorism Information Awareness Program.

The conferees included a general provision (Section 8132) which amends House Language that directs the Secretary of the Navy to close Naval Station Roosevelt Roads, Puerto Rico. The closure and disposal of Naval Station Roosevelt Roads (NSRR) is a logical step in the process of relocating Naval training activities and training support from the NSRR area to other training facilities along the Gulf and Atlantic coasts. The conferees recognize the record of high quality service and support established by the military personnel, federal civilian employees and local contractors at NSRR. The conferees encourage the Navy to take great care in relocating military personnel and families, in assisting civilian employees with relocation and outplacement and in performing environmental cleanup. The conferees strongly encourage the Department of the Navy to work with the Department of Defense Education Activity (DoDEA) to ensure the operation of base schools through completion of the 2003 to 2004 academic year. The accompanying bill establishes a process for property closure and disposal in accordance with the Defense Base Closure and Realignment Act of 1990 (title XXIX of Public Law 101–510; U.S.C. 2687 note).

The conferees included a general provision (Section 8138) which amends Senate language regarding a report from the Secretary of Defense on contractual offset agreements with foreign countries.

The conferees included a general provision (Section 8141) which amends Senate language to prohibit funds to be obligated or expended on the decommissioning of a Naval or Marine Corps Reserve aviation squadron until the Comptroller General of the United States submits a report on the requirements for Navy and Marine Corps tactical aviation and the role of Reserve assets in those mission requirements.

The conferees concur with the intent of Senate section 8169 and direct that not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Appropriations of the House and the Senate, a report on contracts for reconstruction and other services in Iraq that are funded in whole or in part with funds available to the Department of Defense. The report shall detail:

(1) The process and standards for designing and awarding such contracts, including assistance or consulting services provided by contractors in that process;

(2) The process and standards for awarding limited or sole-source contracts, including the criteria for justifying the awarding of such contracts;

(3) Any policies that the Secretary has implemented or plans to implement to provide for independent oversight of the performance by a contractor of services in designing and awarding such contracts;

(4) Any policies that the Secretary has implemented or plans to implement to identify, assess, and prevent any conflict of interest relating to such contracts for reconstruction;

(5) Any policies that the Secretary has implemented or plans to implement to ensure public accountability of contractors and to identify any fraud, waste, or abuse relating to such contracts for reconstruction;

(6) The process and criteria used to determine the percentage of profit allowed on cost-plus-a-fixed-fee contracts for reconstruction or other services in Iraq; and

(7) A good faith estimate of the expected costs and duration of all contracts for reconstruction or other services in Iraq.

The conferees included a new general provision (Section 8145) which provides for the transfer of the Sturgeon Class submarine NARWHAL (SSN–671) to the National Submarine Science Discovery Center, Newport, Kentucky.

The conferees included a new general provision (Section 8146) which allows the Department of Defense to waive subsistence costs for those military personnel who are hospitalized during fiscal year 2004 for combat injuries.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2004 recommended by the Committee of Conference, with comparisons to the fiscal year 2003 amount, the 2004 budget estimates, and the House and Senate bills for 2004 follow:

[In thousands of dollars]

New budget (obligational) authority, fiscal year 2003	$426,989,434
Budget estimates of new (obligational) authority, fiscal year 2004	372,346,314
House bill, fiscal year 2004	369,190,239
Senate bill, fiscal year 2004	369,165,293
Conference agreement, fiscal year 2004	368,711,561
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2003	−58,277,873
Budget estimates of new (obligational) authority, fiscal year 2004	−3,634,753
House bill, fiscal year 2004	−478,678
Senate bill, fiscal year 2004	−453,732

JERRY LEWIS,
C. W. BILL YOUNG,
DAVID L. HOBSON,
HENRY BONILLA,
GEORGE R. NETHERCUTT, JR.,
RANDY ''DUKE'' CUNNINGHAM,
RODNEY P. FRELINGHUYSEN,
TODD TIAHRT,
ROGER F. WICKER,
JOHN P. MURTHA,
NORMAN D. DICKS,
MARTIN OLAV SABO,
PETER J. VISCLOSKY,
JAMES P. MORAN,
DAVID R. OBEY,
Managers on the Part of the House.

TED STEVENS,
THAD COCHRAN,
ARLEN SPECTER,
PETE V. DOMENICI,
CHRISTOPHER S. BOND,
MITCH MCCONNELL,
RICHARD C. SHELBY,
JUDD GREGG,
KAY BAILEY HUTCHISON,
CONRAD BURNS,
DANIEL K. INOUYE,
ERNEST F. HOLLINGS,
ROBERT C. BYRD,
PATRICK J. LEAHY,
TOM HARKIN,
BYRON L. DORGAN,
RICHARD J. DURBIN,
HARRY REID,
DIANNE FEINSTEIN,
Managers on the Part of the Senate.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF CONFERENCE REPORT ON H.R. 2658, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2004

Mr. LEWIS of California (during consideration of H. Res. 374). Mr. Speaker, I ask unanimous consent that it be in order at any time to consider the conference report on the bill (H.R. 2658) making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; that all points of order against the conference report and against its consideration be waived; and that the conference report be considered as read.

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

There was no objection.

GENERAL LEAVE

Mr. LEWIS of California. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report to accompany 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 (Mrs. BIGGERT). Is there objection to the request of the gentleman from California?

There was no objection.

CONFERENCE REPORT ON H.R. 2658, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2004

Mr. LEWIS of California. Madam Speaker, pursuant to the order of the House of today, I call up the conference report on the bill (H.R. 2658) making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the order of the House of today, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of today.)

The SPEAKER pro tempore. 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. Madam Speaker, I want you to know we do not intend to use 30 minutes on either side, but we are very proud to bring before you today that bill that deals with appropriations for the fiscal year 2004.

The bill, in its total, involves some $368 billion in discretionary budget authority; and within those titles there is approximately $98 billion for military personnel, $116 billion for O&M, $74 billion for procurement, $65 billion for R&D, and nearly $16 billion for defense health. Within those numbers we have developed a bill that absolutely balances the needs of our military while we go forward ensuring that America will remain the strongest country in the world for the years to come.

At this point I would like to insert a summary of the conference agreement into the RECORD.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2004
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference vs. Enacted
TITLE I						
MILITARY PERSONNEL						
Military Personnel, Army	26,855,017	37,386,380	28,233,436	28,282,764	28,247,667	+1,392,650
Military Personnel, Navy	21,927,628	25,282,454	23,052,001	23,309,791	23,217,298	+1,289,670
Military Personnel, Marine Corps	8,501,087	9,559,441	8,962,197	8,994,426	8,971,897	+470,810
Military Personnel, Air Force	21,981,277	26,715,990	23,121,003	22,993,072	22,910,868	+929,591
Reserve Personnel, Army	3,374,355	---	3,568,625	3,584,735	3,568,725	+194,370
Reserve Personnel, Navy	1,907,552	---	1,983,153	2,027,945	2,002,727	+95,175
Reserve Personnel, Marine Corps	553,983	---	571,444	587,619	571,444	+17,461
Reserve Personnel, Air Force	1,236,904	---	1,267,888	1,332,301	1,288,088	+51,184
National Guard Personnel, Army	5,114,588	---	5,382,719	5,598,504	5,500,369	+385,781
National Guard Personnel, Air Force	2,125,161	---	2,140,598	2,228,830	2,174,598	+49,437
Total, title I, Military Personnel	93,577,552	98,944,265	98,283,064	98,939,987	98,453,681	+4,876,129
TITLE II						
OPERATION AND MAINTENANCE						
Operation and Maintenance, Army	23,992,082	24,958,842	24,903,992	24,922,949	25,029,346	+1,037,264
Operation and Maintenance, Navy	29,331,526	28,287,690	28,060,240	28,183,284	28,146,658	-1,184,868
Operation and Maintenance, Marine Corps	3,585,759	3,406,656	3,440,456	3,418,023	3,440,323	-145,436
Operation and Maintenance, Air Force	27,339,533	27,793,931	26,689,043	26,698,375	26,904,731	-434,802
Operation and Maintenance, Defense-Wide 1/	14,707,506	16,570,847	16,124,455	16,279,006	16,226,841	+1,519,335
Operation and Maintenance, Army Reserve	1,970,180	1,952,009	2,031,309	1,964,009	1,998,609	+28,429
Operation and Maintenance, Navy Reserve	1,236,809	1,171,921	1,171,921	1,172,921	1,172,921	-63,888
Operation and Maintenance, Marine Corps Reserve	187,532	173,952	173,952	173,952	173,952	-13,580
Operation and Maintenance, Air Force Reserve	2,163,104	2,179,188	2,144,188	2,179,188	2,179,388	+16,284
Operation and Maintenance, Army National Guard	4,261,707	4,211,331	4,325,231	4,273,131	4,340,581	+78,874
Operation and Maintenance, Air National Guard	4,117,585	4,402,646	4,424,046	4,418,616	4,431,216	+313,631
Overseas Contingency Operations Transfer Fund	5,000	50,000	5,000	10,000	5,000	---
United States Court of Appeals for the Armed Forces	9,614	10,333	10,333	10,333	10,333	+719
Environmental Restoration, Army	395,900	396,018	396,018	396,018	396,018	+118
Environmental Restoration, Navy	256,948	256,153	256,153	256,153	256,153	-795
Environmental Restoration, Air Force	389,773	384,307	384,307	384,307	384,307	-5,466
Environmental Restoration, Defense-Wide	23,498	24,081	24,081	24,081	24,081	+583
Environmental Restoration, Formerly Used Defense Sites	246,102	212,619	221,369	312,619	284,619	+38,517
Overseas Humanitarian, Disaster, and Civic Aid	58,400	59,000	59,000	59,000	59,000	+600
Former Soviet Union Threat Reduction	416,700	450,800	450,800	450,800	450,800	+34,100
Support for International Sporting Competition,Defense	19,000	---	---	---	---	-19,000
Total, title II, Operation and maintenance	114,714,258	116,952,324	115,295,894	115,586,765	115,914,877	+1,200,619
TITLE III						
PROCUREMENT						
Aircraft Procurement, Army	2,285,574	2,128,485	2,180,785	2,027,285	2,154,035	-131,539
Missile Procurement, Army	1,096,548	1,459,462	1,533,462	1,444,462	1,505,462	+408,914
Procurement of Weapons and Tracked Combat Vehicles, Army	2,266,508	1,640,704	1,956,504	1,732,004	1,857,054	-409,454
Procurement of Ammunition, Army	1,253,099	1,309,966	1,355,466	1,419,759	1,387,759	+134,660
Other Procurement, Army	5,874,674	4,216,854	4,547,596	4,573,902	4,774,452	-1,100,222
Aircraft Procurement, Navy	8,812,855	8,788,148	9,030,148	9,017,548	9,110,848	+297,993
Weapons Procurement, Navy	1,868,517	1,991,821	2,205,634	1,967,934	2,095,784	+227,267
Procurement of Ammunition, Navy and Marine Corps	1,165,730	922,355	941,855	924,355	934,905	-230,825
Shipbuilding and Conversion, Navy	9,032,837	11,438,984	11,453,098	11,682,623	11,467,623	+2,434,786
Other Procurement, Navy	4,612,910	4,679,443	4,784,742	4,734,808	4,941,098	+328,188
Procurement, Marine Corps	1,388,583	1,070,999	1,200,499	1,090,399	1,165,727	-222,856
Aircraft Procurement, Air Force	13,137,255	12,079,360	11,877,051	11,997,460	12,086,201	-1,051,054
Missile Procurement, Air Force	3,174,739	4,393,039	4,235,505	4,215,333	4,165,633	+990,894
Procurement of Ammunition, Air Force	1,288,164	1,284,725	1,279,725	1,265,582	1,262,725	-25,439
Other Procurement, Air Force	10,672,712	11,583,659	11,195,159	11,536,097	11,558,799	+886,087
Procurement, Defense-Wide 1/ 2/	3,414,455	3,665,506	3,803,776	3,568,851	3,709,926	+295,471
National Guard and Reserve Equipment	100,000	---	100,000	700,000	400,000	+300,000
Defense Production Act Purchases	73,057	67,516	67,516	77,516	78,016	+4,959
Total, title III, Procurement	71,518,217	72,721,026	73,748,521	73,975,918	74,656,047	+3,137,830

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2004
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference vs. Enacted
TITLE IV						
RESEARCH, DEVELOPMENT, TEST AND EVALUATION						
Research, Development, Test and Evaluation, Army	7,669,656	9,122,825	10,186,272	9,513,048	10,363,941	+2,694,285
Research, Development, Test and Evaluation, Navy	13,946,085	14,106,653	14,666,239	14,886,381	15,146,383	+1,200,298
Research, Development, Test and Evaluation, Air Force	18,822,569	20,336,258	20,704,267	20,086,290	20,500,984	+1,678,415
Research, Development, Test and Evaluation, Defense-Wide 1/	17,524,596	17,974,257	18,763,791	18,774,428	18,900,715	+1,376,119
Operational Test and Evaluation, Defense	245,554	286,661	293,661	304,761	305,861	+60,307
Total, title IV, Research, Development, Test and Evaluation	58,208,460	61,826,654	64,614,230	63,564,908	65,217,884	+7,009,424
TITLE V						
REVOLVING AND MANAGEMENT FUNDS						
Defense Working Capital Funds	1,784,956	1,721,507	1,721,507	1,449,007	1,641,507	-143,449
National Defense Sealift Fund: Ready Reserve Force	942,629	1,062,762	1,066,462	344,148	1,066,462	+123,833
Refined Petroleum Products, Transfer Account	---	675,000	---	---	---	---
Total, title V, Revolving and Management Funds	2,727,585	3,459,269	2,787,969	1,793,155	2,707,969	-19,616
TITLE VI						
OTHER DEPARTMENT OF DEFENSE PROGRAMS						
Defense Health Program:						
Operation and maintenance	14,100,386	14,876,887	14,874,037	14,918,791	14,914,816	+814,430
Procurement	284,242	327,826	328,826	327,826	328,826	+44,584
Research and development	458,914	65,796	410,296	410,296	486,371	+27,457
Total, Defense Health Program	14,843,542	15,270,509	15,613,159	15,656,913	15,730,013	+886,471
Chemical Agents & Munitions Destruction, Army:						
Operation and maintenance	974,238	1,199,168	1,199,168	1,169,168	1,169,168	+194,930
Procurement	213,278	79,212	79,212	79,212	79,212	-134,066
Research, development, test and evaluation	302,683	251,881	254,881	251,881	251,881	-50,802
Military Construction 3/	---	119,815	---	119,815	---	---
Total, Chemical Agents 3/ 4/	1,490,199	1,650,076	1,533,261	1,620,076	1,500,261	+10,062
Drug Interdiction and Counter-Drug Activities, Defense	881,907	817,371	817,371	832,371	835,616	-46,291
Office of the Inspector General	157,165	162,449	162,449	162,449	162,449	+5,284
Total, title VI, Other Department of Defense Programs	17,372,813	17,900,405	18,126,240	18,271,809	18,228,339	+855,526
TITLE VII						
RELATED AGENCIES						
Central Intelligence Agency Retirement and Disability System Fund	222,500	226,400	226,400	226,400	226,400	+3,900
Intelligence Community Management Account	163,479	158,640	170,640	165,390	175,113	+11,634
Transfer to Department of Justice	(34,100)	(34,100)	(46,100)	(34,100)	(44,300)	(+10,200)
Payment to Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund	75,000	---	---	18,430	18,430	-56,570
National Security Education Trust Fund	8,000	8,000	8,000	8,000	8,000	---
Total, title VII, Related agencies	468,979	393,040	405,040	418,220	427,943	-41,036

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2004
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference vs. Enacted
TITLE VIII						
GENERAL PROVISIONS						
Additional transfer authority (Sec. 8005)	(2,500,000)	(4,000,000)	(2,500,000)	(2,100,000)	(2,100,000)	(-400,000)
Indian Financing Act incentives (Sec. 8021)	8,000	---	8,000	8,000	8,000	---
FFRDCs (Sec. 8029)	-74,200	---	-74,200	-50,000	-74,200	---
Disposal & lease of DOD real property (Sec. 8035)	29,730	31,000	31,000	31,000	31,000	+1,270
Overseas Mil Fac Invest Recovery (Sec. 8038)	1,000	1,331	1,331	1,331	1,331	+331
Rescissions (Sec. 8049)	-402,750	---	-139,350	-274,300	-325,560	+77,190
Excess Foreign Currency Cash Balance	-338,000	---	---	---	---	+338,000
Travel Cards (Sec. 8083)	10,000	44,000	44,000	44,000	44,000	+34,000
Transfer within SCN (Sec. 8097)	---	---	---	---	---	---
Transfers within SCN	---	---	---	---	---	---
Government Purchase Card	-97,000	---	---	---	---	+97,000
American Red Cross (Sec. 8112)	8,100	---	6,500	24,000	34,950	+26,850
Special needs students (Sec. 8102)	7,750	---	---	5,500	5,500	-2,250
Fisher House (Sec. 8093)	1,700	---	2,000	---	3,800	+2,100
CAAS/Contract Growth (Sec. 8094)	-850,000	---	-172,500	-125,000	-504,500	+345,500
Coast Guard transfer (Sec. 8096)	---	---	---	90,000	60,000	+60,000
IT cost growth reduction (Sec. 8101)	-400,000	---	-320,000	---	-200,000	+200,000
Travel cost growth	-59,260	---	---	---	---	+59,260
Revised economic assumptions reduction	-1,674,000	---	---	---	---	+1,674,000
Working Capital Funds Cash Balance (Sec.8104)	-120,000	---	-539,000	---	-372,000	-252,000
Working Capital Funds Excess Carryover (Sec. 8105)	-48,000	---	-96,000	---	-44,000	+4,000
Ctr for Mil Recruiting Assessment & Vet Emp(Sec. 8106)	3,400	---	5,500	---	5,500	+2,100
Transportation Working Capital Fund (Sec. 8127)	---	---	-600,000	---	-451,000	-451,000
Other Contracts/Revised Economic Assumptions (Sec8126)	---	---	-294,000	---	-1,662,000	-1,662,000
Fort Irwin education (Sec. 8125)	---	---	20,000	---	17,000	+17,000
Excess balances from P.L. 108-11	---	---	-2,000,000	---	---	---
Iraqi freedom fund (rescission) (Sec. 8128)	---	---	---	-3,157,000	-3,490,000	-3,490,000
Program adjustments	---	---	29,000	---	---	---
Total, title VIII, General Provisions	-3,993,530	76,331	-4,087,719	-3,402,469	-6,912,179	-2,918,649
Total for the bill (net)	354,594,334	372,273,314	369,173,239	369,148,293	368,694,561	+14,100,227
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	372,273,314	369,173,239	369,148,293	368,694,561	-58,249,873

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2004
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference vs. Enacted
CONGRESSIONAL BUDGET RECAP						
Scorekeeping adjustments:						
Disabled military retiree payments (mandatory)	55,000	302,000	302,000	302,000	302,000	+247,000
Military personnel accounts (discretionary)	-55,000	-302,000	-302,000	-302,000	-302,000	-247,000
Army Venture Capital Funds (Sec. 8105)	17,000	17,000	17,000	17,000	17,000	---
O&M, Army transfer to National Park Service:						
Defense function	-2,500	---	-2,500	---	-2,500	---
Nondefense function	2,500	---	2,500	---	2,500	---
Supplemental appropriations (P.L. 108-11)						
Defense Cooperation Account	28,000	---	---	---	---	-28,000
DISM transfers (Sec. 1314)	---	---	---	---	---	---
Legislative Proposals:						
Military personnel, Army	---	2,000	---	---	---	---
Military personnel, Navy	---	10,000	---	---	---	---
Operation and Maintenance, Army	---	7,000	---	---	---	---
TRICARE indexing to OMB inflation rate	---	45,000	---	---	---	---
NSETF Transfer	---	-8,000	---	---	---	---
Total adjustments	45,000	73,000	17,000	17,000	17,000	-28,000
Adjusted total (incl scorekeeping adjustments)	426,989,434	372,346,314	369,190,239	369,165,293	368,711,561	-58,277,873
Appropriations	(427,392,184)	(372,346,314)	(369,329,589)	(372,596,593)	(372,527,121)	(-54,865,063)
Rescissions	(-402,750)	---	(-139,350)	(-3,431,300)	(-3,815,560)	(-3,412,810)
Total (including adjustments)	426,989,434	372,346,314	369,190,239	369,165,293	368,711,561	-58,277,873
Amount in this bill	(426,944,434)	(372,273,314)	(369,173,239)	(369,148,293)	(368,694,561)	(-58,249,873)
Scorekeeping adjustments	(45,000)	(73,000)	(17,000)	(17,000)	(17,000)	(-28,000)
Prior year outlays	---	---	---	---	---	---
Total mandatory and discretionary	426,989,434	372,346,314	369,190,239	369,165,293	368,711,561	-58,277,873
Mandatory	277,500	528,400	528,400	528,400	528,400	+250,900
Discretionary	426,711,934	371,817,914	368,661,839	368,636,893	368,183,161	-58,528,773

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2004
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference vs. Enacted
RECAPITULATION						
Title I - Military Personnel	93,577,552	98,944,265	98,283,064	98,939,987	98,453,681	+4,876,129
Title II - Operation and Maintenance	114,714,258	116,952,324	115,295,894	115,586,765	115,914,877	+1,200,619
Title III - Procurement	71,518,217	72,721,026	73,748,521	73,975,918	74,656,047	+3,137,830
Title IV - Research, Development, Test and Evaluation	58,208,460	61,826,654	64,614,230	63,564,908	65,217,884	+7,009,424
Title V - Revolving and Management Funds	2,727,585	3,459,269	2,787,969	1,793,155	2,707,969	-19,616
Title VI - Other Department of Defense Programs	17,372,813	17,900,405	18,126,240	18,271,809	18,228,339	+855,526
Title VII - Related agencies	468,979	393,040	405,040	418,220	427,943	-41,036
Title VIII - General provisions (net)	-3,993,530	76,331	-4,087,719	-3,402,469	-6,912,179	-2,918,649
Total, Department of Defense (in this bill)	354,594,334	372,273,314	369,173,239	369,148,293	368,694,561	+14,100,227
Other appropriations	72,350,100	---	---	---	---	-72,350,100
Total DoD funding available (net)	426,944,434	372,273,314	369,173,239	369,148,293	368,694,561	-58,249,873
Scorekeeping adjustments	45,000	73,000	17,000	17,000	17,000	-28,000
Total mandatory and discretionary	426,989,434	372,346,314	369,190,239	369,165,293	368,711,561	-58,277,873

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/ House Bill reduced the FY 2004 Budget request (-119,815,000) for Chemical Agents and Munitions and transferred to Military Construction.

4/ Included in Budget under Procurement title.

Madam Speaker, I reserve the balance of my time.

Mr. MURTHA. Madam Speaker, I yield 30 seconds to the gentleman from Puerto Rico (Mr. ACEVEDO-VILÁ).

Mr. ACEVEDO-VILÁ. Madam Speaker, I just want to thank the chairman and the ranking member for the agreement they have reached on the closing of the Navy base in Puerto Rico, Roosevelt Roads.

My position all the time has been that if that was going to be the final decision, the people of Puerto Rico, the community, were entitled to all of the benefits and support that usually comes with the closure of a base. They have agreed, and I thank them very much.

Mr. MURTHA. Madam Speaker, I thank the gentleman, and I yield back the balance of my time.

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

I must say to my colleague from Puerto Rico that there is language within the bill that would require that the Secretary of the Navy close Roosevelt Roads. And, frankly, I had designed very simple language that would make sure that happened expeditiously and beyond that that there be no complications regarding work, environment, et cetera.

I know the gentleman from Puerto Rico and I have worked very closely together; but I want him to know I am very, very concerned about the language that is in this bill that is coming out of the conference. The language essentially takes us back to the BRACC process. And I am afraid, I do not want to be apologizing for this process, but I must say there is a need to ring some bells here because the people of Puerto Rico could experience the worst of all worlds with this base closing earlier than any other base in the BRACC process, but at the same time being tied to the BRACC process.

Indeed, if that is the case, a likely experience I had in my own district was where BRACC just does not work, and we could find that base sitting fallow for years. We may find ourselves 5 and 10 years from now with an empty base with a lock on the gate.

What was done in the conference, really on the part of people who are interested in changing our simple language, has not been healthy for this process. So I say to the gentleman that while we have worked together, I am very concerned right now with the result of the conference report.

Mr. ACEVEDO-VILÁ. Madam Speaker, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Puerto Rico.

Mr. ACEVEDO-VILÁ. Madam Speaker, the only thing I can assure the chairman of is that the government of Puerto Rico, the community, is already working on a plan to redevelop the base, and that we are going to be working very closely with the Federal Government just to be sure that what the chairman is afraid might happen will not happen; and, on the contrary, that we will follow the best experience in other places when a base has been shut down and sooner rather than later becomes a center for economic development and job creation. We are working on that already, following the chairman's advice.

Mr. LEWIS of California. Reclaiming my time, Madam Speaker, I must say that I had this experience in my own district with similar assurances. The BRACC process, legal challenges, and otherwise, this is 20 years later and that base is just beginning to get on its feet. So I am very, very concerned; and I appreciate working with the gentleman.

Madam Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. YOUNG), the chairman of the full Committee on Appropriations.

Mr. YOUNG of Florida. Madam Speaker, I thank the distinguished chairman of the subcommittee for yielding me this time, and I would make the usual brief congratulatory comments about the gentleman from California (Mr. LEWIS). He has done an outstanding job as the chairman, along with the ranking member, the gentleman from Pennsylvania (Mr. MURTHA). They produced a really good defense bill and we are producing this defense bill at a time when the world's attention is not national defense.

□ 1115

One of the things that I want to talk about today has to do with those who are providing for our national defense, those soldiers and sailors and airmen and Marines and Coast Guardsmen who have been deployed to Afghanistan, to Iraq, to Liberia, to wherever else the Nation decided to send them. Unfortunately, there have been casualties. Some have been killed in action, and some have been seriously wounded in action. Many Members know my wife and I visit the wounded at Walter Reed Hospital and at Bethesda Naval Hospital as often as we can, and she more than I.

Mr. MURTHA. Madam Speaker, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Madam Speaker, I just want to say that the wife of the gentleman from Florida (Mr. YOUNG) was instrumental in pointing out to me that one young man did not get a Purple Heart, so the Commandant is going to present him with a Purple Heart on Thursday, I believe. She is out there all the time, and all of us are indebted to the work that she does at the hospitals.

Mr. YOUNG of Florida. Madam Speaker, I thank the gentleman for those comments, and he is exactly right. And the gentleman from Pennsylvania (Mr. MURTHA) knows that firsthand because he spends considerable time visiting the wounded in the hospitals as well.

One of the things that I learned is when a wounded soldier or troop leaves the hospital, despite the fact that person was there because of injuries or illness based on the battle, they get a bill for $8.10 a day for the food they consumed in the hospital. That is outrageous. I could not believe that was the case, and I immediately went back to research it, and found yes, that is the law. I could not find anybody that knew where that law came from or why it was or anybody that believed we should have that law.

So we introduced a bill to repeal that charge for those who are wounded or become ill because of their deployment to the battlefield or peacekeeping mission. I thank the chairman of the subcommittee and the ranking member and all of the members of the subcommittee. They have agreed to include that bill in this conference report. So when this bill is signed by the President next week, hopefully, that terrible law that charges a wounded soldier who might have lost a leg or two legs or an eye will be repealed. He will not have to pay that $8.10 a day for the food consumed in the hospital while recuperating from those wounds.

Because it is an appropriations bill, it is only a 1-year fix, so we must continue to push for the permanent bill which has over 200 cosponsors as I speak today.

Again, I think that the subcommittee has done a great job. Maybe it is not a lot of money, but it is symbolic, an American soldier wounded in action should not have to pay for the food that they eat or consume while in the hospital recuperating.

Mr. LEWIS of California. Madam Speaker, I want to express my appreciation to the gentleman from Florida (Chairman YOUNG) for all of his efforts, and in this instance on behalf of the young men and women who are wounded, lying in hospitals, who are in many ways being unfairly treated, I say congratulations to the gentleman from Florida; and congratulations to the gentleman from Pennsylvania (Mr. MURTHA) and all of our fine staff for their fine work.

Ms. JACKSON–LEE of Texas. Madam Speaker and Ranking Member, I rise in opposition to this conference report and to the underlying bill. The conference report appropriates $368.2 billion for the Defense Department for fiscal year 2004, which is $13.1 billion more than in last year's bill and the largest overall appropriation in decades. Of these funds, the report appropriates $74 billion to weapons procurement, which is $31 billion more than the fiscal year 2003 level. Furthermore, it appropriates $65.2 billion for research and development, $7 billion more than in fiscal year 2003; $115.9 billion for operations and maintenance, $1.2 billion more than in fiscal year 2003; and $98.5 billion for personnel, which is $4.9 billion more than in fiscal year 2003.

The funds requested in this bill appear wasteful in light of the various other emergent needs that we have in our Nation today. Blackouts that occurred on August 14, 2003

revealed vulnerabilities in our Nation's critical infrastructure that require immediate attention. Money spent on munitions and research and development will not serve its purpose if there is no power to do so. The August 14, 2003, blackouts that affected the Midwest and Northeastern United States and eastern Canada caused the loss of 62,000 megawatts of electricity over 34,000 miles of high-voltage transmission lines. Given the heavy integration of this system, the breakdown caused a total loss of service in a matter of approximately 9 minutes. Our government has been on notice for some time of the vulnerabilities that the electrical infrastructure has that makes it subject to intermittent blackouts and brownouts.

Unfortunately, we have not yet ascertained the exact cause of the blackouts. However, we do know that NERC operates under reliability rules that are neither mandatory nor enforceable; hence, no one is accountable for the reliability of our electrical system. NERC was actually established in response to prior blackouts in the region. It can only advise utilities to follow voluntary rules designed to ensure the safe operation of the individual systems. During the blackout hearings, NERC testified that in 2002, there were more than 500 planning and operating violations of its voluntary rules, half of which were of a character that could have individually caused the blackouts. Now, we are in a quandary because homeland security needs necessitate the procurement of necessary funds to improve the system. We cannot afford to do a piecemeal improvement.

The President requested $87 billion from Congress to fund his plan to rebuild Iraq. It is important that we collaborate fully with respect to the House's consideration of this request. Given our express commitment to supporting our troops despite our views as to the Administration's course of action to date, we must process this request in a manner most beneficial to our Nation. With this in mind, I have expressed my thoughts as to specific action that should be taken as a precondition to our grant of $87 billion. For example, I propose that the requested funds be voted on separately by Congress as to the support of our troops and the Iraq reconstruction plan. In addition, specific measures should be taken to form a multinational coalition to support the United States and deployed troops with the help of the United Nations. Furthermore, the intelligence and WMD scandals should be properly addressed with comprehensive briefings and joint hearings. It is apparent that there are a host of very specific local and international issues that require relief through appropriations before general and unspecified appropriations for defense and counterterrorism measures be made.

Again with respect to H.R. 2658 and the conferences report, the bill contemplates large increases for Defense Department counterterrorism activities and other related programs to fight unconventional threats, including $4.5 billion procurement and development of chemical and biological defenses. I see this spending as premature and wasteful given our opportunities to enlist financial assistance from a multinational coalition to share the burden of fighting this global menace of terrorism. Furthermore, funds need to first go to supporting our troops and their families before being earmarked for unclear measures. With this in mind, I wish to ensure the passage of the extension to fiscal year 2004 of the $128 million increased imminent danger pay and family separation allowance for our troops in Iraq as well as Afghanistan otherwise known as the emergency wartime supplemental appropriations bill. Through Congress, these funds were provided temporarily in April; however, the appropriation will expire on September 30, 2003. We have clear priorities with respect to homeland security, international policy, and the fight against terrorism. I hope we do not choose to spend prematurely or ineffectively at the risk of innocent and brave soldiers and civilians.

Mr. EMANUEL. Madam Speaker, I rise today in strong support of H.R. 2658, the Department of Defense Appropriations Conference Report. I am proud to vote for this legislation that provides improved health care, more quality housing, and a pay raise for the brave men and women of the U.S. Armed Forces. I am especially pleased that this legislation gives our troops the tools they need to meet the challenges of fighting the continuing global war against terrorism and maintaining American military superiority and leadership around the world.

I am proud to report to veterans in my district that this bill also includes legislation that I recently cosponsored to stop unfairly charging soldiers for the food they eat during their hospitalization. Two weeks ago, I visited the Marines and sailors recovering at the National Naval Medical Center in Bethesda, MD. Some of those young men lost limbs or sustained other permanently disabling injuries. Many more require sustained intensive care and will have long and arduous path toward rehabilitation. I hope that all of them are promptly decorated with one of the most distinguished medals that the U.S. Armed Forces can bestow upon military personnel—the Purple Heart—for their sacrifices and valor.

Every soldier, Marine, sailor, and airman deserves the best medical care this country can provide, but they don't deserve to be billed for food and water. It is unconscionable that these heroes owe $8.10 for each day they spent in the hospital.

Madam Speaker, I was proud to cosponsor Chairman YOUNG's legislation to correct this injustice. It is the least we can do for our Nation's keepers of peace and defenders of freedom. I am pleased to vote for the fiscal year 2004 Defense Appropriations conference report and to support our valiant military personnel.

Mr. ACEVEDO-VILÁ. Madam Speaker, I would like to thank Chairman LEWIS, Ranking Member MURTHA and Members of the Senate Defense Appropriations Committee for working with me on the important yet difficult issue concerning the closure of Naval Station Roosevelt Roads. Under the fiscal year 2004 Defense Appropriations Act, the base will close in 6 months, however, closure will take place under the procedures provided under the Base Realignment and Closure Act (BRAC). The changes to the language that was approved in July by the House will enable the closure to proceed with necessary guarantees for redevelopment of this important facility. Furthermore, the conference agreement will provide economic assistance and environmental remediation as specified by BRAC.

Both Chairman LEWIS and Ranking Member MURTHA made clear that with the Inner Range of the Atlantic Fleet Weapons Training Facility (AFWTF) closed, the base would be closed under the next BRAC round, scheduled for 2005. With the language being enacted this year, this process can move forward in an expedited manner and redevelopment of the base can proceed. I believe this will provide for more immediate and necessary economic development for the region around Ceiba, Puerto Rico. Waiting for BRAC 2005 would have drawn this process out and caused unnecessary hardship for my constituents.

Therefore, I am very pleased with this outcome and the partnership I have forged with Chairman LEWIS and Ranking Member MURTHA. I look forward to working with them both in the future.

Mr. FRELINGHUYSEN. Madam Speaker, 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.''

Madam 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.

Madam Chairman, as we consider this important legislation, we must remain mindful that our young 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 lands and civilizations that are very old—Iraq and Afghanistan.

The first part of the war had Forward Air Controllers riding horseback and calling in strikes from laptop computers.

It was also a war that was fought from our ships stationed 700 miles from targets.

It was a war that utilized B–52's and B–2s and B1Bs for precision targeting, and a war that called for our troops to go from cave to cave or building to building to seek out the enemy.

More than ever, today 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 parts of the world, the leadership of the Department of Defense continues its wide-ranging transformation of the methods, missions and capabilities of our fighting forces.

In this context, America's armed forces have been charged with developing the capabilities to fight jointly and 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.

Madam 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 and yield back the balance of my time.

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

The SPEAKER pro tempore (Mrs. BIGGERT). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 407, nays 15, not voting 12, as follows:

[Roll No. 513]

YEAS—407

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Fattah
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Olver
Ortiz
Ose
Otter
Oxley
Pallone
Pascrell
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—15

Conyers
Farr
Filner
Jackson (IL)
Kucinich
Lee
McDermott
Oberstar
Owens
Paul
Sanders
Schakowsky
Stark
Waters
Woolsey

NOT VOTING—12

Bishop (UT)
Brown, Corrine
Cummings
Gephardt
Hensarling
Hinojosa
Kennedy (MN)
Lewis (GA)
Meeks (NY)
Millender-McDonald
Osborne
Pastor

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT) (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1140

Mr. OWENS and Ms. SCHAKOWSKY changed their vote from ''yea'' to ''nay.''

Messrs. GEORGE MILLER of California, WELLER, and DEFAZIO changed their vote from ''nay'' to ''yea.''

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. KENNEDY of Massachusetts. Mr. Speaker, I missed rollcall No. 513 due to technical difficulties. Had I been present, I would have voted ''yes.''

Mr. HINIJOSA. Mr. Speaker, I regret that I was unavoidably detained. Had I been present, I would have voted ''yes'' on rollcall No. 513.

Ms. CORRINE BROWN of Florida. Mr. speaker, on rollcall No. 513, agreeing to the FY 2004 Defense Appropriations Conference Report, I was unavoidably detained, and unable to make the vote. Had I been present, I would have voted ''yes.''

GENERAL LEAVE

Mr. ROGERS of Kentucky. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report to accompany H.R. 2555, and that I may include tabular and extraneous material.

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

There was no objection.

CONFERENCE REPORT ON H.R. 2555, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2004

Mr. ROGERS of Kentucky. Madam Speaker, pursuant to the rule, I call up the conference report on the bill (H.R. 2555) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 374, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of September 23, 2003, at page H 8425.)

The SPEAKER pro tempore. The gentleman from Kentucky (Mr. ROGERS) and the gentleman from Minnesota (Mr. SABO) each will control 30 minutes.

The Chair recognizes the gentleman from Kentucky (Mr. ROGERS).

□ 1145

Mr. ROGERS of Kentucky. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this is an historic day, consideration of the very first appropriations bill for the new Department of Homeland Security, which was stood up only March of this spring. This subcommittee was only stood up in March of this year, and I am very pleased with the work of our subcommittee, the committee and the Congress in bringing this bill from nowhere, no staff, offices, nothing, all the

way through the hearings and to be the very first conference to take place of all 13 bills and the very first considered by the House and on the floor at this moment. It is a record that the Congress can be proud of. It is a record that the administration can be proud of in proposing the Congress respond to the creation at the outset of a new Department of Homeland Security.

This conference agreement, Madam Speaker, will provide $29.4 billion for the new Department. That is an increase of $1 billion over what the President requested, and it is $535 million over what we are spending in the current fiscal year.

In the interest of time, I do not intend to list specific amounts proposed for the many programs and activities in the Department by the bill, but I do want to take note, Madam Speaker, of the substantial amounts of money that we have provided for homeland defense since the Nation was confronted with the ugly face of terrorism a little more than 2 years ago. I also believe it is important for us to take note of where these funds have gone.

Since September 11, 2001, governmentwide, the Congress has provided $75.8 billion for homeland security, including $43.9 billion to date just for the Department of Homeland Security. This bill provides an additional $29.4 billion, bringing the total appropriated since 9/11 to $105.2 billion governmentwide, $73.3 billion of that for just those agencies that now we include in the Department of Homeland Security.

This does not include funding, Madam Speaker, that will be provided in the other 12 appropriations bills, which could provide an additional $17.5 billion, but I want to talk just about the Department of Homeland Security and this bill.

Since September 11, here is what has been provided by the Congress for the following things: $513 million to secure our critical port facilities, including the $125 million that is in this bill; since September 11, 2001, $388 million for technology, such as radiation detectors for our ports and nonintrusive inspection technologies for cargo screening, including the $125 million in this bill for that purpose. These technologies have been deployed at our busiest land and seaports, including such places as Miami, Los Angeles and Newark.

$122 million since 9/11 has been provided for what has been called the Container Security Initiative, CSI, $62 million of that in this bill. CSI targets high-threat cargo before it comes to our ports. It has been fully funded since its inception. It is now in the process of being implemented in nearly all of the major foreign megaports so that we can search those containers before they reach America's shores.

Something I am very proud of, Madam Speaker, is the aid that we are providing for our State and local governments, the so-called first responders, our firefighters, our emergency technicians, our police and law enforcement people and the others, $20.5 billion, including the $4.2 billion that is in this bill in assistance to those people.

Madam Speaker, when we talk of homeland security, you cannot talk of that subject without talking about our hometown security, and this money is the biggest portion of the monies we appropriate for homeland defense.

Transportation security, of course, a continuing concern, but since September 11, 2001, we have provided a total of $15.7 billion, $5.2 billion in this bill, for passenger safety through the Transportation Security Administration, which was transferred to the new Department, including passenger baggage and cargo screening and the Federal Air Marshals program. $1.9 billion, including $400 million in this bill, has been spent on explosive and trace detection systems, including development, procurement and installation. This bill includes an additional $85 million just for air cargo safety, principally cargo shipped on passenger planes.

On the subject of cargo security, we dealt with a very difficult issue in conference, and that is air cargo on passenger planes. The House-passed bill included a provision that would have immediately banned airlines from carrying cargo. I would point out that 22 percent of all air cargo is shipped on passenger aircraft.

But we modified that provision in the conference and in the conference report that is before us today. In short, we do not prohibit airlines from carrying cargo. That would be an economic disaster for them. It is a $3 billion or $4-billion-a-year business for them, which would have meant, in my judgment, the death of the airlines. And we did not establish artificial deadlines that we knew could not be met.

Instead, we faced the problem head on with the reality in mind. We adopted language that directed the Secretary to immediately research, develop, procure and install certified systems that can screen cargo being placed on passenger planes at the earliest possible date. That machinery does not exist today. It has to be developed. No one knows how long that will take, but we direct the Secretary to immediately go at it without any delay and to do it at the earliest possible time.

In the meantime, this conference report requires that the Secretary of the Department enhance what is known as the known shipper program which is currently in place that prohibits high-risk cargo from being placed on passenger planes. It requires the Department to immediately issue requests for proposals on potential technologies to screen cargo, it requires the Department to conduct background checks on employees who handle cargo prior to being placed on the aircraft, and it requires the Department to launch a pilot program to use explosive detection machines in select locations to screen high-risk cargo.

I know that we will have additional debate on this issue during this debate and on the motion to recommit the bill. In the interim, I would hope that Members would actually read the conference report as it relates to cargo security. I want to read that portion of the bill. It is short and sweet and direct. I do not know how it could be more strong. We tried to find language that would be as directive and as clear as we could make it. Let me quote you the section, 521, from the conference report:

''The Secretary of Homeland Security is directed to research, develop, and procure certified systems to inspect and screen air cargo on passenger aircraft at the earliest date possible. Provided, That until such technology is procured and installed, the Secretary shall take all possible actions to enhance the known shipper program to prohibit high-risk cargo from being transported on passenger aircraft.''

There is language in the statement of managers that backs that up and requires the Secretary to immediately forthwith issue a request for proposals from the industry and the private sector to come forward with proposals to secure that equipment. The best we can do until the equipment is here, Madam Speaker, is to be sure we know who is shipping cargo on passenger planes, and if we do not know who they are, and they do not have a record of being secure, then we search every piece that is going on today, and we encourage the continuance of that. All high-risk cargo is screened for security.

Now, Madam Speaker, I want to conclude these remarks by noting that some of our colleagues here believe we should add more money to this bill. I suspect that for some, no matter how much we spend, no matter how much we add in the name of homeland security, it will never be enough. We could spend every penny we could beg, borrow or steal around the world and spend it in the name of homeland security, and it would never please some people.

I would just state my firm belief that throwing dollars at homeland security will not necessarily add to our security. What we need is a sensible plan that spends sensible sums of money on the establishment and operation of a comprehensive and complete system for protecting our Nation, and I believe this conference report is such a sensible plan.

It provides resources for the legacy functions of agencies transferred to the Department such as Customs inspections, Border Patrol, Immigration, Presidential protection, Secret Service funding, Coast Guard spending for small-boat rescue systems, buoy research and protection, fishing rights enforcement and the like. We continue spending on those things that are not directly related to homeland security.

But we continue our commitment, Madam Speaker, to first responders.

We support innovative technologies in this bill and capital investments for transportation security, for maritime safety, for the protection of critical infrastructure in the country.

In short, Madam Speaker, this conference agreement is a very good step toward a comprehensive plan for homeland security that spends sensible amounts of money. It moves us forward in leaps and bounds as we seek ways to defend the homeland and prevent future terrorist attacks.

So, Madam Speaker, I urge my colleagues to support the conference report and to reject any motions to recommit it.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, when it comes to homeland security, the rhetoric flies fast and furious. Everyone wants a safer, better-prepared America against both terror threats and natural events like Hurricane Isabel. But our actions do not always match rhetoric. In most respects, this conference report does a responsible job of allocating funds within the budget constraints we face.

□ 1200

I commend the gentleman from Kentucky (Mr. ROGERS) and the staff for their hard work and the many thoughtful decisions that are reflected in this bill. It is a clear and substantial improvement over the administration's request. I suppose one of the things Chairman ROGERS mentioned was funding for port security. And I think it is obvious that we could spend more there, but every penny that has been appropriated by Congress was money not asked for by the administration.

Let me also pay particular respect to the hardworking staff. They are hardworking, they are professional, they are competent. From the minority staff, Beth Pheto; from our committee staff, Marjorie Duske; from my personal staff, Michelle Mrdeza, Jeannie Wilson, Stephanie Gupta, Jeff Ashford, Tom MacLemore, Tammy Hughes, and Brian Dunlop. They have had a big job to do, and they have done it in a professional manner.

It is a simple fact, however, that the United States is not as well prepared as we can and should be to meet our homeland security challenges. We should do more.

Mr. Speaker, at the end of the debate I will offer a motion to recommit that is very similar to the motion to instruct conferees that this House passed overwhelmingly 2 weeks ago. By a vote of 347 to 74, the House instructed conferees to insist on the highest possible funding levels for each homeland security preparedness and disaster response program and to require screening of cargo on passenger airplanes.

This conference agreement does not do that. One troubling shortfall is first responder funding which would remain flat at the 2003 level. The House bill would have provided a 4.5 percent increase, which is $200 million more. We know from our fire chiefs, police, and other first responders that more resources for equipment and training are urgently needed. The Council on Foreign Relations independently documented these needs in its recent report, ''First Responders: Dangerously Unprepared, Drastically Underfunded.''

I might add that adding money for such things as first responders is not simply throwing money at the problem. It is a substantial need, and we need to deal with it.

But homeland security preparedness is not just about more money. Across the board we need better management at the Department of Homeland Security. We need better plans. And in some areas we need more aggressive security goals. I put screening of cargo carried on passenger planes at the top of that list.

Mr. Speaker, 374 Members voted to instruct conferees to insist on the House amendment to require the immediate screening of cargo carried on passenger planes. This conference agreement comes up short in that respect. Instead, the agreement directs Secretary Ridge to research, develop, and procure systems to screen cargo on passenger aircraft at the earliest possible date. I do not think that is strong enough. The Department shows no eagerness to address the cargo problem. We should give them a deadline to act.

I might add that I sensed no particular interest, even, in this problem by the Department until the House passed its original amendment.

Mr. Speaker, my motion to recommit would set a deadline of October 31, 2004, for the Department to implement screening of cargo on passenger planes. We know who flies on passenger planes, but we still do not trust them. We still screen their bags. The same should be done with cargo shipped on these planes.

Airlines and others have argued that screening air cargo is a technical challenge that requires much more time to develop. This argument is similar to those made prior to 9/11 about screening passenger baggage: it cannot be done. How quickly we seem to have reworked old ways of thinking.

The motion I will offer will give the Department of Homeland Security 13 months to develop and implement a plan to screen cargo carried on passenger planes. Some may argue that is not enough time. I question how long we should make the American people wait.

I would also point out that this requirement would not affect every airport. The FAA tells us that 95 percent of all cargo carried on passenger aircraft is loaded at only 44 airports.

The lack of screening of cargo on passenger planes is not the only homeland security gap that exists today, but it is a huge one. Unless we make steady progress in closing these gaps, they will exist for years to come.

Let me add that the known-shipper program is probably better than not having anything, but I might remind Members that the gentleman who shipped himself in an air cargo crate was working for a known-shipper.

The Department's oversight of this program today basically consists of a few inspectors checking paperwork at airports. It is not a serious screening program today.

So I urge the adoption of the motion to recommit.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. SABO. I yield to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I appreciate the gentleman's elaboration of what this bill does and what it does not do. I would say to the gentleman, I have a concern. As the gentleman knows, when someone who has been very much involved in the fire grant program, and focused on the fire service, not just as it relates to terrorism, but as it relates to safety in our neighborhoods and the safety of our firefighters and emergency medical response teams, am I correct that unlike the House-passed bill, we have now shifted from the fire administration, the fire grant program, into the Office of Domestic Preparedness?

Mr. SABO. Mr. Speaker, the gentleman is accurate.

Mr. HOYER. Mr. Speaker, if the gentleman will yield for another question, is the gentleman confident that having done that, that the fire grant program will not be adversely affected in terms of its focus on firefighting, firefighter safety, and emergency response capabilities?

Mr. SABO. No. Mr. Speaker, reclaiming my time, I was not an advocate of the position in the conference committee. I thought we made a mistake in changing it. To be fair, the language in the bill retains some money as a separate line item, and there is language indicating the fire chiefs and the people involved in fire should be involved in the grant-making process.

I personally have questions about taking a program that was well run where it was and shifting it to another agency. I have a concern that what will develop are people who do not know much about the program making the grants.

Mr. HOYER. Mr. Speaker, if the gentleman would further yield, I thank the gentleman for his observation. I have had an opportunity to discuss this briefly with the chairman of the subcommittee, the gentleman from Kentucky (Mr. ROGERS); and I would hope that the committee, having accepted the Senate's position, which I do not share, as I share the gentleman's view on this, will ensure that this committee program, not just for our response to terrorist activity, but in response to making sure that our firefighters and emergency medical response teams can be effective, that we can also keep them safe in the normal

day-to-day, but risky, activities in which they undertake. I thank the gentleman.

Mr. SABO. Mr. Speaker, I thank the gentleman for his concern. We clearly need continuing strong oversight of this program.

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

Mr. ROGERS of Kentucky. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, we agreed to move the firefighter assistance grants, but not the emergency management performance grants over to the Office for Domestic Preparedness. But, and this is a very important but, I would say to the gentleman from Maryland (Mr. HOYER), we include language that the fire grants have to continue to be administered ''in a manner identical to the current fiscal year''; and that means grants directly to those local fire departments, not through the States. We continue the peer review process of 300 firefighters from the new recruits to the fire chiefs, gathering to review the 15,000-plus annual applications for those monies; and we include the U.S. Fire Administration during the grant process.

We received a letter of support of that from the International Association of Fire Chiefs for the manner in which we moved those firefighter assistance grants over to ODP. So I think we have solved the problem.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. ROGERS of Kentucky. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank the gentleman for his observations. And I want to say that, although I would have agreed with the position of the gentleman from Minnesota (Mr. SABO) that it ought not to be shifted, I believe the gentleman is correct that he has tried to build in protections so that this program is not undermined. I appreciate those actions which I think certainly make this switch a more positive one than it otherwise would have been, and I thank the gentleman.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. YOUNG), the chairman of the full committee, and the gentleman who had the courage and the vision at the outset to take the lead in the Congress, both bodies, to create the new Subcommittee on Homeland Security of the Committee on Appropriations, on which the other body then followed through. That is the vision of this leader.

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman from Kentucky (Chairman ROGERS) for yielding me this time.

I wanted to, number one, congratulate him on doing a tremendous job in presenting this conference report, along with his partner, the gentleman from Minnesota (Mr. SABO), the ranking member. I know there are some differences here, but the fact of the matter is this is a good bill. This is the first real homeland security appropriations bill that the Congress has considered.

Once it became evident that our homeland was no longer totally secure from terrorism, the Congress moved quickly to establish the Department of Homeland Security, and the Congress moved quickly to establish a Select Committee on Homeland Security. But when we follow the money, which is where things happen, it was the gentleman from Kentucky (Chairman ROGERS) who brought the pieces together, who brought together all of those agencies that had control of homeland security-type responsibilities. He did just a tremendous job in identifying the needs and providing the support. He worked this bill through. It was one of the first bills that passed in the House. It is one of the first bills; in fact, it is the second bill that comes before us as a conference report. He has done a really good job. While there will be some, as the gentleman from Minnesota (Mr. SABO) pointed out, differences here, the fact of the matter is that this subcommittee can be very proud of the job that it has done.

I was able to appoint the gentleman from Kentucky (Chairman ROGERS) as chairman of this subcommittee, and I am proud of that decision. He has made the House look good. And I know that the gentleman from Wisconsin (Mr. OBEY) is very proud of his appointment of the gentleman from Minnesota (Mr. SABO) as the ranking member because he has also made the House look good. They have done a good job, and I hope that we can expeditiously pass this conference report, get it to the Senate, and get it on the President's desk.

Mr. SABO. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking Democrat on the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, the gentleman from Kentucky, the chairman of the subcommittee, indicated that this bill needed ''sensible'' amounts of money. I would say that I would agree with that, except for one thing: terrorists are not ''sensible,'' and that means that we may have to spend more money than we would like to spend in order to stop nonsensible people from terrorizing the world.

I think we need to understand exactly what this bill does, cutting through the rhetoric. This homeland security conference bill is 2.3 percent above last year's legislation. That does not even equal inflation. When the President addressed the Nation on September 7, he said, ''We will do what is necessary, we will spend what is necessary to achieve this essential victory in the war on terror to protect freedom and to make our own Nation more secure.''

□ 1215

Regrettably, Mr. Speaker, this conference report before us today does not live up to that promise made by the President just 2 weeks ago and neither do some of the President's actions. Let me give a few examples.

First, the conference report provides no funding to improve security at the perimeters or backsides of the airports.

Secondly, the conference report does not provide sufficient funding to secure ports in anything less than 20 years. Only $125 million is provided to port security grants in the conference report.

Third, this conference report does not increase funding for first responders above that provided in the previous year.

Fourth, the conference report does not provide sufficient funding to screen all cargo carried on passenger aircraft in anything close to a year. And with all due respect, the proposed conference report provides $85 million for cargo security conference. TSA Administrator Loy said he may need as much as $500 million to implement a cargo screen program.

Fifth, the conference report provides no funding for Customs to substantially increase the checking of cargo entering through our ports for weapons of mass destruction. GAO has said that the current low inspection rate makes container shipments a prime target for terrorists. Also, the screening requirement carried in the House bill for cargo carried on passenger aircraft has been weakened in the proposed conference to such an extent that it has no real meaning despite efforts of several speakers today to try to imply that something meaningful was done on this issue.

I support the gentleman from Minnesota's (Mr. SABO) pending recommittal motion because I think it is in the interest of national security to pass it.

I would also make one other observation. Words are funny things. They can be used either to clarify or obscure. The subcommittee chairman indicated in a ''Dear Colleague'' letter and again made reference on the floor today to the large amounts of money that we are supposedly spending for homeland security. He suggests, for instance, that we spent more than $75 billion since September 11. That masks the true fact that that assessment includes all of the base funding that existed before 9/11. If you are looking at the additional funding that we have provided since that time, that figure would be $33 billion, not $75 billion.

Secondly, it is not true that we provided $29 billion in additional homeland security efforts in 2004. If you subtract the base from that figure, the real figure is more like $18 billion additional funding. That is a lot of money, but given the threat, in my judgment, it is not enough.

It has also been suggested that Congress will provide an additional $8.4 billion for border and port security in 2004. Again, that figure includes the base funding that existed prior to 9/11. That is not going to help much to deal with the increased threat.

And then we are told by the chairman very often that we could spend every single dollar of the Federal budget and some of us would argue we were not spending enough. I would strongly dispute that, and I would simply ask why should we be spending more in Iraq on a per capita basis than we are spending here at home to defend our homeland from threats such as cross-border threats?

I would urge support for the Sabo recommittal motion. I think that we need every dollar contained in that motion if we are to provide adequate security to this country.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. WAMP), a very hard-working and productive member of this subcommittee.

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

Mr. WAMP. Mr. Speaker, first of all, the gentleman from Florida (Mr. YOUNG) could not have selected a better person to chair this historic Subcommittee on Homeland Security of the Committee on Appropriations than the gentleman from Kentucky (Mr. ROGERS) who is as tough as nails, very diligent, thorough, knowledgeable. I served under him on the Subcommittee on Commerce, Justice, State, Judiciary and Related Agencies of the Committee on Appropriations, and he is the right man for this task. He could not have selected a better professional staff to carry out these most important responsibilities.

We have had incredible cooperation, despite the gentleman from Wisconsin's (Mr. OBEY) words, and some of those are very well-taken and well-spoken. This is for the most part a bipartisan product where there is widespread agreement on most of the issues. We are going to differ today on some substantive issues, but we have worked together very well. And the gentleman from Minnesota (Mr. SABO) and his professional staff have done an excellent job.

This is really a great work product. When you consider the Container Security Initiative, Project Bio-Shield, some of the brand new programs that are so critical to program ramp up quickly for our homeland security needs and extend, frankly, the proverbial borders of our country around the world to protect us before it is too late, before things do come in and happen. We have made great strides very quickly.

I do not think the President could have selected a better Secretary than Tom Ridge for Homeland Security, also tough as nails, very thorough. We have had multiple hearings and done a lot of good work together. So while we differ today a little, we need to stick together in a bipartisan way to do the work of the country. This is just like national security, a whole new frontier.

Let me also say one other thing. In national security, there is the Berry amendment that says we have got to buy American products and use American vendors for these things. I want to do more. And I want it said today that we need to do more on homeland security. We need domestic producers, American manufacturers for pharmaceuticals for Bio-Shield to protect our interests. We need American companies in our manufacturing base to expand to provide the technologies and the equipment that we need to protect Americans first.

So as we move forward, let us say beginning today we will do more to strengthen this and have an amendment just like the Berry amendment, so that we can guarantee Americans that American people will be used to carry out the homeland security needs.

Mr. SABO. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore (Mr. ISAKSON). The gentleman from Minnesota (Mr. SABO) has 15 minutes. The gentleman from Kentucky (Mr. ROGERS) has 10 minutes.

Mr. SABO. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, I agree that this is, generally, a good bill. The distinguished chairman talked about containers being searched in Newark and Los Angeles. He said the Container Security Initiative will target high-threat cargo before it reaches U.S. shores.

Mr. Speaker, it only takes one weapon of mass destruction, in one container, to destroy an American city.

Mr. Speaker, this country will not be safe until every container is searched and sealed and certified by an American inspection team before it is put on a ship in a foreign port. This country will not be safe until no container can be put on that ship before it is searched and sealed by the American team in the foreign port, every container, not just the high-threat ones.

The terrorists know we will inspect the high-threat containers; so they will put the bomb in the low-threat container. We cannot depend on the good guys, that we know who the good guys are who are, long-time shippers to us. How do we know that some terrorist is not an employee of a good-guy shipper? We must spend the 6 or 7 or $8 billion a year that it will take to put an American inspection team to search every container before it is sent to our shore and the additional money to electronically go around every ship 100 miles off our shore before it is allowed into American territory or waters to make sure that there is no plutonium or enriched uranium onboard that ship. We can do that scientifically.

But until then we will not be safe. We are just nibbling at the edges with everything we are doing.

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

Mr. SABO. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, I rise both in support of the conference committee report and thank both the chairman and the ranking member for putting this together.

Obviously, we need more money. I want to raise an issue that some of my colleagues in the Harris County delegation will talk about, including the functioning of the Customs and Border Protection at Bush Intercontinental Airport in Houston.

We have problems with our wait times for our passengers up to 2 hours. It is causing many international passengers to miss their connection. The Houston Chronicle has reported twice on the growing anger of people waiting in line to clear Customs and Border Protection. Missed flights are a major problem because of the wait time. For example, one airline had over 1,000 people miss connections in one day this summer.

We need additional inspectors at Intercontinental Airport, a commitment to maintaining 100 percent the utilization of the number of authorized positions, including overtime for the inspectors who are there to cover the problem.

We have looked at the numbers in other parts of the country at international ports of entry, and we know we are lower than other areas. So we need to make sure that Customs and Border Protection makes that adjustment.

The Members from the Houston area, the nine Members will meet tomorrow again with Customs and Border Protection, and hopefully they will understand that we need to have parity and not the wait time that we are seeing for our the international passengers coming into the Houston Intercontinental Airport.

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

Mr. Speaker, let me take a few minutes to talk about another provision in the bill which I think is important and it relates to the CAPPS2 system.

TSA has been working on this system for almost a year, but there remains many unanswered questions about it. I am concerned particularly that those people who move residences a lot or do not have phone or other bills in their name, like children and some older Americans, will be singled out for further TSA screening, not based on risk, but simply because of these two factors.

I am also concerned that TSA will have no real system where passengers can correct incorrect information. The provision in the bill, which I originally offered and strongly support, requires GAO to review CAPPS2 as it exists today before funding can be obligated on a planned pilot program. TSA is allowed to test the system while GAO's review is being conducted.

The GAO's review would mirror the recommendations put forth by the Secretary of Defense and the Attorney General in the report they submitted

on May 20 on DOD's Terrorism Information Awareness Program.

It is unclear how many of these recommendations, if any, have been followed by the TSA or by the Department of Homeland Security. I suspect none. Those recommendations include testing the search tools and security of the architecture, ensuring that the system is secure from hackers, and that the proper policies and processes of the system are in place.

Mr. Speaker, I do not believe that the passenger profiling system we are using today is a sophisticated or good one. However, we as a Nation need to be very careful as we proceed.

We recently heard about further problems about the TIA where a test conducted with Jet Blue, unknown to its passengers, matched up passengers and Social Security information and allowed some of this information to become public. We need to prevent this and any aviation passenger profiling system TSA develops, and that is what this provision in the bill seeks to do.

The bill has good language, and I hope it is fully implemented and followed by TSA.

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

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. LATHAM), one of the hardest working members of our subcommittee.

Mr. LATHAM. Mr. Speaker, I thank the chairman for yielding me time.

Mr. Speaker, I rise in support of this conference agreement and urge my colleagues to do the same. I want to commend the gentleman from Kentucky (Chairman ROGERS) who has done such an outstanding job in putting together this first ever Homeland Security appropriations bill, the gentleman from Minnesota (Mr. SABO), and all the subcommittee staff for the tremendous work on this bill.

The process of structuring a new appropriations bill to address the operational needs of the 22 agencies and departments under the new Homeland Security Department has not been easy this year. It will not be easy next year either because we have to make changes to accommodate the lessons that we are going to learn.

Having watched and participated in this process, I have come to the conclusion that our approach to funding Homeland Security has been measured and judicious. We have not thrown good money after bad, but have made difficult choices in funding the different functions of this new department.

All along, I felt that the worst mistake we could make in funding this new department would be to get into a bidding war in the Congress over what faction could spend the most money on individual activities and facilities before we have a full picture of needs and capabilities.

□ 1230

There are some in this House who want to put more money in that bureau or that agency. Some of those Members are well-intentioned, while others simply want to create a political issue by forcing Members to make a choice between spending more money on one hand or appearing to be less than responsible on homeland security issues on the other. This political game is played by throwing arbitrary numbers into the public arena and then questioning the commitment to homeland security on the part of some in this body.

The time for games is over. It is time to get serious. At the end of the day, there is much room remaining for an honest debate, but not one of our constituents is served well by gaming the debate.

As we go forward in this new area of homeland security, we will make progress in sorting out priorities. In the process, we will have the benefit of the ideas and knowledge of the State and local officials from our districts around the country. That collective wisdom will serve us well.

Knowing that we have the opportunity to improve this bill over time is a good reason to be measured in the way we appropriate these funds, and again, I want to commend the chairman and ranking member and urge the Members to support this conference report.

Mr. SABO. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I thank the gentleman from Minnesota for his excellent work and, too, the gentleman from Wisconsin (Mr. OBEY).

This is a critically important bill. We are debating, we are discussing the security of the American people at home. The President says that the security of the American people at home can be enhanced by spending $5.7 billion to rebuild Iraq's electricity grid; that our security is enhanced by spending $3.7 billion to expand access to safe drinking water for Iraqis; $875 million to restore marshlands in Iraq, that helps our security; $20 million for political consultants to the Afghan Government, that helps our security; $856 million to the Iraqis for their airports, that helps our security.

But when it comes to screening cargo that goes on the passenger planes, that every American flies on, nothing. Under existing law that this administration and the Republican leadership are going to pass, we all, Americans, we have to go through security, take off everything we have got on if necessary, put our carry-on bags through, our computers, our cell phones to prove that we are not threatening that passenger plane, but on the very same plane, that cargo goes on unscreened.

We are told by the Republican leadership that we cannot afford to do it, that the technology does not exist to do it. Let me ask this: If a person's carry-on can be taken on a plane this size and be put through a device that ensures that it does not have a bomb on it, why cannot this package of cargo go through the very same screening device? What do my colleagues mean the screening device does not exist? Put this through the screening device. It is going on the same plane, except a person is going to be on the plane with their baggage. The terrorist will not be on the plane with the cargo.

What about this 16-ounce package? Not only does it not get screened if it is cargo, but there is no paperwork required. Why cannot this go through the same screening device we go through if it is going into the belly of the plane? What do my colleagues mean the screening device does not exist?

I will tell my colleagues what does not exist. The screeners do not exist. The Republican administration has laid off 6,000 screeners who could be putting this cargo through the screening device to make sure that, as it goes on the passenger planes, that the people of America, every person that flew here to Washington, D.C., to visit the Capitol, who are flying back on a plane with cargo on it that has not been screened, that has not been put through the same machine that their bags are put there.

So if you are al Qaeda, are you going to try to get through that screening device, through the two air marshals, through the metal door of the pilot's cabin, past the pilot with a gun, past all the passengers who are going to jump you if you get up in the aisle, or are you just going to go right around this machine and put your bomb on the plane unscreened because they do not want to pay to put it through that device?

We cannot spend $87 billion on top of 65 billion other dollars that we have already spent to provide security for Americans in Iraq and then say we are not going to ensure that the packages which go on passenger planes in America, that our cargo are screened.

It is at the top of the al Qaeda terrorist list. We know that the four planes that they brought down were only a small part of what their plot was, a small part of how many planes they wanted to bring down. They know what it does to the psyche of the American people, to the economy of our country. That is what terrorism is all about. It paralyzes a country. It has paralyzed us, and we have come out of it, to the credit of the American people, but we cannot allow it to happen again because we know what they are targeting.

Laying off 6,000 screeners and saying that technology does not exist is not accurate. We can put these packages through the very same screening devices. How can it consume more time to put all of us through the screening device, human beings, than it does to just put a package through? In fact, it would take less time to ensure that that cargo is screened, but the industry does not want to pay for it, cargo or airline. The Bush administration says

we do not have any money for that domestically, even though we have $87 billion for Iraqi security.

It is wrong. This bill must be defeated. We must ensure that every person flying in our country is not subject to this threat.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. SWEENEY), a very hard-working member of the subcommittee.

Mr. SWEENEY. Mr. Speaker, I thank the chairman for yielding me the time.

The gentleman from Minnesota (Mr. SABO) said earlier that rhetoric as it relates to homeland security flies fast and furious, and indeed it does, and I guess that is just reflective of what this process is and system is, and the gentleman from Massachusetts (Mr. MARKEY), who is a great friend of mine and serves on the Select Committee on Homeland Security, just made some statements that I think are great examples of that rhetoric flying fast and furious. And if the motivation is derived from frustration that we want to do more and we want to do it sooner, because indeed we do want to protect every American citizen, then I applaud him, and I think in large part that is true.

But unfortunately, Mr. Speaker, I think in large part it is not true. It is not true because it belies many of the facts that many of us have seen both on this important committee and on the Select Committee on Homeland Security as it relates to what we can do today, what technology indeed exists. And the gentleman from Massachusetts (Mr. MARKEY) makes the point that if every American passenger has to pass through a metal detector on their way to an airplane, that we ought to be sending cargo through that metal detector as a means of securing that some sort of explosive device does not exist, and that is not true.

That technology, those machines, the technology applied to current passengers is distinctly different than what is needed to ensure that cargo transportation is fully inspected. The best known package system being used now currently is the best process we have available.

This bill is an important bill to support because we put in it funding that specifically moves forward the process to develop the kinds of technology that will get us where we all want to be, and to say that we can simply do that today by spending more money is incorrect and misleading, and I do not think it is a service to what we really want to accomplish here.

If indeed we say those things to motivate DHS, the Federal Government and this government to get its priorities more focused, then that is a good thing, but let us not mislead the American people as we do that.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. GOSS), the very distinguished chairman of the House Permanent Select Committee on Intelligence.

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

Mr. GOSS. Mr. Speaker, I rise in strong support, and I wish to escalate and join in the very deep appreciation to the gentleman from Florida (Chairman YOUNG) and the gentleman from Kentucky (Chairman ROGERS) for the remarkable job they have done on a huge task in a very tough time constraint situation. This is a remarkable piece of legislation in what it accomplishes.

There is an awful lot of attention being paid to first responders in this legislation, and rightly so. That is a good thing. However, we need to make sure it is not done at the expense of good information acquisition, analysis, dissemination in a timely manner to people on the front lines, because this is our best weapon, preventing tragic terrorist attacks and the attendant tragedy that happens to Americans at home and abroad.

Good information, good information will keep our first responders out of harm's way, in fact, and reduce the chances that we will actually need to call into action. I would like to hope that the day will come when our first responders should be treated the same way as the Maytag men and women of our country. We do not have to call them because we have good information to head off trouble before it starts.

Getting good intelligence is a low-cost, high-return investment, and that is a piece that we have not completed yet. We have a foreign intelligence program. It is against the law to use it domestically. Americans do not spy on Americans. We have a new Department of Homeland Security, which this bill does a remarkable job of providing for. We now need a policy and implementing mechanics and funding to how best to deal with domestic intelligence information. That is a task that is now, it is urgent, it is for the future, it has got to be done.

I commit the Permanent Select Committee on Intelligence to work with the gentleman from Kentucky (Mr. ROGERS) and others who are interested in this task. If we do not do this, we are going to have a problem.

I certainly agree that the people who are dealing with the prevention and defense part of this are excellent, extraordinary Americans taking huge risks. If we can give them good information, we reduce their risk and allow them to have a higher success rate. That is worth the investment.

I appreciate the time.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, I rise to make two points: one, to be in strong support of this conference report.

Homeland security in this country is a massive challenge. This is a huge Nation, with so many risks. Yet we have put billions of dollars, unprecedented dollars, toward those risks. There is no question we are safer, we are, or more prepared, more focused on homeland security than ever before, and I support the chairman's efforts, which have just been dedicated to making our country safer. This bill moves that forward.

My second point is in support of that raised by my colleague from Houston (Mr. GREEN). We are having a serious problem of understaffing of the port of entry at the Bush Intercontinental Airport. It is not simply inconvenient. It is an intolerable line through Customs. It is a disruption of trade. We are losing jobs and business in the region as a result. This bill helps provide the resources.

I thank the chairman for the help to address those problems. We are meeting with the agency again tomorrow to focus their attention on this important need. We are hopeful they will listen carefully.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise in strong support of this well-crafted, bipartisan legislation, and congratulate the gentleman from Kentucky (Chairman ROGERS) and the gentleman from Minnesota (Ranking Member SABO) for a job well done.

During this debate it should be evident to everyone that the cost of securing our country is going to be astronomical. Later today I will propose an amendment to H.R. 2557, the Water Resources Development Act, which will help us raise some money for our own security needs from outside, from foreign sources. My amendment will permit us to establish a container fee on containers coming into our ports, which, of course, those fees will be paid by the overseas manufacturers, that will then be part of a fund that we can use for our own security, for some of the costs that this legislation is appropriating money for.

We need to make sure that the American people are not the only ones who bear the burden of having secure ports in our country when overseas manufacturers use them as well.

So I rise in strong support of this legislation and would ask my colleagues to consider my amendment in the upcoming legislation.

Mr. SABO. Mr. Speaker, I yield myself the balance of the time.

First, let me indicate my strong agreement with the statement of the gentleman from Florida (Mr. GOSS) that getting good information and getting it accurately out to our local units of government is incredibly important. We focus on homeland security in this bill, but clearly, some of the most important work, even more important than anything we do in this bill, is the work that is done by the Intelligence Community and the FBI to gather appropriate information.

□ 1245

And I think we are still sorting out how we get that information, even to us in Congress and to local units of government; and that remains and should remain very high on our priority list.

Mr. Speaker, I urge people to vote for the motion to recommit. Under the process of the House, there will be no separate debate on that motion after the debate concludes on this bill.

Our motion is a reasonable one. It is a problem that exists. I think we all understand that what goes into the belly of the plane is really a problem. From the earliest days of discussion of airplane security following 9/11, my initial response was that the biggest problem was not what went in the plane itself but what went into the belly of the plane.

Frankly, at one time I was not aware of the amount of cargo that was being carried. Baggage we are screening; cargo we are not. We have technology that we can use. The problem is how we put packages together and we prepackage into big containers. That gives us some trouble. We could prescreen before we repackage everything.

The Department is planning pilot projects, and clearly there is technology they are going to use. They need a prod and a push. They have basically ignored the problem. There has been no interest in the industry, no real initiative from the administration and from the Department. I do not know any other way to get their attention than by putting a deadline in a bill.

We would have had a little more time frame within a motion I offered in conference for planning and then implementation, but I could not offer that same motion here because of the limits of germaneness. So we have an amendment that is reasonable, gives them over a year to put a plan in place and to implement it. If there are problems that are real, they can come talk to us. It is after the start of the next fiscal year.

If we want to deal with the issue of cargo security and cargo screening on airplanes, the only way we are going to get action from this agency is to put a real prod to them, and that is by adopting the motion to recommit and setting a time frame for when they have to have it done.

Mr. Speaker, I urge a ''yes'' vote on the motion to recommit.

The SPEAKER pro tempore (Mr. ISAKSON). The time of gentleman from Minnesota (Mr. SABO) has expired.

Mr. ROGERS of Kentucky. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Kentucky (Mr. ROGERS) has 2 minutes.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield myself such time as I may consume.

This is a good bill. As I said before, what we are after is sensible spending on a sensible plan. We are spending a lot of money on homeland security. This bill is $29.4 billion. Is it enough? I think it is enough for the plan that we have, and I would urge the Members to support the conference report.

Now, on this issue of cargo on passenger planes, it has been beaten to death today; and there have been some irresponsible statements made, in my judgment, about it. Here are the essential facts.

Technology does not exist to x-ray the cargo going on passenger planes in those large pallets. It just does not exist. We are directing the Secretary and giving him the money immediately to go out and begin procuring that information and that kind of machinery. The money is there, and the direction is there; and we are telling him to do it posthaste, at the earliest possible date. I do not know how much more direct we could be.

In the meantime, we say we do not want any cargo going on a passenger plane from somebody we do not know about. The gentleman from Massachusetts (Mr. MARKEY) said he could send that package as a terrorist on a plane and walk away, and it would be shipped and the passenger would not be on the plane. That is not so. If you are an unknown shipper, your package does not go on the plane until we search it; actually search it. Under the known-shipper program, no cargo goes on a plane that we do not know who it is from and where it is going and all about it. That is the essential fact.

In the bill we say to enhance that system until we can get the x-ray machines in place to actually x-ray the cargo. It is the best we can do, Mr. Speaker. It is the best we can do. And we are directing the Secretary to move posthaste to get the machinery in place.

I ask my colleagues to support the bill. Before closing, I want to thank my ranking member for his great work and all the members of the subcommittee, and especially the staff, who have carried us this far. I urge adoption of the conference report and defeat the motion to recommit.

Mr. NETHERCUTT. Mr. Speaker, I rise to support the funding prices for first responders put forward by both the House and the Senate in the Homeland Security Appropriations Act for Fiscal Year 2004.

I feel especially gratified knowing that both chambers and the Administration have prioritized for this critical need by allocating resources in H.R. 2555 to solve the communication problems facing our first responders.

Already, our region has prepared the ''Puget Sound Interoperable Communications Program'' that will test and deploy new and emerging interoperability technolgies in and around the Ports of Seattle and Tacoma. This innovative program will significantly enhance the Puget Sound region's local, State and Federal first responder communication capabilities.

This particular geographic region was chosen because of its high-density population, presence of critical infrastructure, high threat areas, disparate communication systems and diverse user base. The project will be implemented throughout portions of the City of Seattle, City of Tacoma, City of Tukwila, Port of Seattle and the Port of Tacoma. This implementation will also integrate with other responder initiatives in the State.

This project will create a shared infrastructure architecture utilizing the latest advances in technology that ties public and private networks and multiple communication devices together in a secure interoperable environment.

This implementation will demonstrate that a cost effective, secure interoperability solution can be achieved by using existing equipment and off-the-shelf mobile devices. Over time, this project will be incrementally expanded and become part of the Statewide Public Safety Interoperability Program.

My colleagues and I look forward to working with the Administration and the Department of Homeland Security to help make this important program a success.

Mr. SWEENEY. Mr. Speaker, this is an important bill in order to maintain the integrity of progress in developing a system of homeland security. The Homeland Security Appropriations Act particularly does so by ensuring that in the future, when our national capacities reach requisite levels, we will be able to meet national needs and secure the requisite funding.

It has been said fast and furious rhetoric surrounds homeland security issues. I agree. It has been further stated by some that actions do not match their words. Let me suggest the disagreement is not over whether or not we should do more. I think we all agree moving forward is important. We disagree in what is doable now.

Mr. Speaker, how do we best do this while ensuring that the credibility of those expenditures are such that, as we go forward, the American people can have confidence that we are meeting the needs of our Nation in a thoughtful, capable and complete manner; without simple rhetoric, and thus without increasing waste, fraud and miscalculation?

We need better planning and response. Some Democrats have said more money is needed for first responders. The fact is we do not know the right amount or the requisite need separated from normal expenses. Further, already over $20 billion has already been invested in homeland security. Before we invest more, I contend we first create a formula based on threat, vulnerability and consequences to allocate the funds properly.

The City of New York spends $13.5 million dollars a week, $700 million a year, on extra police protection during its current state of alert. That amounts to more than $1 billion since 9/11. I am talking about the net, additional amount that New York spends to protect against terrorist attacks. One of the principle reasons many of the terrorism prevention needs are not met by many cities is because of the outdated formula applied to the vast majority of first responder funds.

The President supports a threat-based distribution of first responder funds in his National Strategy for Homeland Security, and I know from conversations I had with Homeland Security Secretary Ridge, that he also supports this approach. I hope this Congress moves quickly to enact a new threat-based formula to apply to first responders. I introduced H.R. 2512, a bill to reform the first responder formula to reflect today's reality. H.R. 2512 would

lessen the impact of allocating funds based on geography in favor of a quantitative assessment of threat information, vulnerability, and consequences. We are dealing with serious people and we need a serious formula.

I know the war in Iraq is over and the threat level has decreased since then, but we must remain vigilant in our fight against terrorism, particularly in New York.

One hundred percent screening of cargo containers is also unattainable regardless of what we spend at this time.

Mr. Speaker, we are all frustrated and want to move forward. We have to do so in a reasonable manner, not just blindly throwing money at the problem. I would like to remind every one that the other body took over one year ago to approve the bill creating the Department of Homeland Security. I am confident this bill represents the next best step and urge everyone's support.

Mr. REYES. Mr. Speaker, I am pleased to bring my colleagues' attention to one provision in the Homeland Security Appropriations Conference Report on non-intrusive inspection technology.

The conference report directs Customs and Border Protection to accelerate its efforts to complete a field test of pulsed fast neutron analysis (PFNA) technology at the Ysleta border crossing. This field test is an important part of our Nation's efforts to use next-generation technology to better secure our borders while also facilitating the flow of legitimate trade and travel.

The Departments of Defense and Homeland Security have been working to carry out field tests of the PFNA truck inspection system in Ysleta, Texas. PFNA, described in a Fortune Magazine article earlier this year as ''beyond-Superman technology,'' has the potential to enable inspectors to detect the chemical composition of articles deeply buried in a fully-loaded cargo truck. The use of such technology in interdicting explosives, chemical agents and weapons, nuclear devices, dirty bombs, drugs and other threats has the potential to prevent destruction and the loss of life.

Earlier this month, U.S. Government screeners failed to detect, for the second time in two years, a shipment of depleted uranium in a container sent by ABC News from overseas. This is distressing and frightening news. Luckily it was just a test by one of our country's premier news organizations. However, we may not be so lucky in the future. PFNA technology could help us interdict such shipments. However, before such technology can be deployed, it must obviously be tested.

This conference report recognizes the importance of these tests and further understands that they should take place without undue delays so that if PFNA proves successful in the field, it can be deployed at ports of entry and protect America against terrorist threats and other criminal activity. PFNA could be the tool that prevents a catastrophic attack and I thank the conferees, in particular, Chairman Harold Rogers, for prioritizing our efforts to test this and other cutting-edge technologies.

The SPEAKER pro tempore. All time has expired.

Without objection, the previous question is ordered on the conference report.

There was no objection.

MOTION TO RECOMMIT OFFERED BY MR. SABO

Mr. SABO. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. SABO. Mr. Speaker, I am, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. SABO moves to recommit the conference report on the bill H.R. 2555 to the committee of conference with instructions to the managers on the part of the House to insist on inclusion of (1) the highest possible level of funding for each homeland security, preparedness and disaster response program and (2) a prohibition on the use of funds in this Act to approve, renew, or implement any aviation cargo security plan that permits the transportation of unscreened or uninspected cargo on passenger planes after October 31, 2004.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

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

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

The Sergeant at Arms will notify absent Members.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on the question of agreeing to the conference report.

The vote was taken by electronic device, and there were—yeas 198, nays 226, not voting 10, as follows:

[Roll No. 514]

YEAS—198

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—226

Aderholt
Akin
Bachus
Baird
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jackson-Lee (TX)
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)

Saxton
Schrock
Sensenbrenner
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Bishop (UT)
Gephardt
Graves
Hensarling
Kennedy (RI)
Lewis (GA)
Osborne
Pastor
Rush
Sessions

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LINDER) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1313

Mrs. CUBIN, Mr. KINGSTON, and Mr. COX changed their vote from ''yea'' to ''nay.''

Mr. HINOJOSA changed his vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 8, not voting 9, as follows:

[Roll No. 515]

YEAS—417

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—8

Conyers
Flake
Hinchey
Larson (CT)
Markey
Miller, George
Paul
Stark

NOT VOTING—9

Ballenger
Bishop (UT)
Gephardt
Hensarling
LaTourette
Lewis (GA)
Osborne
Pastor
Sessions

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LINDER) (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1320

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 857

Mr. PETERSON of Minnesota. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 857.

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

There was no objection.

GENERAL LEAVE

Mr. KINGSTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report to accompany H.R. 2657, and that I may include tabular and extraneous material.

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

There was no objection.

CONFERENCE REPORT ON H.R. 2657, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2004

Mr. KINGSTON. Mr. Speaker, pursuant to the previous order of the House, I call up the conference report on the bill (H.R. 2657) making appropriations for the legislative branch for the fiscal year ending September 30, 2004, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of September 18, 2003 at page H 8385.)

The SPEAKER pro tempore. The gentleman from Georgia (Mr. KINGSTON) and the gentleman from Virginia (Mr. MORAN) each will control 30 minutes.

The Chair recognizes the gentleman from Georgia (Mr. KINGSTON).

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

Mr. Speaker, I rise today to present the legislative branch appropriations

conference report for fiscal year 2004 to the House for consideration. I want to thank the gentleman from Virginia (Mr. MORAN), ranking member, and the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Florida (Mr. YOUNG) on the committee for their work in putting together what I think is a fairly good and balanced bipartisan package. I also have to thank all the staff, Democrat and Republican staffers, for the many hours of hard work and overtime and the countless questions that they had to answer during this process.

Again, I think the bill came to a fairly good conclusion and, excluding the Senate items and the Capitol visitor center, the bill provides no increase above fiscal year 2003; and I think that is very important when we consider the deficit situation that we are in, that the legislative branch, and that would be the campus here with the offices of Congress, the Capitol Hill Police, the Government Printing Office, the Library of Congress, all of this is somewhat in line with last year; and I wish that more of our appropriation measures were that way.

Unfortunately, our friends in the other body, the Senate, they do not quite stick to the fiscal restraint that we do in the House, and they did overspend. We negotiated a lot of this back, which I was glad about; but unfortunately they still bumped up the spending a little bit more than we wanted to, and with the Senate items and the Capitol visitor center, they increased what originally left the House a little bit below last year, 1 percent below. They put it at $87 million above, but it is 2.5 percent above fiscal year 2003; and again unfortunately for Washington that is still an achievement. I wish it could be a lot less than that. But we are fighting to make sure that we are spending the taxpayers' money the way we would spend our own money.

In terms of the levels, I want to say that the staff on the legislative branch, which does work very hard, long hours, and many people do not realize it, in Congress and in Washington we tend to broad-brush every employee up here as a bureaucrat, but in fact there are a lot of entrepreneurial hard-working government employees; and I am glad to say that they will be getting their full 3.7 percent COLA and other related cost increase; so we are trying to look after our employees, which I think is very important.

I also want to note that although no increase was provided for sworn personnel at the United States Capitol Police, we have provided for 75 new civilian positions to address administration, financial, and legal personnel needs. Because of the 75 new civilian positions, this will allow 30 officers who are sworn officers to return to regular police functions and relieve them from civilian administrative functions.

It is important for our colleagues to understand that if the Capitol Police strategic plan and associated staffing plan are completed and approved by the House and the Senate, there is ample funding for emergency response to fund and hire additional sworn positions, but we want to be sure that that is merited. One of the things that is important is that the County of Fairfax, Virginia, has about 1,800 officers. Capitol Hill Police, the request actually was above 1,700, and we just have to balance it. We do not want the Capitol campus to become a police state. I already have Members asking me about the police officers standing on the top of the steps of the Capitol with machine guns in their hands, what kind of signal does that send to school kids who come here to see their Capitol building? And it is something that I hope as we move away from the shadow of 9/11 and as we continue to win the war against terrorism that we can readdress some of these things and make this again a more porous and a more open campus because this is the people's House and that should not just be a slogan. It should be something that means that the doors are open.

We on a bipartisan basis, though, are very gungho about the Capitol Hill Police and all the good work that they do to protect us in all the oddball situations that we may get into.

LEGISLATIVE BRANCH APPROPRIATIONS ACT- FY 2004
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference vs. Enacted
TITLE I - LEGISLATIVE BRANCH						
SENATE						
Payments to Widows and Heirs of Deceased Members of Congress						
Gratuities, deceased Members	150	---	---	---	---	-150
Expense allowances:						
Vice President	20	20	---	20	20	---
President Pro Tempore of the Senate	20	20	---	20	20	---
Majority Leader of the Senate	20	20	---	20	20	---
Minority Leader of the Senate	20	20	---	20	20	---
Majority Whip of the Senate	10	10	---	10	10	---
Minority Whip of the Senate	10	10	---	10	10	---
President Pro Tempore Emeritus of the Senate	8	8	---	8	8	---
Chairman of the Majority Conference Committee	5	5	---	5	5	---
Chairman of the Minority Conference Committee	5	5	---	5	5	---
Chairman of the Majority Policy Committee	5	5	---	5	5	---
Chairman of the Minority Policy Committee	5	5	---	5	5	---
Subtotal, expense allowances	128	128	---	128	128	---
Representation allowances for the Majority and Minority Leaders	30	30	---	30	30	---
Total, Expense allowances and representation	158	158	---	158	158	---
Salaries, Officers and Employees						
Office of the Vice President	1,949	2,028	---	2,028	2,028	+79
Office of the President Pro Tempore	518	539	---	539	539	+21
Office of the President Pro Tempore Emeritus	150	156	---	156	156	+6
Offices of the Majority and Minority Leaders	3,094	3,220	---	3,220	3,220	+126
Offices of the Majority and Minority Whips	2,042	2,324	---	2,324	2,324	+282
Committee on Appropriations	11,266	12,799	---	12,799	12,799	+1,533
Conference committees	2,610	2,716	---	2,716	2,716	+106
Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority	648	674	---	674	674	+26
Policy Committees	2,724	2,834	---	2,834	2,834	+110
Office of the Chaplain	315	327	---	327	327	+12
Office of the Secretary	17,079	18,299	---	18,299	18,299	+1,220
Office of the Sergeant at Arms and Doorkeeper	43,161	48,291	---	45,789	45,789	+2,628
Offices of the Secretaries for the Majority and Minority	1,410	1,468	---	1,468	1,468	+58
Agency contributions and related expenses	30,075	32,134	---	32,134	32,134	+2,059
Total, Salaries, officers and employees	117,041	127,809	---	125,307	125,307	+8,266
Office of the Legislative Counsel of the Senate						
Salaries and expenses	4,581	4,768	---	4,843	4,843	+262
Office of Senate Legal Counsel						
Salaries and expenses	1,176	1,222	---	1,222	1,222	+46
Expense Allowances of the Secretary of the Senate, Sergeant at Arms and Doorkeeper of the Senate, and Secretaries for the Majority and Minority of the Senate: Expenses allowances	12	12	---	24	24	+12
Contingent Expenses of the Senate						
Inquiries and investigations	109,450	118,462	---	118,462	118,462	+9,012
Expenses of United States Senate Caucus on International Narcotics Control	520	520	---	520	520	---
Secretary of the Senate	7,077	1,700	---	2,265	2,265	-4,812
Sergeant at Arms and Doorkeeper of the Senate	114,423	149,969	---	136,843	135,243	+20,820
Miscellaneous items	18,355	19,268	---	18,425	18,425	+70
Senators' Official Personnel and Office Expense Account	290,161	322,061	---	310,000	310,000	+19,839
Official Mail Costs						
Expenses	300	300	---	300	300	---
Total, Contingent expenses of the Senate	540,286	612,280	---	586,815	585,215	+44,929
Total, Senate	663,404	746,249	---	718,369	716,769	+53,365

LEGISLATIVE BRANCH APPROPRIATIONS ACT- FY 2004
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference vs. Enacted
HOUSE OF REPRESENTATIVES						
Salaries and Expenses						
House Leadership Offices						
Office of the Speaker	1,979	2,048	2,048	2,048	2,630	+651
Office of the Majority Floor Leader	1,899	1,965	1,965	1,965	1,965	+66
Office of the Minority Floor Leader	2,309	2,390	2,390	2,390	2,756	+447
Office of the Majority Whip	1,624	1,684	1,684	1,684	1,684	+60
Office of the Minority Whip	1,214	1,259	1,259	1,259	1,259	+45
Speaker's Office for Legislative Floor Activities	446	460	460	460	460	+14
Republican Steering Committee	834	862	862	862	862	+28
Republican Conference	1,397	1,448	1,448	1,448	1,448	+51
Democratic Steering and Policy Committee	1,490	1,542	1,542	1,542	1,542	+52
Democratic Caucus	741	768	768	768	768	+27
Nine minority employees	1,337	1,380	1,380	1,380	1,380	+43
Training and Program Development:						
Majority	290	290	290	290	290	---
Minority	290	290	290	290	290	---
Cloakroom Personnel:						
Majority	340	354	354	354	404	+64
Minority	340	354	354	354	404	+64
Subtotal, House Leadership Offices	16,530	17,094	17,094	17,094	18,142	+1,612
Members' Representational Allowances Including Members' Clerk Hire, Official Expenses of Members, and Official Mail						
Expenses	476,536	523,454	514,454	514,454	514,454	+37,918
Committee Employees						
Standing Committees, Special and Select	114,421	107,558	106,058	106,058	107,188	-7,233
Committee on Appropriations (including studies and investigations)	24,200	24,926	24,926	24,926	24,926	+726
Subtotal, Committee employees	138,621	132,484	130,984	130,984	132,114	-6,507
Salaries, Officers and Employees						
Office of the Clerk	20,032	19,387	18,632	18,632	19,452	-580
Office of the Sergeant at Arms	5,097	6,471	5,471	5,471	5,471	+374
Office of the Chief Administrative Officer	105,363	123,053	113,141	113,141	111,141	+5,778
Office of the Inspector General	3,947	4,147	3,847	3,847	3,847	-100
Office for Emergency Planning, Preparedness and Operations	6,000	6,000	5,000	5,000	5,200	-800
Office of General Counsel	894	926	926	926	926	+32
Office of the Chaplain	149	153	153	153	153	+4
Office of the Parliamentarian	1,464	1,560	1,560	1,560	1,560	+96
Office of the Parliamentarian	(1,279)	(1,363)	(1,363)	(1,363)	(1,363)	(+84)
Compilation of precedents of the House of Representatives	(185)	(197)	(197)	(197)	(197)	(+12)
Office of the Law Revision Counsel of the House	2,168	2,263	2,263	2,263	2,263	+95
Office of the Legislative Counsel of the House	5,852	6,233	6,233	6,233	6,233	+381
Corrections Calendar Office	915	948	948	948	---	-915
Office of Interparliamenary Affairs	---	---	---	---	500	+500
Other authorized employees	146	150	150	150	150	+4
Technical Assistants, Office of the Attending Physician	(146)	(150)	(150)	---	(150)	(+4)
Subtotal, Salaries, officers and employees	152,027	171,291	158,324	158,324	156,896	+4,869
Allowances and Expenses						
Supplies, materials, administrative costs and Federal tort claims	3,384	3,975	3,975	3,975	3,975	+591
Official mail for committees, leadership offices, and administrative offices of the House	410	410	410	410	410	---
Government contributions	172,673	190,240	188,533	188,533	187,783	+15,110
Miscellaneous items	690	690	690	690	690	---
Subtotal, Allowances and expenses	177,157	195,315	193,608	193,608	192,858	+15,701
Total, Salaries and expenses	960,871	1,039,638	1,014,464	1,014,464	1,014,464	+53,593
Total, House of Representatives	960,871	1,039,638	1,014,464	1,014,464	1,014,464	+53,593

LEGISLATIVE BRANCH APPROPRIATIONS ACT- FY 2004
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference vs. Enacted
JOINT ITEMS						
Joint Congressional Committee on Inaugural Ceremonies	---	---	---	1,250	1,250	+1,250
Joint Economic Committee	3,658	3,988	3,805	3,988	3,988	+330
Joint Committee on Taxation	7,593	8,112	8,112	8,112	8,112	+519
Office of the Attending Physician						
Medical supplies, equipment, expenses, and allowances	2,981	2,236	2,236	2,236	2,236	-745
Capitol Guide Service and Special Services Office	3,035	3,511	3,511	3,511	3,511	+476
Statements of Appropriations	30	30	30	30	30	---
Total, Joint items	17,297	17,877	17,694	19,127	19,127	+1,830
CAPITOL POLICE						
Salaries	174,533	218,268	189,913	207,000	197,600	+23,067
General expenses	27,917	72,242	21,917	33,000	23,500	-4,417
Wartime supplemental	37,758	---	---	---	---	-37,758
Total, Capitol Police	240,208	290,510	211,830	240,000	221,100	-19,108
OFFICE OF COMPLIANCE						
Salaries and expenses	2,157	2,518	2,255	2,255	2,255	+98
CONGRESSIONAL BUDGET OFFICE						
Salaries and expenses	31,892	33,993	33,820	33,612	33,820	+1,928
ARCHITECT OF THE CAPITOL						
Capitol Buildings and Grounds						
General administration	58,957	158,570	84,513	71,697	77,053	+18,096
Capitol building	32,985	52,368	23,307	27,777	28,188	-4,797
Capitol grounds	8,302	6,986	6,886	6,986	6,886	-1,416
Senate office buildings	64,449	66,063	---	63,388	63,388	-1,061
House office buildings	60,564	66,779	54,564	54,564	62,816	+2,252
Capitol Power Plant	128,671	106,557	85,943	93,379	85,943	-42,728
Offsetting collections	-4,371	-4,400	-4,400	-4,400	-4,400	-29
Net subtotal, Capitol Power Plant	124,300	102,157	81,543	88,979	81,543	-42,757
Library buildings and grounds	37,277	47,108	34,750	41,620	39,159	+1,882
Capitol police buildings and grounds	63,885	2,970	3,308	3,308	3,308	-60,577
(Transfer out)	---	---	---	---	(-12,000)	(-12,000)
Botanic garden	6,063	10,919	6,062	6,239	6,189	+126
Capitol Visitor Center	---	47,800	---	47,800	36,839	+36,839
(By transfer)	---	---	---	---	(12,000)	(+12,000)
Total, Capitol Visitor Center	---	(47,800)	---	(47,800)	(48,839)	(+48,839)
Total, Architect of the Capitol	456,782	561,720	294,933	412,358	405,369	-51,413
LIBRARY OF CONGRESS						
Salaries and expenses	361,644	380,386	366,520	367,539	370,897	+9,253
Authority to spend receipts	-6,850	-6,850	-6,850	-6,850	-6,850	---
Subtotal, Salaries and expenses	354,794	373,536	359,670	360,689	364,047	+9,253
Copyright Office, salaries and expenses	38,971	48,290	47,290	48,290	48,290	+9,319
Authority to spend receipts	-29,472	-29,664	-29,664	-29,664	-29,664	-192
Subtotal, Copyright Office	9,499	18,626	17,626	18,626	18,626	+9,127
Congressional Research Service, salaries and expenses	88,250	96,267	93,590	91,726	91,726	+3,476
Books for the blind and physically handicapped, Salaries and expenses	50,632	51,706	51,706	51,706	51,706	+1,074
Total, Library of Congress	503,175	540,135	522,592	522,747	526,105	+22,930
GOVERNMENT PRINTING OFFICE						
Congressional printing and binding	89,557	91,111	91,111	91,111	91,111	+1,554

LEGISLATIVE BRANCH APPROPRIATIONS ACT- FY 2004
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference vs. Enacted
Office of Superintendent of Documents						
Salaries and expenses	29,468	34,456	34,456	34,456	34,456	+4,988
Government Printing Office Revolving Fund	---	10,000	5,000	10,000	10,000	+10,000
Total, Government Printing Office	119,025	135,567	130,567	135,567	135,567	+16,542
GENERAL ACCOUNTING OFFICE						
Salaries and expenses	456,031	472,627	464,539	468,118	466,328	+10,297
Offsetting collections	-2,980	-6,006	-6,006	-6,006	-6,006	-3,026
Total, General Accounting Office	453,051	466,621	458,533	462,112	460,322	+7,271
OPEN WORLD LEADERSHIP CENTER						
Payment to the Open World Leadership Center Trust Fund	---	14,815	13,000	14,000	13,500	+13,500
CENTER FOR RUSSIAN LEADERSHIP DEVELOPMENT						
Payment to Russian Leadership development Trust Funds	12,915	---	---	---	---	-12,915
TITLE II - GENERAL PROVISIONS						
John Stennis Center	298	---	---	---	---	-298
Congressional Award Act	248	---	---	---	---	-248
Grand total	3,461,323	3,849,643	2,699,688	3,574,611	3,548,398	+87,075

FY 2003 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT
(Amounts in thousands)

	President Request 1/	House Mark	Senate Pass	Conference	Conference vs. Request
FISCAL YEAR 2003 EMERGENCY SUPPLEMENTAL					
CHAPTER 1					
THE JUDICIARY					
Courts of Appeals, District Courts, and Other					
Judicial Services					
Salaries and Expenses	12,187	12,187	---	12,187	---
Defender Services	17,228	17,228	---	17,228	---
Fees of Jurors and Commissioners	2,778	2,778	---	2,778	---
Total, Chapter 1	32,193	32,193	---	32,193	---
CHAPTER 2					
DEPARTMENT OF DEFENSE - CIVIL					
Department of Army					
Corps of Engineers - Civil					
Flood control and costal emergencies	---	60,000	10,000	60,000	+60,000
CHAPTER 3					
DEPARTMENT OF HOMELAND SECURITY					
Emergency Preparedness and Response					
Disaster relief fund	1,550,000	1,550,000	1,550,000	441,700	-1,108,300
Note: $983,600 appropriated in July supplemental					
CHAPTER 4					
DEPARTMENT OF INTERIOR					
Bureau of Land Management					
Wildland fire management:					
Fire suppression operations	36,000	36,000	61,000	36,000	---
United States Fish and Wildlife Services					
Resource management	---	5,000	---	5,000	+5,000
RELATED AGENCIES					
DEPARTMENT OF AGRICULTURE					
Forest Service					
Wildland fire management:					
Fire suppression operations	253,000	283,000	253,000	283,000	+30,000
Total, Chapter 4	289,000	324,000	314,000	324,000	+35,000
CHAPTER 5					
INDEPENDENT AGENCIES					
National Aeronautics and Space Administration					
Human Space Flight	50,000	50,000	50,000	50,000	---
Corporation for National and Community Service					
National and Community Service Programs					
Operating expenses	---	---	100,000	---	---
Total, Chapter 5	50,000	50,000	150,000	50,000	---
CHAPTER 6					
GENERAL PROVISIONS					
CCC tree assistance program (sec. 3602)	---	9,700	---	9,700	+9,700
CCC Mormon cricket infestation (sec. 3603)	---	---	20,000	20,000	+20,000
DoED special education (sec. 3611)	---	-500	---	-500	-500
DoEd special education (sec. 3612)	---	500	---	500	+500
DoEd (transfer out) (sec. 3613)	---	---	(-4,353)	(-4,400)	(-4,400)
DoEd rehabilitation services (by transfer) (sec. 3613)	---	---	(4,353)	(4,400)	(+4,400)
Total, Supplemental on Legislative Branch bill	1,921,193	2,025,893	2,044,000	937,593	-983,600
Total, Supplemental passed in July	---	---	---	983,600	+983,600
Total, Supplemental	1,921,193	2,025,893	2,044,000	1,921,193	---

1/ Reflects $32,193 requested for Judiciary items on September 12.

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

Mr. MORAN of Virginia. Mr. Speaker, I yield myself 8½ minutes.

I rise, regretfully, to say that I have a problem with this legislation. But my issue is not with title I or title II of the conference agreement, the legislative branch appropriations bill. I do not have any problem with that appropriations billing. It is actually a good bipartisan bill and a final conference agreement. In fact, the conference agreement went very quickly, as did the markup on the bill itself, done in a bipartisan manner. My problem is with the third title of the bill which provides additional supplemental funds for wildland fires, NASA's Columbia Space Shuttle disaster, and emergency natural disaster assistance. But I agree with the gentleman from Georgia (Mr. KINGSTON) that the legislative branch titles are worthy of bipartisan support. The third title, though, should be sent back to conference.

While the discretionary caps made the legislative branch appropriation bill tight, the chairman and the subcommittee acted appropriately with the funds that we had available. We are just $87 million above last year's funding level. The legislative branch agencies and offices will be able to support and improve the operations of the legislative body. The agreement does not shortchange our security needs. It provides tight but sufficient amounts for Members' offices and legislative branch agencies. Sufficient funds have been provided to cover all mandatory expenditures, and the budget assumes a full 3.7 percent COLA increase.

The architect will have the funds to complete the visitors center, but with greater oversight and accountability. The bill also supports and respects the men and women in law enforcement who serve on the Capitol Police force. I know that they have toiled under very stressful and difficult circumstances. At the same time, we all need to live within the constraints of our allocation. Since the terrible events of September 11, the Capitol Police have seen their manpower grow by 37 percent. In this bill, the police have funds to hire an additional 75 new civilian positions. Upon completion of a strategic plan and committee approval, additional sworn officers may also be hired. In this agreement the current complement of officers will receive full funding for overtime pay for the Capitol Police. The COLA increase, the longevity differential, the special training, the specialty pay, and the other recruitment and retention incentives are all preserved and fully funded in this bill. The employees and the agencies that work for us are essential if we want this great experiment in democracy to perform well.

Mr. Speaker, the conference agreement before us today is a sound and responsible measure. When we concluded the conference last Wednesday, September 17, we had a good agreement.

□ 1330

Hurricane Isabel changed that. The funds the agreement provides in Title III, the emergency supplemental funds for disaster assistance, are insufficient.

On this issue, I have to elaborate further. Just a few days ago, we had a very damaging hurricane, Hurricane Isabel it was called. Tragedy struck. Lives were lost, thousands of homes were damaged, businesses ruined, and daily conveniences and routines were greatly disrupted. Seven days later thousands of families and hundreds of businesses are still without power.

My hat goes off to the local fire, police, and emergency response crews that have responded in every way possible. It goes to the Red Cross, the thousands of volunteers, and to all the great neighbors who lent a hand clearing debris, cooking meals, and providing shelter.

I also want to express my appreciation to the people at FEMA, the Federal Emergency Management Agency. They and the Small Business Administration have put in long hours responding to urgent needs. I met those Federal officials firsthand. We have toured the businesses and homes. We have talked about the local residents. I know that many of my colleagues have done the same who were also very adversely affected by Hurricane Isabel.

There are some real tragedies out there, but everyone is doing their part and then some; that is, with the exception of the Congress if we do not provide sufficient funds.

The conference agreement that is now before us fails to provide an appropriate or adequate amount of money to replenish the disaster assistance fund. So far this year there have been 62 disaster and emergency declarations.

In its supplemental request the White House stated that this has been the most costly and deadly tornado season in years. And the National Weather Service hurricane outlook suggests that disaster costs for the hurricane season we just entered could be much higher than anticipated.

We now know that the disaster costs for the hurricane season are higher than the Bush administration anticipated. For fiscal year 2003, which is going to conclude in a few days, the Congress originally appropriated $776 million for disaster relief. The President released another $500 million in emergency funding that was appropriated in fiscal year 2002, and the Congress appropriated another $983 million in the August supplemental. So a total of $2¼ billion has been provided for disaster relief this year.

Historical obligations, though, for the disaster relief program, not including major disasters, have averaged a total of $2.9 billion per year on average for the last 5 years. If we provide the $441.7 million in funds contained in this conference report for disaster relief, we will have only provided $2.7 billion in 2003, or $200 million less than the historic averages, never mind the additional funding that is now needed for Hurricane Isabel.

It is too early for FEMA and the Department of Homeland Security to tell us how much Hurricane Isabel will cost, but they can point out to us the cost of disasters in the past similar to Isabel. We have the record for Hurricanes Floyd and Fran. FEMA spent about $700 million on each hurricane.

If we were to provide the $1.5 billion included in the Senate bill instead of the amount that is in the conference report, we would be providing at least some funding for Hurricane Isabel that we know is going to be needed.

So, what we have here is a low-balling of estimates in this very conference report. This conference report, within days of Hurricane Isabel, low-balls the estimates we know that FEMA is going to have to spend. That has happened in too many cases.

We should not, cannot tell disaster victims to wait until we take up the next supplemental. There is no reason why we should not do it today, provide adequate money. Today's backlog, we are now told, is $300 million. FEMA admits that it has restrictions on the disaster relief activity that is being funded. Any funding, for example, needed beyond the current month is not being provided. So we should not make those that have been disrupted by Hurricane Isabel and other disasters wait for that funding.

The disruptions are not just limited to residents and businesses either. In a strange twist of irony, it has even affected an agency within the Department of Homeland Security. Staff tells us they just got notification that the United States Coast Guard headquarters building has experienced severe electrical and infrastructure problems due to Hurricane Isabel. Coupled with flooding, fire, main system and sanitation problems, Coast Guard headquarters remains closed to all but essential personnel for the foreseeable future.

We should see to it that the Coast Guard's disaster problems are quickly fixed, as well as those of our constituents.

So I urge Members to support this motion to recommit. It is timely, it is necessary, it is appropriate, and it is the least we can do for families who have lost so much in the last few days.

Mr. KINGSTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. YOUNG), the distinguished chairman of the Committee on Appropriations.

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman for yielding me time.

I want to congratulate the gentleman from Georgia (Chairman KINGSTON) on doing a fine job, a very good job, on this legislative branch appropriations bill. This is the first conference report of the gentleman from Georgia (Chairman KINGSTON) as a subcommittee chairman, and I would like for our colleagues to know that he provided valuable and effective oversight of all of

the legislative branch accounts, which is what he should have done. He did a really good job at it, along with the gentleman from Virginia (Mr. MORAN), the ranking member. He was very much of a partner through the process. While we do have a little difference on the part of the bill that I am going to talk about, it is not that big a difference, I do not think.

But I thank the chairman for being willing to include in his conference report the supplemental, the mini-supplemental, that we dealt with early on. In fact, the Committee on Appropriations considered it back in July, and it is included as a part of this conference report. Disaster relief funds, which have been discussed, total $442 million in this bill. That is in addition to the $983.6 million that we passed back in July. So there is a substantial amount for FEMA already being appropriated here.

There is $319 million for wildland fire management. As we know, we had severe fires this year, especially in the West. There is $50 million for NASA to deal with the *Columbia* disaster; $32 million for costs of the courts, for the judicial branch of government; and $60 million for the flood control activities of the Army Corps of Engineers.

So we worked hard on this supplemental to make it something that we thought that the House would be willing to support, and that would primarily meet the needs of the United States as a supplemental, in addition to all of the regular appropriations bills that we have passed or are in the process of passing.

So, again, I want to thank the chairman for allowing us to use his bill as a vehicle for this supplemental, this mini-supplemental. We can get the decks cleared, because we have a $87 billion request that we will be starting to deal with this afternoon at 2 o'clock. We have a hearing with Ambassador Bremer and General Abizaid.

The Subcommittee on Defense this weekend is on its way to Iraq to do the investigations they feel compelled to do, and they will follow up with hearings back home when they return. There will then be additional hearings next week with the State Department. So we are going to vet this $87 billion request as effectively as we can.

We believe it is in the best interests of the President, the best interests of the effort against terrorism, and in the best interests of our colleagues in the Congress to get as many answers as we possibly can on the major questions surrounding this $87 billion request. So that is under way, and I would like to get the deck cleared on this bill so that we can be free to give our full attention to the $87 billion request.

Mr. MORAN of Virginia. Mr. Speaker, I yield myself 5 seconds to bear in mind that while we are looking at $87 billion on top of another $80 billion already provided for Iraq, what we are asking for here is well less than $1 billion for our own people. I know we are mixing apples and oranges a little bit, but not necessarily in the perspective of the American people.

Mr. Speaker, I yield 4 minutes to the gentleman from North Carolina (Mr. PRICE).

(Mr. PRICE of North Carolina asked and was given permission to revise and extend his remarks.)

Mr. PRICE of North Carolina. Mr. Speaker, once again we are considering a supplemental appropriations bill that ignores the crisis affecting many of our community service organizations around the country.

Before the August recess, this House, at the insistence of the Republican leadership, sent the other body a take-it-or-leave-it supplemental package that omitted the $100 million the other body proposed for AmeriCorps. That omission, unfortunately, remains in this conference report.

Failing to provide this funding will deny hundreds of faith-based and community-based organizations around the country many of the AmeriCorps positions they depend on. We are talking about groups like Habitat for Humanity, Teach for America, and hundreds of homegrown programs in the districts of everyone here that make a difference every day.

For some organizations that depend on AmeriCorps, unfortunately, the damage is already done. But for others, an infusion of funding to support additional volunteers could still make a difference between the elimination or weakening of a program and sustaining and building their efforts to support our communities.

Without this funding, AmeriCorps will see its numbers reduced by something like 40 percent overall to around 30,000 participants.

Every Member, Mr. Speaker, of the legislative branch appropriations subcommittee in the other body favored this funding for AmeriCorps. It had the support of Chairman STEVENS and the support of Senator BOND, the chairman of the subcommittee with jurisdiction over AmeriCorps. The other body voted to sustain this AmeriCorps funding by a strong bipartisan vote of 71 to 21.

These faith-based and community-based groups are doing good works in our communities on a daily basis, and it should shame this House to let them down. This conference report is another missed opportunity; in fact, it is a missed obligation, because we owe it to the community and faith-based groups who depend on AmeriCorps volunteers to help them sustain the programs on which our communities depend.

Mr. Speaker, the supplemental appropriation attached to the legislative branch bill has a second glaring weakness, and this is one which Members will have an opportunity to remedy in just a few minutes. The gentleman from Virginia (Mr. MORAN) will be offering a motion to recommit the bill with instructions to include the level of funding provided in the Senate bill for disaster relief.

Mr. Speaker, North Carolina is again facing the daunting challenge of recovering from a major hurricane that has devastated our coast, caused major damage to homes and public facilities, and displaced thousands of families. Other States, including Virginia and Maryland, have been severely affected and are counting on Federal disaster programs to help them recover.

FEMA personnel are on the ground as we speak doing what they do so expertly, providing relief to the victims and initiating an assessment of the damage. It is our job to make sure the disaster relief account has sufficient resources to ensure that once the assessments are complete, relief funding can quickly flow to those in need.

The supplemental we are considering today provides only $442 million for disaster relief, the level recommended by the House, while the Senate proposed $1.55 billion. Some may argue that $442 million is enough, but that is not correct. When combined with the money we appropriated in late July, it will still fall short of what the administration initially requested, $1.55 billion. And the administration request was meant to cover disasters we already knew about, not Hurricane Isabel.

The Homeland Security bill for next year contains $1.8 billion for disaster relief, but I can guarantee you that this amount will not be enough to carry us through the coming fiscal year, and we still have several weeks of hurricane season to get through this year.

Now, when the disaster relief account begins to get low, FEMA is obliged to slow the relief funding flow to victims of existing disasters because they just do not know what new disaster might be around the corner. We should not, Mr. Speaker, put FEMA in that position. Let us not put the victims of Hurricane Isabel in that position, the position of unnecessarily having to wait for the disaster relief they urgently need.

I urge my colleagues to support the motion to recommit to be offered by the gentleman from Virginia (Mr. MORAN) later today, so that timely relief for the victims of Hurricane Isabel can be assured.

Mr. KINGSTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. LAHOOD).

□ 1345

Mr. LAHOOD. Mr. Speaker, first of all, I want to say a special thanks to the chairman of the subcommittee, the Subcommittee on Legislative, for the first time in really trying to exert a tremendous amount of leadership in getting his arms around the Capitol visitors center. I think for the first time, the Subcommittee on Legislative has taken some jurisdiction over this very, very significant expenditure and maybe the biggest construction project to go on since the constructing of the Capitol itself. The gentleman from Georgia (Mr. KINGSTON) deserves a lot

of credit for really trying to make sure that the money that is needed is there, but also to make sure that we are not really overspending, and really trying to get his arms around a very important project that I think people on this subcommittee have paid little attention to. And I think a pretty loud message has been sent that the Subcommittee on Legislative is going to take a great deal of interest in this issue, watch it very carefully, and work closely with the Architect and others in leadership to make sure it is done correctly. So I applaud the gentleman from Georgia for his efforts.

This bill is probably not the most dramatic appropriations bill that we will pass of the 13, but I would urge every Member to vote for it, because it is the bill that keeps this beautiful Capitol running. It is the bill that pays for all of the staff people, all of the people who get little or no thanks for keeping this beautiful Capitol open, for making sure that visitors are warmly welcomed, to making sure that visitors are safe when they come to the Capitol complex, to making sure that Members' words are taken down correctly and printed the next day; to all of the things that go on under this dome, both in the House and in the other body.

And we give little credit and should give a lot more credit to the people who make this institution run. Frankly, it is not the Members; we do not deserve that much credit. It is the people that are here 24/7 in many instances that keep this great institution running. That is what this bill is about. It is about making sure that these people who do the hard work to make us look good and keep this facility running, they are the ones who really deserve the credit; and we pay them a certain amount of credit by passing this bill today and making sure that they have the money that is needed to keep this great institution running. Not only this House, but the other body.

So I congratulate all of the people who work in the House and the other body, all of the law enforcement people who secure this facility whom we take so much for granted.

The other thing I want to say is this bill includes a pet project of mine that I hope some day will be a reality, and that is some kind of a health fitness center for our employees. Those of us who are Members of this body benefit from an ability to have a health fitness center. Those who work in this body and in the other body do not have that same kind of health fitness opportunity, and we should create it for them. We should give our staff who work long hours the opportunity to remain healthy, to stay healthy, and to have the opportunity to do it right here on this campus. This bill continues to include our opportunity to do that for all of the employees who work in the House and in the other body.

We talk a lot around here about obesity and fitness. Well, what we are trying to do in the legislative branch bill is to make sure that there is a plan somewhere on this campus to take care of all of the people who work on this campus; and I am pleased that there is language to continue that process, as I see the Parliamentarian and others buttoning up their coats. They are the ones that need this opportunity, and we want to make sure we provide it.

So in any event, I thank the chairman for his leadership. This is a good bill. Every Member should vote for it. Even if the motion to recommit does not pass, the ranking member should have the leadership to persuade his Members to vote for this so we can keep the lights on.

Mr. MORAN of Virginia. Mr. Speaker, first of all, I want to tell my friend from Illinois that the ranking member fully intends to vote for the bill; it is just such an attractive bill, but they loaded it down with the baggage of a flawed supplemental.

Mr. Speaker, I yield 1½ minutes to the gentleman from Minnesota (Mr. SABO).

Mr. SABO. Mr. Speaker, I say to the gentleman from Illinois (Mr. LAHOOD), he has convinced me; and to the gentleman from Northern Virginia, he convinced me also that he has a very good motion to recommit to add some money for FEMA, $1.1 billion, I understand.

I, for one, had concerns when we created the Department of Homeland Security and put FEMA in it that it would mean that what was a very efficient, small, responsive governmental agency would get lost in the maze of the new Department. And in some ways, and especially as it relates to funding, I think that has happened. FEMA's funding had been allowed to dip to a very low level, down to $44 million, before the administration insisted to Congress that they should have some supplemental funding. This is not good for the program or for the country, to have such low balance.

The gentleman from Virginia's (Mr. MORAN) motion to recommit would put the disaster relief program back on sound financial footing. So I would urge Members to vote for the Moran motion and do good things for the country and do good things for FEMA.

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

Mr. Speaker, I wanted to bring up what the gentleman from Illinois (Mr. LAHOOD) had mentioned too on the Capitol visitors center. This committee, on a bipartisan basis, has taken a real close look at the Capitol visitors center. It is perhaps one of the largest construction projects we have had on this campus since the actual construction of the Capitol, and I do not know if it approximately will double our size, but it is big.

This project started out at $265 million, and right now it is at $456 million and perhaps on its way up from there. Congress did add some additional office space, and there were some considerations for security that caused the $265 million to go to about $365 million or $370 million range, but the rest is just kind of work-in-progress add-ons. We need to be very careful that this does not become the poster child for congressional disaster spending.

One of the things that we have taken a real close look at, and I am glad that the House and Members of the majority and the members of the committee recommended changing the way the Architect of the Capitol makes decisions. There were too many bosses telling the Architect what to do day to day. So the Architect, being, I guess, a good public servant, responded to these requests; but, as a result, the project somewhat got away from him. And we on this committee have tried to rein this in so that he can run the project. We think that is going to save millions of dollars in outlays.

We also recommended, but were unable to get the Senate to agree with us, to cut out a $10 million tunnel to the Library of Congress. I just want Members to know there was some discussion and misunderstanding on the Senate's part that has to do with security, but when I met with the Sergeant at Arms, he said that tunnel had nothing to do with security in terms of escapes out of the Capitol. Number one, the last thing we would want is 100 Members of Congress confined to a tunnel area, particularly if there is some kind of a chemical attack. But as my colleagues know, Mr. Speaker, we have a tunnel that goes to the Rayburn Building; we have a tunnel that goes to the Cannon Building; we have a tunnel, a utility tunnel that goes out of the front of the Capitol visitors center towards the Library of Congress already; we have a tunnel that goes to the Dirkson Building; a tunnel that goes to the Russell Building, and a tunnel that goes to the Hart Building.

In addition, there will be a new truck service tunnel entrance. So to say on top of all of those tunnels we need another tunnel to the Library of Congress so Members will not have to degrade themselves by carrying umbrellas when they go to the Library, which we all know is a daily routine anyhow, but let me just say for the record it is, unfortunately, not a daily routine. But I think that this eliminating this tunnel to the Library would have been a sign that we are willing to give a tangible example that we are ready to cut out some of the spending on the Capitol visitors center.

But more importantly, in the conference we did accept the Obey amendment that limits the spending on the tunnel to $10 million. I hope we can do it for less than that. The Architect recently said that we can do it for perhaps as little as $ 9.4 on the top end and perhaps as little as 7-and-some-change on the bottom end.

The reality, though, is that this tunnel is going to go over an Amtrak tunnel; the train line that goes to Union Station, it is going to go under the

road. So what we are actually talking about is boring a tunnel, not a trench, but boring a tunnel in between the Amtrak line and the road. This tunnel is not straight; it is a dog leg. I think we are going to have some problems with it. The gentleman from Wisconsin (Mr. OBEY) had said if we spend over $10 million when we are in conference, that the Architect should be fired. I do not know about that. We are already in an overspending situation, and there does not seem to be anybody who is suffering because of it. The contractor is not out of money; nobody who planned or estimated the job is out of work; nobody has really been called on the carpet.

But I am glad to say that this committee had a 2- or 3-, maybe a 4-hour hearing on the spending of the Capitol visitors center trying to get this thing under control. Most Members are, unfortunately, oblivious to what is going on out there, because we are focused on Medicare, education, terrorism, and things like that; and we have not really focused on this enough. This committee found out that the cafeteria there will be the largest cafeteria in the city of Washington, D.C. This committee found out that there will be three theaters inside the Capitol visitors center, even though across the street at the Library of Congress there is already an alternative theater that is designed for Members of Congress to meet in the event that we are unable to meet in this legislative Chamber.

So these are some of the concerns that we had about the tunnel and the Capitol visitors center in general. Yet, despite the fact that my own desire, my own amendment to eliminate the tunnel did not make it, I still think on balance we have done a lot of good work on the Capitol visitors center, trying to get control of the spending. I think on balance we have done a good job addressing some of the issues with the Capitol Hill Police and the other legislative branch agencies, and I am proud to say that we worked very closely with the Democrats and everyone involved on this.

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

Mr. MORAN of Virginia. Mr. Speaker, first, I yield myself 10 seconds just to tell my friend from Georgia that the minority appreciates the majority's decision to fund the Congress's Big Dig project on their watch. So that was fortuitous.

Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), the very distinguished ranking member of the full Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I think the public has a right to ask the Congress why it sometimes ignores the obvious. This bill today, despite all of the good words said about it, in one respect ignores the obvious. When we passed the conference report on the supplemental, I said I did not believe that it provided sufficient funds for disaster relief, since we knew that Hurricane Isabel was then about to arrive. Well, as we now know, it arrived; and now we know the extent of the damage of Isabel, even though we do not know the precise costs.

Mr. Speaker, 34 people lost their lives; flooding and wind damage was widespread. Many people in the hundreds of thousands still do not have electricity. FEMA tells us that a back-of-the-envelope estimate of the cost of Isabel is about 700 million bucks, the cost of Hurricane Fran and Floyd. Yesterday, the Richmond Times Dispatch reported that one official said, ''Too many times Federal, State, and local officials have acted or reacted on the basis of poor information, while FEMA is worried about keeping the headlines down rather than fixing the situation.''

□ 1400

Today it seems to me that we have both the unique opportunity and a unique obligation. Given the funding level for disaster relief of $1.5 billion that was included in the Senate bill to provide funding for Isabel and to help fix the situation, if we wait for the President to submit a supplemental request, it is likely that we will be in the situation next spring where FEMA is out of money, there is a crisis at hand, and people will once again say, well, what in God's Earth? Did those guys think they knew what they were doing? Why did not they anticipate this? Why did they not take care of it when they knew the problem was at hand?

In my view, we need action, not reaction. That is why we ought to support the Moran motion. We know this damage has occurred. We know the Federal Government is going to be getting the bill. We should not be hiding the cost today, as we are hiding the costs of so many other items. We should fess up and face up to the problem and deal with it now, not after the fact next spring when it can get in the way of orderly relief when we have more problems.

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

Briefly, I just wanted to readdress some of the points that the gentleman from Florida (Mr. YOUNG) had made briefly on this disaster money that the motion to recommit requests $1.55 billion to be funded, which is what the administration's original request was for FY 2003. However, this bill already has money in it. So if we went ahead with this, this is in addition to the $983 million that we put into disaster relief in July, that would mean we would be a billion dollars above the President's request.

Now, that might be good, but we do not know how much Isabel actually costs. The preliminary damage assessments started on Tuesday. It will be several days, weeks, in fact, months before we really know how much money is, in fact, needed for this disaster. This committee member and all of us, the chairman is from Florida. I am from coastal Georgia. I represent the entire coast. I am very sympathetic to hurricanes.

On a personal basis, I went down one week to prepare my house in Savannah for Isabel, and then came back to Washington and ended up evacuating Washington and going back to Savannah. Hurricanes are something that we in coastal Georgia do take very, very seriously. I know that the money will be there for FEMA when we know what that amount is, but at this point, we just do not know. The fiscal year's closing is less than a week away, and I think the prudent thing to do right now is to hold off on this motion to recommit, vote no on it and then to pass the bill as is.

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

Mr. MORAN of Virginia. Mr. Speaker, I yield myself 1 minute.

What we are doing on this supplemental is to respond to the President's request. What we have in this bill that we were asked to vote on is less than the President himself asked the Congress to provide, and that was before Hurricane Isabel. So we know the money is going to be needed. The question before the Congress is: Do we provide it now, or do we leave future victims of national disasters waiting, wondering whether the Congress is going to provide sufficient funds?

We know the funds are going to be necessary. What we are asking for is much more consistent with what the President himself has requested.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut (Ms. DELAURO), one of the Democratic Caucus's leadership.

Ms. DELAURO. Mr. Speaker, I rise today to express my deep disappointment.

For months after the September 11 tragedies 2 years ago, America was a changed Nation, bound by a common purpose, steeled by our sense of community and shared responsibility. Americans from all over volunteered their time and energy to help those who were most in need, and President Bush created USA Freedom Corps to capitalize on that spirit, to energize our community. He called on America's volunteers, and all across this great Nation, we answered his call.

But now, at a time when our volunteers are calling on him, no one is home at the White House. Today, 20,000 committed AmeriCorps volunteers are ready and willing to serve, but they are on the brink of being turned away, all because of management problems that they had nothing to do with. But management problems exist and management problems are being addressed as they should be addressed.

The success of AmeriCorps is not in doubt. In only a decade, it has given a quarter of a million Americans to serve their community through fighting poverty, tutoring and mentoring neglected

youngsters, cleaning up the environment, and providing long term care to the elderly.

Just ask the over 350 college and high school students who depend on this funding in Connecticut's LEAP program. They give their valuable time to provide mentoring and service opportunities to 1300 kids. Every last one of LEAP's junior counselors graduate from public high schools, 80 percent go on to college. They know what the rest of America knows, that AmeriCorps is without question the premier national service program in the United States.

All President Bush needed to do to keep these young people on was to use his moral leadership, call upon his leadership in the Congress to include the $100 million in emergency funding that AmeriCorps needs. Instead, he has only expressed vague support for the program, knowing full well that in doing so, he is effectively punishing the millions of people in communities who depend on the services that AmeriCorps provides.

If we could bottle the spirit that guided this country 2 years ago through some of its hardest times, I honestly believe there is no challenge we could not meet. But by turning our backs on AmeriCorps, we squander one of the greatest resources, our young people, who are eager, willing and who want to be involved. That is not merely unfortunate, it is a tragedy.

We should follow the lead of the other body. There was a bipartisan vote to include $100 million in emergency funding so that we can help to sustain AmeriCorps, help to engage young people in the good work of this country, and give them an opportunity to give back what America gives to all of us.

Mr. MORAN of Virginia. Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. LINDER). The gentleman from Virginia (Mr. MORAN) has 8½ minutes remaining. The gentleman from Georgia (Mr. KINGSTON) has 10 minutes remaining.

Mr. MORAN of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think we can finish up now and vote a little earlier than people thought. Mr. Speaker, I know that many of us recognize very few votes are influenced by floor debate; but I would like to offer a couple points to our colleagues who may be watching this on television.

The first point is that this bill includes less money than President Bush requested for emergency assistance, less money, and he requested that money before we suffered the ravages of Hurricane Isabel. We know, from FEMA's own estimate, that they are going to need more money. What we are providing today is insufficient. That is point one.

Point two is an argument that may be lost on the general public, but I think many of our colleagues are going to understand it. What we are asking for is money under the fiscal year 2003 supplemental. That means that it does not get counted against the fiscal year 2004 budget resolution. Now, it is emergency funding. So it does not come up against the caps that we would otherwise have imposed on us.

Now, if the majority wants, we will be in a position to have to get more money in fiscal year 2004, money that is going to have to compete against the money for Iraq and against any number of other domestic and foreign needs. The simplest, the most efficient, and, I think, the most responsible thing to do would be to provide sufficient money now in fiscal year 2003. There is only a few days left in this fiscal year. This is our last opportunity. There is not going to be any other train that leaves the station.

The money, of course, will be held over and available in 2004. So I think that those Members of Congress, and it includes the entire Congress, who are increasingly budget-conscious as we all should be, this is the time to do it. The money is needed, desperately needed, and anyone that had constituents that were adversely affected by Hurricane Isabel, and there is a whole lot of them up the East Coast, particularly the Carolinas, Virginia, Maryland, I think it would be a tough argument to explain to your constituents why, when you had the opportunity, you did not provide the money, hoping that the money might become available at a later opportunity. The opportunity is now, and it should be seized by voting for this recommittal.

Now, I want to thank some people who greatly deserve it. First, the chairman of the subcommittee. It has been a pleasure working with the gentleman from Georgia (Mr. KINGSTON). We have not agreed totally on everything, but we got a good bill, and we reached consensus, and I want to thank him for this good bipartisan bill.

The staff is terrific. Liz Dawson knows everything going on up here on Capitol Hill, and is responsible for a whole lot of things that we take credit for. Chuck Turner. Chuck has been terrific. Kelly Wade, Jack O'Neill with the leadership staff, they all did a great job. I want to thank Tom Forhan, who is responsible for this bill on the Appropriations staff. And Tim Aiken, who has been terrific; he is on my own staff assigned to this bill. They have both been great. Beverly, David; we have wonderful staff, and that is one of the reasons why the legislative branch appropriations bill does so well.

Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. HOYER), the distinguished minority whip.

Mr. HOYER. Mr. Speaker, I thank the gentleman from Virginia (Mr. MORAN) who does such an extraordinarily good job, not only on this bill, but on so many other issues, and I thank him for yielding me time.

Mr. Speaker, let me begin by expressing my support for H.R. 2657, which responsibly meets the needs of the legislative body, the body designed by our Founders to make sure that our Federal Government works as our citizens want it to; and this bill provides for the resources to accomplish that objective.

Let me also join the gentleman from Virginia (Mr. MORAN) in congratulating not only his staff, but Liz Dawson, who has done such an extraordinary job for the Committee on Appropriations, not only this subcommittee but other subcommittees as well, for the work that she does.

Mr. Speaker, one matter that should concern every Member of this body is the fair treatment of the folks who work for us and with us, including temporary workers employed by the legislative branch. Section 133, Mr. Speaker, of the Legislative Appropriations Act of 2002, which became law on November 12, 2001, prohibits the Architect of the Capitol from employing temporary workers for long periods without providing eligibility for employee benefits.

Notwithstanding that, this is not happening much to my dismay and the dismay of the subcommittee and the chairman and the ranking member. The Architect has refused to implement section 133, despite the clearest of Congressional intention and the fact that the General Accounting Office has determined that section 133 provides the Architect with the authority to treat temporary workers fairly.

Mr. Speaker, I am pleased that today's conference report includes language that strengthens section 133. I thank the chairman and the ranking member and particularly Liz Dawson for that objective. I strongly support this language.

My expectation with this language is simple: That Mr. Hantman will finally appreciate that Congress meant what it said 2 years ago, when it instructed his office to fairly treat temporary workers.

I thank the committee for its work and thank the ranking member for yielding me time.

Mr. MORAN of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in my senior moment there, I neglected to mention Beverly Pheto and Dave Pomerantz.

□ 1415

We have got great staff. We have a wonderful institution here. We need to adequately fund it.

I support the legislative branch appropriations bill, but right now the right thing to do is to vote yes on the recommittal to provide adequate emergency assistance, and we will get that legislative branch appropriations bill funded as well.

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

Mr. KINGSTON. Mr. Speaker, I yield myself the balance of my time.

I thank the gentleman from Virginia (Mr. MORAN). It has been a great pleasure to work with him on this bill, and

we have had some agreements, and we have had some disagreements, but we have made a lot of progress together. It has been a great process for all of us, and I thank the gentleman from Wisconsin (Mr. OBEY), the ranking member, for his help and the gentlewoman from Connecticut (Ms. DELAURO) for her issues, although I am not sure, Mr. Speaker, they have been fiscally as prudent as somebody from Georgia might want them to be, but we have had those discussions in the past as well.

Let me just close, Mr. Speaker, and urge folks to vote no on the motion to recommit and vote yes on the bill.

I also wanted to join the distinguished ranking member in thanking all the staff who have been such a part of this bill. I want to say to Tom Forhan, he has done a great job and appreciate his great working relationship. Liz Dawson and Chuck Turner and Kelly Wade and Jack O'Neill on our side have worked long and hard. Ms. Dawson has called me at home and Blackberried me and told me when I am wrong, and every now and then tells me when I am right, which has been very few times this year, but I hope to improve on that record, Mr. Speaker. But with that let me urge support of this bill.

Mr. VAN HOLLEN. Mr. Speaker, I rise in support of the motion to recommit the Conference Report on H.R. 2657 with instructions to the House managers to increase funding for Disaster Relief.

I do so as I continue to receive reports from my home State of Maryland about the damage caused by Hurricane Isabel. Hurricane Isabel cut a path from Maryland's Eastern Shore to Maryland's western mountain range. In Baltimore's world famous Inner Harbor, one of the city's major arteries was transformed into a river by a seven-foot water surge. On Maryland's Eastern Shore, record breaking tides left 60 percent of Dorchester County under water. In my own district, 5 days after Isabel struck, thousands of people still have no electricity.

How is it possible that, almost a week after the hurricane, in the richest country on the planet at a time when we are considering funding the reconstruction of Iraq, we refuse to provide adequate funding to our own Federal Emergency Management Agency. I urge my colleagues to support this motion.

Ms. MCCARTHY of Missouri. Mr. Speaker, I want to thank Chairman KINGSTON and Ranking Member MORAN for giving me the opportunity to speak this morning.

Today's legislation includes funding for dozens of important projects, and I want to thank the Conference Committee for their work.

I rise today to express my disappointment that this Congress was unable to fund one of our nation's most successful programs—the AmeriCorps program.

AmeriCorps provides educational opportunities for young people who serve their communities in myriad ways.

In my district of Kansas City, AmeriCorps members have partnered with professional and non-profit agencies to provide children from low income families with badly needed educational assistance, revitalize and clean up inner city neighborhoods, and install smoke alarms in the homes of the elderly.

One of my constituents has served for two years as a Kansas City Jumpstart volunteer.

The children involved in the Jumpstart program enter with skills rated lower than their peers, but through the dedication and leadership of volunteer mentors, these deficiencies are often eliminated by the time they complete the program.

This AmeriCorps Jumpstart volunteer recently wrote a letter to our hometown newspaper urging support for full funding of the AmeriCorps program so that other children can achieve as much as a child he mentored, who entered almost "completely non-verbal and is now talking in complete sentences."

Failing to adequately fund AmeriCorps will deprive thousands of children and young volunteers in my district and across the Nation this experience, and leave many children behind.

Mr. Speaker, I am disappointed that this Congress could not find the additional funds to continue these successful programs.

President Bush has supported AmeriCorps in the past. In the coming months, I would hope that we can work with the Bush Administration to resolve AmeriCorp's funding shortfalls and leave no child behind.

Mr. KINGSTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GOODLATTE). Without objection, the previous question is ordered on the conference report.

There was no objection.

MOTION TO RECOMMIT OFFERED BY MR. MORAN OF VIRGINIA

Mr. MORAN of Virginia. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. MORAN of Virginia. I am in its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MORAN of Virginia moves to recommit the conference report on the bill H.R. 2657 to the committee of conference with instructions to the managers on the part of the House to insist on inclusion of the level of funding provided in the Senate bill for Disaster Relief.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

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

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

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for the electronic vote on the question of adoption of the conference report.

The vote was taken by electronic device, and there were—yeas 202, nays 225, not voting 7, as follows:

[Roll No. 516]

YEAS—202

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Burr
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—225

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.

Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

Bishop (UT)
Dingell
Gephardt
Lewis (GA)
Osborne
Pastor
Watson

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GOODLATTE) (during the vote). There are 2 minutes remaining in this vote.

□ 1439

Mr. JONES of North Carolina changed his vote from ''yea'' to ''nay.''

Mr. BURR changed his vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 371, nays 56, not voting 7, as follows:

[Roll No. 517]

YEAS—371

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chocola
Clay
Clyburn
Cole
Collins
Conyers
Cooper
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Goss
Granger
Greenwood
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Payne
Pearce
Pelosi
Peterson (PA)
Pickering
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Sessions
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—56

Akin
Barrett (SC)
Bartlett (MD)
Berry
Burgess
Chabot
Coble
Costello
DeMint
Doggett
Duncan
Flake
Fossella
Franks (AZ)
Garrett (NJ)
Goode
Gordon
Graves
Green (TX)
Green (WI)
Gutknecht
Hefley
Hensarling
Hoekstra
Hooley (OR)
Hostettler
Jones (NC)
Kennedy (MN)
Kind
King (IA)
Kline
Kucinich
Lofgren
Miller (FL)
Moran (KS)
Myrick
Nussle
Paul
Pence
Peterson (MN)
Petri
Pitts
Platts
Ramstad
Rohrabacher
Royce
Ryan (WI)
Sensenbrenner
Shadegg
Shays
Smith (MI)
Stearns
Tancredo
Taylor (MS)
Tiberi
Toomey

NOT VOTING—7

Bishop (UT)
Dingell
Feeney
Gephardt
Lewis (GA)
Osborne
Pastor

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1447

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GOODLATTE). Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion 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.

Any record votes on postponed questions will be taken later today.

EXTENDING TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT PROGRAM

Mr. HERGER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3146) to extend the Temporary Assistance for Needy Families block grant program, and certain tax and trade programs, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3146

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

TITLE I—FAMILY ASSISTANCE PROVISIONS

SEC. 101. EXTENSION OF THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT PROGRAM THROUGH MARCH 31, 2004.

(a) IN GENERAL.—Activities authorized by part A of title IV of the Social Security Act, and by sections 510, 1108(b), and 1925 of such Act, shall continue through March 31, 2004, in the manner authorized for fiscal year 2002, notwithstanding section 1902(e)(1)(A) of such Act, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority for carrying out such activities during the first two quarters of fiscal year 2004 at the level provided for the first two quarters of fiscal year 2002.

(b) CONFORMING AMENDMENTS.—

(1) SUPPLEMENTAL GRANTS FOR POPULATION INCREASES IN CERTAIN STATES.—Section 403(a)(3)(H) of the Social Security Act (42 U.S.C. 603(a)(3)(H)) is amended—

(A) in the subparagraph heading, by striking ''OF GRANTS FOR FISCAL YEAR 2002''; and

(B) in clause (ii)—

(i) by striking ''2003'' and inserting ''March 31, 2004''; and

(ii) by striking ''2001'' and inserting ''fiscal year 2001''.

(2) CONTINGENCY FUND.—Section 403(b)(3)(C)(ii) of such Act (42 U.S.C. 603(b)(3)(C)(ii)) is amended by striking ''2003'' and inserting ''2004''.

(3) MAINTENANCE OF EFFORT.—Section 409(a)(7) of such Act (42 U.S.C. 609(a)(7)) is amended—

(A) in subparagraph (A), by striking ''or 2004'' and inserting ''2004, or 2005''; and

(B) in subparagraph (B)(ii), by striking ''2003'' and inserting ''2004''.

SEC. 102. EXTENSION OF THE NATIONAL RANDOM SAMPLE STUDY OF CHILD WELFARE AND CHILD WELFARE WAIVER AUTHORITY THROUGH MARCH 31, 2004.

Activities authorized by sections 429A and 1130(a) of the Social Security Act shall continue through March 31, 2004, in the manner authorized for fiscal year 2002, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority for carrying out such activities during the first two quarters of fiscal year 2004 at the level provided for the first two quarters of fiscal year 2002.

TITLE II—TAX PROVISIONS

SEC. 201. DISCLOSURE OF RETURN INFORMATION TO CARRY OUT INCOME CONTINGENT REPAYMENT OF STUDENT LOANS.

(a) IN GENERAL.—Subparagraph (D) of section 6103(l)(13) of the Internal Revenue Code of 1986 (relating to termination) is amended by striking ''September 30, 2003'' and inserting ''December 31, 2004''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to requests made after September 30, 2003.

SEC. 202. EXTENSION OF INTERNAL REVENUE SERVICE USER FEES.

(a) IN GENERAL.—Chapter 77 of the Internal Revenue Code of 1986 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

''SEC. 7528. INTERNAL REVENUE SERVICE USER FEES.

''(a) GENERAL RULE.—The Secretary shall establish a program requiring the payment of user fees for—

''(1) requests to the Internal Revenue Service for ruling letters, opinion letters, and determination letters, and

''(2) other similar requests.

''(b) PROGRAM CRITERIA.—

''(1) IN GENERAL.—The fees charged under the program required by subsection (a)—

''(A) shall vary according to categories (or subcategories) established by the Secretary,

''(B) shall be determined after taking into account the average time for (and difficulty of) complying with requests in each category (and subcategory), and

''(C) shall be payable in advance.

''(2) EXEMPTIONS, ETC.—

''(A) IN GENERAL.—The Secretary shall provide for such exemptions (and reduced fees) under such program as the Secretary determines to be appropriate.

''(B) EXEMPTION FOR CERTAIN REQUESTS REGARDING PENSION PLANS.—The Secretary shall not require payment of user fees under such program for requests for determination letters with respect to the qualified status of a pension benefit plan maintained solely by 1 or more eligible employers or any trust which is part of the plan. The preceding sentence shall not apply to any request—

''(i) made after the later of—

''(I) the fifth plan year the pension benefit plan is in existence, or

''(II) the end of any remedial amendment period with respect to the plan beginning within the first 5 plan years, or

''(ii) made by the sponsor of any prototype or similar plan which the sponsor intends to market to participating employers.

''(C) DEFINITIONS AND SPECIAL RULES.—For purposes of subparagraph (B)—

''(i) PENSION BENEFIT PLAN.—The term 'pension benefit plan' means a pension, profit-sharing, stock bonus, annuity, or employee stock ownership plan.

''(ii) ELIGIBLE EMPLOYER.—The term 'eligible employer' means an eligible employer (as defined in section 408(p)(2)(C)(i)(I)) which has at least 1 employee who is not a highly compensated employee (as defined in section 414(q)) and is participating in the plan. The determination of whether an employer is an eligible employer under subparagraph (B) shall be made as of the date of the request described in such subparagraph.

''(iii) DETERMINATION OF AVERAGE FEES CHARGED.—For purposes of any determination of average fees charged, any request to which subparagraph (B) applies shall not be taken into account.

''(3) AVERAGE FEE REQUIREMENT.—The average fee charged under the program required by subsection (a) shall not be less than the amount determined under the following table:

''Category	Average Fee
Employee plan ruling and opinion ..	$250
Exempt organization ruling	$350
Employee plan determination	$300
Exempt organization determination.	$275
Chief counsel ruling	$200.

''(c) TERMINATION.—No fee shall be imposed under this section with respect to requests made after December 31, 2004.''.

(b) CONFORMING AMENDMENTS.—

(1) The table of sections for chapter 77 of such Code is amended by adding at the end the following new item:

''Sec. 7528. Internal Revenue Service user fees.''.

(2) Section 10511 of the Revenue Act of 1987 is repealed.

(3) Section 620 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is repealed.

(c) LIMITATIONS.—Notwithstanding any other provision of law, any fees collected pursuant to section 7528 of the Internal Revenue Code of 1986, as added by subsection (a), shall not be expended by the Internal Revenue Service unless provided by an appropriations Act.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to requests made after the date of the enactment of this Act.

TITLE III—TRADE PROVISIONS

SEC. 301. EXTENSION OF COBRA FEES.

Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended by striking ''September 30, 2003'' and inserting ''March 31, 2004''.

TITLE IV—MEDICARE COST-SHARING PROVISIONS

SEC. 401. EXTENSION OF MEDICARE COST-SHARING FOR CERTAIN QUALIFYING INDIVIDUALS.

(a) EXTENSION OF SUNSET.—Section 1902(a)(10)(E)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)(iv)) is amended—

(1) by striking subclause (II);

(2) beginning in the matter preceding subclause (I), by striking ''ending with December 2002'' and all that follows through ''for medicare cost-sharing described'' in subclause (I) and inserting ''ending with March 2004) for medicare cost-sharing described''; and

(3) by striking '', and'' at the end and inserting a semicolon.

(b) TOTAL AMOUNT AVAILABLE FOR ALLOCATION.—Section 1933(c) of the Social Security Act (42 U.S.C. 1396u–3(c)) is amended—

(1) in paragraph (1)(E), by striking ''fiscal year 2002'' and inserting ''each of fiscal years 2002 and 2003''; and

(2) in paragraph (2)(A), by striking ''the sum of'' and all that follows through ''1902(a)(10)(E)(iv)(II) in the State; to'' and inserting ''the total number of individuals described in section 1902(a)(10)(E)(iv) in the State; to''.

(c) SPECIAL RULE FOR FIRST QUARTER OF 2004.—Section 1933 of the Social Security Act (42 U.S.C. 1396u–3) is amended by adding at the end the following:

''(g) SPECIAL RULE.—With respect to the period that begins on January 1, 2004, and ends on March 31, 2004, a State shall select qualifying individuals, and provide such individuals with assistance, in accordance with the provisions of this section as in effect with respect to calendar year 2003, except that for such purpose—

''(1) references in the preceding subsections of this section to 'fiscal year' and 'calendar year' shall be deemed to be references to such period; and

''(2) the total allocation amount under subsection (c) for such period shall be $100,000,000.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HERGER) and the gentleman from Maryland (Mr. CARDIN) each will control 20 minutes.

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

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

Mr. Speaker, I rise in support of H.R. 3146, which extends various government programs beyond the September 30 end of the fiscal year. Within the jurisdiction of the Committee on Ways and Means, this includes certain tax and trade programs, as well as a simple 6-month extension of key parts of the Nation's welfare system.

The historic 1996 welfare reform law has been an unparalleled success. Nearly three million children have been

lifted from poverty. Record shares of current and former welfare recipients are working, and welfare dependence has been cut in half.

Despite the challenges facing our country, these welfare reforms continue to benefit families with children by promoting work by low-income parents. Unless we act, the authorization for key welfare programs will expire on September 30, 2003. H.R. 3146 will continue current funding for these programs through March 31, 2004.

Earlier this month, a bill to reauthorize and improve our Nation's welfare program was reported out of committee in the Senate. This extension will provide the Senate more time to consider this bill and pass a broad welfare reauthorization bill.

Members will recall that the House passed a broad 5-year welfare reauthorization bill in 2002. This bill was a product of intensive research and evaluation, including more than 20 hearings in the House. Key provisions focused on achieving more work, less poverty, and stronger families. However, the Senate did not act on that bill before the 107th Congress adjourned.

In February 2003, the House again acted on a full 5-year welfare reform reauthorization bill and approved H.R. 4, an updated version of its 2002 bill. We continue to wait for a consensus on a long-term reauthorization of our Nation's welfare programs. In the meantime, we continue to see evidence that welfare reform continues to work.

A report released in August presented key indicators of well-being for America's children that once again show positive results for our children. Birth rates for unmarried teenagers have dropped considerably since 1994. The poverty rate for children raised by single moms also has declined markedly.

However, there is still more progress to be made. Today, fewer children live in married-couple families. We have seen a steadily growing stream of evidence that children do best when raised by married-couple families. That is why the House-passed welfare reform bill provides flexibility to States to promote marriage and strong families. States and families would be on the receiving end if we reach agreement on a long-term reauthorization bill.

Unfortunately, the improvements included in H.R. 4 will continue to remain on hold while we pass short-term placeholder extensions.

In addition to funds to promote strong families, H.R. 4, as passed by the House, also provides at least $2 billion in added child care funds over 5 years, along with more flexibility in spending cash welfare funds on child care and other needs.

So long as we continue to extend our Nation's welfare system on a short-term basis, States cannot take advantage of these additional dollars or improved flexibility. The means low-income families will not see the benefits of the improvements we have proposed for the program. Ultimately, the success of the 1996 law reforms may begin to erode as well. Recognizing the importance of continuing these programs, the House and Senate have agreed to four short-term extensions of our Nation's welfare programs. However, I hope that in the next 6 months we get a comprehensive welfare reform bill to the President's desk for signature.

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

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

Mr. Speaker, I rise also in support of the legislation and urge my colleagues to support it. I agree with the gentleman from California (Mr. HERGER), the chairman of the subcommittee, regarding the need to enact this legislation. However, I want to make it clear I disagree with my subcommittee chairman on many of the statements made as to the reason why we are at this point, why we need to enact a temporary extension of our TANF law rather than a permanent extension.

This bill is important because it allows our States to know that for the next 6 months they will have uninterrupted Federal funds to continue their work on dealing with the people who are the most vulnerable, that we are trying to get off of cash assistance, into real jobs.

However, we have made that task more difficult because we cannot pass a long-term reauthorization, and we cannot pass a long-term reauthorization because this body, in passing its bill, did not do what our chairman asked us to do, and that is to reach a consensus to try to work together as Democrats and Republicans to build upon the success of 1996. Instead, we had a very partisan bill that passed this body and that has made it very difficult to reconcile with the other body.

We passed a bill that was opposed by our Governors, by our mayors, by State welfare administrators, by poverty experts and advocates for low-income families; and the reason, quite frankly, is because it did not reauthorize TANF and take us to the next level, which would be to get families not just off of cash assistance but out of poverty. Instead, the bill that passed this body created what is known as ''make-work'' opportunities rather than real jobs. It provided mandates on our States without providing the funds to deal with it. It made it more difficult for people who are the most in need of training and education to get the training and education they need in order to succeed in the workforce. It discriminated, and continues the discrimination, against legal immigrants.

For all these reasons, the bill that passed this body made it more difficult for us to reconcile differences with the other body and to enact reauthorization of TANF that we all could be very proud of.

Mr. Speaker, I hope we use this opportunity, the next 6 months, to sit down together and listen to each other, listen to our mutual objectives as to what we are trying to achieve in welfare reauthorization, so that we can pass a bill that we will be proud of that will take us to the next plateau and allow us to move families out of poverty and not just off of cash assistance.

I might point out that this legislation extends the traditional Medicaid that continues families with health insurance after they have left the welfare rolls. That is a very important program. It also extends the IRS user fees for certain advanced rulings and allows the IRS to continue to share information with the Department of Education to administer the student loan programs; custom user fees will be extended for 6 months; Medicare premiums for low-income seniors, that program that pays those premiums would be extended. There is a lot in this bill that we have to make sure is accomplished before the expiration at the end of this fiscal year, and I encourage my colleagues to support this bill.

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

Mr. HERGER. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania (Mr. ENGLISH), a member of the Committee on Ways and Means.

Mr. ENGLISH. Mr. Speaker, I thank the gentleman for yielding me this time and for all of his efforts on behalf of those who are in the welfare system, and I also thank the gentleman occupying the chair, the gentleman from Virginia (Mr. GOODLATTE), for his long and successful efforts to reform the welfare system.

Mr. Speaker, since we first overhauled this country's failed welfare system back in 1996, some three million children have risen out of poverty. Today I rise to support this legislation as an important transition to the full reauthorization of those important reforms.

According to the U.S. Department of Agriculture, the number of American children experiencing hunger has plummeted to half its number of what it was in 1995. When States and local governments shifted their focus from writing checks to encouraging work, welfare case loads fell by 60 percent, as we predicted. As a result, 3.5 million fewer Americans live their lives in poverty than was the case back in 1995 when this process started. However, some 2 million recipients remain dependent on welfare assistance, and many still do not participate in work or in training programs.

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While the success of past welfare reform initiatives are inspiring, and give lie to some of the claims we heard when we went through this process made by the other side, it is obvious that more work still needs to be done.

The House has passed the right kind of reauthorization of welfare reform boosted by tougher work requirements and reinvigorated work incentives for

States and welfare recipients. Full check sanction, marriage promotion, and other enhancements will only make welfare reform more effective.

We realize that some have come to oppose this legislation, some that had been listed on the other side of the aisle. But, in our view, we are going to stand fast to see this reform through.

Some opponents of welfare reform clearly are trying to run out the clock on this reauthorization so they can turn back the clock to the days of dependence. We will resist their efforts. These opponents of effective social policy have essentially filibustered our efforts to fight poverty and support economic independence for America's poor.

I am, Mr. Speaker, very encouraged by the Senate Committee on Finance's recent approval of TANF reauthorization, and I now implore the Senate to work toward final passage of this crucial legislation.

We have an opportunity to write a final chapter on welfare reform, the most successful social reform of the latter part of the 20th century. And much of the credit I want to give today goes to the gentleman sitting in the Chair, the gentleman from Florida (Mr. SHAW).

Mr. CARDIN. Mr. Speaker, I yield 7 minutes to the gentleman from Michigan (Mr. LEVIN), the person who is the author of provisions that would enforce a real work requirement on our States by rewarding those States who find real jobs for people who leave cash assistance.

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

Mr. LEVIN. Mr. Speaker, I thank the gentleman from Maryland (Mr. CARDIN) for all of his work.

Like the gentleman from Maryland, I favor this extension. The good news is that it is not a step backward. We are going to continue State flexibility, we are going to continue the focus on work. We are going to continue provisions for child care and health care and transportation, but I want to take this opportunity, as Mr. CARDIN did, to put this into perspective. I am glad the gentleman from Pennsylvania (Mr. ENGLISH) is still here.

We worked hard in 1995 and 1996 on welfare reform. It was not a partisan effort. It was an effort with a Democratic President and with substantial work from Democrats in the House and in the Senate. Significant changes were made from the bill originally vetoed by President Clinton. Adequate child care, adequate health care, those were placed into the bill before it became a law.

This time around what the Republican majority in the House decided to do was to proceed, as Mr. CARDIN has said, on a very partisan basis. There was no effort to sit down as was true in 1995 and 1996, eventually, to see if we could work out together Welfare Reform II.

So, on a very partisan vote, the first vote was 229 to 197, the bill was passed and was sent to the Senate. Sad it is to say that since that time, and it has been a year and a half ago, there has been zero effort by the majority in this House to sit down with a number of us who were involved in 1995 and 1996 and those who have been active since and try to work out a bill on a bipartisan basis.

We have urged that welfare reform be continued and really improved, improved by more adequate child care, improved by more adequate health care. The data is pretty clear that many people who are moving from welfare to work are losing their health care after a year. Welfare reform should be improved by maintaining State flexibility and also by helping those who move from welfare to work to work out of poverty and to work into a decent and adequate wage.

So why not sit down and talk about these improvements in welfare reform? Well, the Republican majority here has done on welfare reform what they have done on most important issues: Ram it through, thumb their nose at the minority, including those who very much want to work on an issue, and send it over to the Senate. And like other products here on a very partisan basis, it runs into trouble in the Senate.

And so what is said by the majority here? Oh, it is the Senate's fault, when it was really the failure of the Republican majority here to start welfare reform on a proper, appropriate, and effective track.

Mr. Speaker, the good news is that the extension for 6 months will keep the better part of the welfare reform programs: health care, day care, State flexibility, and the focus on work. The bad news is that we have lost the opportunity to improve, to build on welfare reform, to have a sharper focus on movement of those who leave work out of poverty. Instead, the focus in their bill is really those who stay on welfare being kept busy.

That is not the wise focus for welfare reform in 2003 as it was not in 2002, and I hope 2004 will see their reaching out a hand to talk these things over. If not, I am afraid we will be back here with another extension, and you will point to the Senate controlled by the same party as you are a Member of and will blast the Senate. But that is not very constructive. It is not very useful.

So do not talk about all the hearings you have held, all the witnesses you have heard. Talk about how many minutes you have spent sitting down with the gentleman from Maryland (Mr. CARDIN), who is our ranking member, and the rest of us on the subcommittee to see if we could work out a bill. Tell us how many minutes. The answer is zero.

I say this not really to castigate, but to urge that you give the process a chance. Welfare reform deserves an effort to build a bipartisan and better product. I deeply believe that. So I urge that we vote for this extension, and I also urge that the extension be followed by a true effort at finding a good product for the next phase of welfare reform.

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

Let me just say in closing, with what the gentleman from Michigan (Mr. LEVIN) said, I concur. I urge my colleagues to support this legislation. Let me just underscore the point, though, in 1996 we got it right. We got it right because we listened to each other, and we listened to the needs, and we realized by doing that we could transform the old welfare system into a system that encourages people to get off of cash assistance and to be employed.

The bill that passed this body is a step backwards. My friend from Pennsylvania said we will not take a step backwards. The legislation that passed that body did that. It was one size fits all. In 1996 we said we would trust local governments, our States, to craft the programs necessary to meet their constituency. Now we are going back, according what passed this body, to one size fits all from Washington. That is inconsistent with what we did in 1996, which was the right way to go.

Secondly, we said in 1996, let people who are on welfare, on cash assistance, get the education and job training they need in order to get permanent employment. The legislation that passed this body takes a step backwards on that, restricting the ability of the States to allow welfare recipients to get the necessary education and training that they need. In 1996 we said they cannot do this unless they provide child care to the States so they could provide help to take care of the children. That is what we said in 1996. And yet in the bill that passed this body, we did not recognize that. Instead, we put unfunded mandates on the States and did not provide the necessary resources for child care. So I would hope that we will use the next 6 months to correct this.

Let me just say in the backdrop, as we are debating this today, the poverty rates in this Nation are actually increasing among children. Our States, almost all have cut their child care money because of their budget problems. The needs for us to act now is greater than it was a year ago when we originally passed the bill in this body. So I would hope that we would look at the current situation. Our States are spending more of their TANF funds every year than they are receiving in the annual authorization. The needs are there.

Yes, let us step up to the plate like we did in 1996. Let us work together in a bipartisan way. Let us be committed to get families not just off of cash assistance, but out of poverty, and if we will sit down and talk together, I am sure in the next 6 months we can come up with a bill we all can be proud of that will be supported by our States. If not, I am afraid the gentleman from Michigan's (Mr. LEVIN) prediction will

come true, and we will be again looking at another short-term fix.

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

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

This is indeed a very important piece of legislation which keeps welfare programs that promote work and independence operating from coast to coast. It is important that those programs continue to be funded beyond their current September 30 expiration date. It is unfortunate that we have not yet reached a deal on a full 5-year welfare reform reauthorization bill that promises many improvements to the welfare reform policies now in place. The House welfare bill includes an additional $2 billion for child care so that more parents can work and more flexibility for States to spend their welfare funds, but until we get agreement on such a broader bill, we need to keep today's program operating. That is what this bill does.

I urge all Members to support this legislation.

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

The SPEAKER pro tempore (Mr. SHAW). The question is on the motion offered by the gentleman from California (Mr. HERGER) that the House suspend the rules and pass the bill, H.R. 3146, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SURFACE TRANSPORTATION EXTENSION ACT OF 2003

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3087) to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century, as amended.

The Clerk read as follows:

H.R. 3087

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Surface Transportation Extension Act of 2003''.

SEC. 2. ADVANCES.

(a) IN GENERAL.—The Secretary of Transportation shall apportion funds made available under section 1101(c) of the Transportation Equity Act for the 21st Century (112 Stat. 116), as amended by this Act, to each State in the ratio that—

(1) the State's total fiscal year 2003 obligation authority for funds apportioned for the Federal-aid highway program; bears to

(2) all States' total fiscal year 2003 obligation authority for funds apportioned for the Federal-aid highway program.

(b) PROGRAMMATIC DISTRIBUTIONS.—

(1) PROGRAMS.—Of the funds to be apportioned to each State under subsection (a), the Secretary shall ensure that the State is apportioned an amount of the funds, determined under paragraph (2), for the Interstate maintenance program, the National Highway System program, the bridge program, the surface transportation program, the congestion mitigation and air quality improvement program, the recreational trails program, the Appalachian development highway system program, and the minimum guarantee.

(2) IN GENERAL.—The amount that each State shall be apportioned under this subsection for each item referred to in paragraph (1) shall be determined by multiplying—

(A) the amount apportioned to the State under subsection (a); by

(B) the ratio that—

(i) the amount of funds apportioned for the item to the State for fiscal year 2003; bears to

(ii) the total of the amount of funds apportioned for the items to the State for fiscal year 2003.

(3) ADMINISTRATION OF FUNDS.—Funds authorized by the amendment made under subsection (d) shall be administered as if the funds had been apportioned, allocated, deducted, or set aside, as the case may be, under title 23, United States Code; except that the deductions and set-asides in the following sections of such title shall not apply to such funds: sections 104(a)(1)(A), 104(a)(1)(B), 104(b)(1)(A), 104(d)(1), 104(d)(2), 104(f)(1), 104(h)(1), 118(c)(1), 140(b), 140(c), and 144(g)(1).

(4) SPECIAL RULES FOR MINIMUM GUARANTEE.—In carrying out the minimum guarantee under section 105(c) of title 23, United States Code, with funds apportioned under this section for the minimum guarantee, the $2,800,000,000 set forth in paragraph (1) of such section 105(c) shall be treated as being $1,166,666,667 and the aggregate of amounts apportioned to the States under this section for the minimum guarantee shall be treated, for purposes of such section 105(c), as amounts made available under section 105 of such title.

(5) EXTENSION OF OFF-SYSTEM BRIDGE SET-ASIDE.—Section 144(g)(3) of title 23, United States Code, is amended by inserting after ''2003'' the following: ''and in the period of October 1, 2003, through February 29, 2004,''.

(c) REPAYMENT FROM FUTURE APPORTIONMENTS.—

(1) IN GENERAL.—The Secretary shall reduce the amount that would be apportioned, but for this section, to a State for programs under chapter 1 of title 23, United States Code, for fiscal year 2004, under a law reauthorizing the Federal-aid highway program enacted after the date of enactment of this Act by the amount that is apportioned to each State under subsection (a) and section 5(c) for each such program.

(2) PROGRAM CATEGORY RECONCILIATION.—The Secretary may establish procedures under which funds apportioned under subsection (a) for a program category for which funds are not authorized under a law described in paragraph (1) may be restored to the Federal-aid highway program.

(d) AUTHORIZATION OF CONTRACT AUTHORITY.—Section 1101 of the Transportation Equity Act for the 21st Century (112 Stat. 111–115) is amended by adding at the end the following:

''(c) ADVANCE AUTHORIZATION.—

''(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out section 2(a) of the Surface Transportation Extension Act of 2003 $13,483,458,333 for the period of October 1, 2003, through February 29, 2004.

''(2) SPECIAL RULE.—Funds apportioned under section 2(a) of the Surface Transportation Extension Act of 2003 shall be subject to a limitation on obligations for Federal-aid highways and highway safety construction programs.

''(3) CONTRACT AUTHORITY.—Funds made available by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.''.

(e) LIMITATION ON OBLIGATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), for the period of October 1, 2003, through February 29, 2004, the Secretary shall allocate to each State for programs funded under this section and section 5(c) an amount of obligation authority made available under an Act making appropriations for the Department of Transportation for fiscal year 2004 that is—

(A) equal to the greater of—

(i) the State's unobligated balance, as of October 1, 2003, of Federal-aid highway apportionments subject to any limitation on obligations; except that unobligated balances of contract authority from minimum guarantee and Appalachian development highway system apportionments for which obligation authority was made available until used shall not be included for purposes of calculating a State's unobligated balance of apportionments for this clause; or

(ii) 5/12 of the State's total fiscal year 2003 obligation authority for funds apportioned for the Federal-aid highway program; but

(B) not greater than 75 percent of the State's total fiscal year 2003 obligation authority for funds apportioned for the Federal-aid highway program.

(2) LIMITATION ON AMOUNT.—The total of all allocations under paragraph (1) and allocations, for programs funded under sections 4, 5 (other than subsection (c)), and 6(a) of this Act, of obligation authority made available under an Act making appropriations for the Department of Transportation for fiscal year 2004 shall not exceed $14,101,250,000; except that this limitation shall not apply to $266,250,000 in obligations for minimum guarantee for the period of October 1, 2003, through February 29, 2004.

(3) TIME PERIOD FOR OBLIGATIONS OF FUNDS.—A State shall not obligate any funds for any Federal-aid highway program project after February 29, 2004, until the date of enactment of a multiyear law reauthorizing the Federal-aid highway program.

(4) TREATMENT OF OBLIGATIONS.—Any obligation of an allocation of obligation authority made under this subsection shall be considered to be an obligation for Federal-aid highways and highway safety construction programs for fiscal year 2004 for the purposes of the matter under the heading ''(LIMITATION ON OBLIGATIONS)'' under the heading ''FEDERAL-AID HIGHWAYS'' in an Act making appropriations for the Department of Transportation for fiscal year 2004.

SEC. 3. TRANSFERS OF UNOBLIGATED APPORTIONMENTS.

(a) IN GENERAL.—In addition to any other authority of a State to transfer funds, for fiscal year 2004, a State may transfer any funds apportioned to the State for any program under section 104(b) (including amounts apportioned under section 104(b)(3) or set aside, made available, or suballocated under section 133(d)) or section 144 of title 23, United States Code, before, on, or after the date of enactment of this Act, that are subject to any limitation on obligations, and that are not obligated, to any other of those programs.

(b) TREATMENT OF TRANSFERRED FUNDS.—Any funds transferred to another program under subsection (a) shall be subject to the provisions of the program to which the funds are transferred, except that funds transferred to a program under section 133 (other

than subsections (d)(1) and (d)(2)) of title 23, United States Code, shall not be subject to section 133(d) of that title.

(c) RESTORATION OF APPORTIONMENTS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of a law reauthorizing the Federal-aid highway program enacted after the date of enactment of this Act, the Secretary of Transportation shall restore any funds that a State transferred under subsection (a) for any project not eligible for the funds but for this section to the program category from which the funds were transferred.

(2) PROGRAM CATEGORY RECONCILIATION.—The Secretary may establish procedures under which funds transferred under subsection (a) from a program category for which funds are not authorized may be restored to the Federal-aid highway program.

(3) LIMITATION ON STATUTORY CONSTRUCTION.—No provision of law, except a statute enacted after the date of enactment of this Act that expressly limits the application of this subsection, shall impair the authority of the Secretary to restore funds pursuant to this subsection.

(d) GUIDANCE.—The Secretary may issue guidance for use in carrying out this section.

SEC. 4. ADMINISTRATIVE EXPENSES.

(a) AUTHORIZATION OF CONTRACT AUTHORITY.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) for administrative expenses of the Federal-aid highway program $187,500,000 for fiscal year 2004.

(b) CONTRACT AUTHORITY.—Funds made available by this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, and shall be subject to a limitation on obligations for Federal-aid highways and highway safety construction programs; except that such funds shall remain available until expended.

SEC. 5. OTHER FEDERAL-AID HIGHWAY PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS UNDER TITLE I OF TEA21.—

(1) FEDERAL LANDS HIGHWAYS.—

(A) INDIAN RESERVATION ROADS.—Section 1101(a)(8)(A) of the Transportation Equity Act for the 21st Century (112 Stat. 112) is amended—

(i) by inserting before the period at the end the following: ''and $114,583,333 for the period of October 1, 2003, through February 29, 2004''; and

(ii) by adding at the end the following: ''The minimum amount made available for such period that the Secretary, in cooperation with the Secretary of the Interior, shall reserve for Indian reservation road bridges under section 202(d)(4) of title 23, United States Code, shall be $5,416,667 instead of $13,000,000.''.

(B) PUBLIC LANDS HIGHWAYS.—Section 1101(a)(8)(B) of such Act (112 Stat. 112) is amended by inserting before the period at the end the following: ''and $102,500,000 for the period of October 1, 2003, through February 29, 2004''.

(C) PARK ROADS AND PARKWAYS.—Section 1101(a)(8)(C) of such Act (112 Stat. 112) is amended by inserting before the period at the end the following: ''and $68,750,000 for the period of October 1, 2003, through February 29, 2004''.

(D) REFUGE ROADS.—Section 1101(a)(8)(D) of such Act (112 Stat. 112) is amended by inserting before the period at the end the following: ''and $8,333,333 for the period of October 1, 2003, through February 29, 2004''.

(2) NATIONAL CORRIDOR PLANNING AND DEVELOPMENT AND COORDINATED BORDER INFRASTRUCTURE PROGRAMS.—Section 1101(a)(9) of such Act (112 Stat. 112) is amended by inserting before the period at the end the following: ''and $58,333,333 for the period of October 1, 2003, through February 29, 2004''.

(3) CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.—

(A) IN GENERAL.—Section 1101(a)(10) of such Act (112 Stat. 113) is amended by inserting before the period at the end the following: ''and $15,833,333 for the period of October 1, 2003, through February 29, 2004''.

(B) SET ASIDE FOR ALASKA, NEW JERSEY, AND WASHINGTON.—To carry out section 1064 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 129 note; 105 Stat. 2005; 112 Stat. 185), of funds made available by the amendment made by subparagraph (A)—

(i) $4,166,667 shall be available for section 1064(d)(2);

(ii) $2,083,333 shall be available for section 1064(d)(3); and

(iii) $2,083,333 shall be available for section 1064(d)(4).

(4) NATIONAL SCENIC BYWAYS PROGRAM.—Section 1101(a)(11) of the Transportation Equity Act for the 21st Century (112 Stat. 113) is amended—

(A) by striking ''and'' the last place it appears; and

(B) by inserting before the period at the end the following: '', and $11,458,333 for the period of October 1, 2003, through February 29, 2004''.

(5) VALUE PRICING PILOT PROGRAM.—Section 1101(a)(12) of such Act (112 Stat. 113) is amended—

(A) by striking ''and''; and

(B) by inserting before the period at the end the following: '', and $4,583,333 for the period of October 1, 2003, through February 29, 2004''.

(6) HIGHWAY USE TAX EVASION PROJECTS.—Section 1101(a)(14) of such Act (112 Stat. 113) is amended by inserting before the period at the end the following: ''and $2,083,333 for the period of October 1, 2003, through February 29, 2004''.

(7) COMMONWEALTH OF PUERTO RICO HIGHWAY PROGRAM.—

(A) IN GENERAL.—Section 1101(a)(15) of such Act (112 Stat. 113) is amended by inserting before the period at the end the following: ''and $45,833,333 for the period of October 1, 2003, through February 29, 2004''.

(B) CONFORMING AMENDMENT.—Section 1214(r) of such Act (112 Stat. 209) is amended by striking ''2003'' and inserting ''2004''.

(8) SAFETY GRANTS.—Section 1212(i)(1)(D) of such Act (23 U.S.C. 402 note; 112 Stat. 196; 112 Stat. 840) is amended by inserting before the period at the end the following: ''and $208,333 for the period of October 1, 2003, through February 29, 2004''.

(9) TRANSPORTATION AND COMMUNITY AND SYSTEM PRESERVATION PILOT PROGRAM.—Section 1221(e)(1) of such Act (23 U.S.C. 101 note; 112 Stat. 223) is amended by inserting before the period at the end the following: ''and $10,416,667 for the period of October 1, 2003, through February 29, 2004''.

(10) TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION.—Section 188 of title 23, United States Code, is amended—

(A) in subsection (a)(1)—

(i) by striking ''and'' at the end of subparagraph (D);

(ii) by striking the period at the end of subparagraph (E) and inserting ''; and''; and

(iii) by adding at the end the following:

''(F) $58,333,333 for the period of October 1, 2003, through February 29, 2004.'';

(B) in subsection (a)(2) by inserting after ''2003'' the following: ''and $833,333 for the period of October 1, 2003, through February 29, 2004''; and

(C) in subsection (c)—

(i) by striking ''2003'' and inserting ''2004''; and

(ii) by striking the period at the end of the table and inserting the following:

''2004 ..... $1,083,333,333.''.

(b) AUTHORIZATION OF APPROPRIATIONS UNDER TITLE V OF TEA21.—

(1) SURFACE TRANSPORTATION RESEARCH.—Section 5001(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 419) is amended—

(A) by striking ''2002, and'' and inserting ''2002,''; and

(B) by inserting after ''2003'' the following: '', and $43,750,000 for the period of October 1, 2003, through February 29, 2004''.

(2) TECHNOLOGY DEPLOYMENT PROGRAM.—Section 5001(a)(2) of such Act (112 Stat. 419) is amended—

(A) by striking ''2002, and'' and inserting ''2002,''; and

(B) by inserting after ''2003'' the following: '', and $22,916,667 for the period of October 1, 2003, through February 29, 2004''.

(3) TRAINING AND EDUCATION.—Section 5001(a)(3) of such Act (112 Stat. 420) is amended—

(A) by striking ''2002, and'' and inserting ''2002,''; and

(B) by inserting after ''2003'' the following: '', and $8,750,000 for the period of October 1, 2003, through February 29, 2004''.

(4) BUREAU OF TRANSPORTATION STATISTICS.—Section 5001(a)(4) of such Act (112 Stat. 420) is amended by inserting before the period at the end the following: '', and $12,916,667 for the period of October 1, 2003, through February 29, 2004''.

(5) ITS STANDARDS, RESEARCH, OPERATIONAL TESTS, AND DEVELOPMENT.—Section 5001(a)(5) of such Act (112 Stat. 420) is amended—

(A) by striking ''2002, and'' and inserting ''2002,''; and

(B) by inserting after ''2003'' the following: '', and $47,916,667 for the period of October 1, 2003, through February 29, 2004''.

(6) ITS DEPLOYMENT.—Section 5001(a)(6) of such Act (112 Stat. 420) is amended—

(A) by striking ''2002, and'' and inserting ''2002,''; and

(B) by inserting after ''2003'' the following: '', and $51,666,667 for the period of October 1, 2003, through February 29, 2004''.

(7) UNIVERSITY TRANSPORTATION RESEARCH.—Section 5001(a)(7) of such Act (112 Stat. 420) is amended—

(A) by striking ''2002, and'' and inserting ''2002,''; and

(B) by inserting after ''2003'' the following: '', and $11,250,000 for the period of October 1, 2003, through February 29, 2004''.

(c) METROPOLITAN PLANNING.—

(1) AUTHORIZATION OF CONTRACT AUTHORITY.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out section 134 of title 23, United States Code, $100,000,000 for the period of October 1, 2003, through February 29, 2004.

(2) DISTRIBUTION OF FUNDS.—The Secretary shall distribute funds made available by this subsection to the States in accordance with section 104(f)(2) of title 23, United States Code.

(3) CONTRACT AUTHORITY.—Funds made available by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, and shall be subject to a limitation on obligations for Federal-aid highways and highway safety construction programs.

(d) TERRITORIES.—Section 1101 of the Transportation Equity Act for the 21st Century (112 Stat. 111–115) is further amended by adding at the end the following:

''(d) TERRITORIES.—

''(1) IN GENERAL.—In lieu of the amounts deducted under section 104(b)(1) of title 23,

United States Code, there shall be available from the Highway Trust Fund (other than the Mass Transit Account) for the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands $15,166,667 for the period of October 1, 2003, through February 29, 2004.

''(2) CONTRACT AUTHORITY.—Funds made available by this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, and shall be subject to a limitation on obligations for Federal-aid highways and highway safety construction programs.''.

(e) ALASKA HIGHWAY.—Section 1101 of such Act is further amended by adding at the end the following:

''(e) ALASKA HIGHWAY.—

''(1) IN GENERAL.—In lieu of the amounts deducted under section 104(b)(1) of title 23, United States Code, there shall be available from the Highway Trust Fund (other than the Mass Transit Account) for the Alaska Highway program under section 218 of such title $7,833,333 for the period of October 1, 2003, through February 29, 2004.

''(2) CONTRACT AUTHORITY.—Funds made available by this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, and shall be subject to a limitation on obligations for Federal-aid highways and highway safety construction programs.''.

(f) OPERATION LIFESAVER.—Section 1101 of such Act is further amended by adding at the end the following:

''(f) OPERATION LIFESAVER.—

''(1) IN GENERAL.—In lieu of the amount set aside under section 104(d)(1) of title 23, United States Code, there shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out the operation lifesaver program under such section $208,333 for the period of October 1, 2003, through February 29, 2004.

''(2) CONTRACT AUTHORITY.—Funds made available by this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, and shall be subject to a limitation on obligations for Federal-aid highways and highway safety construction programs.''.

(g) BRIDGE DISCRETIONARY.—Section 1101 of such Act is further amended by adding at the end the following:

''(g) BRIDGE DISCRETIONARY.—

''(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) $41,666,667 to the Secretary at the discretion of the Secretary to carry out section 144(g) of title 23, United States Code, for the period of October 1, 2003, through February 29, 2004.

''(2) CONTRACT AUTHORITY.—Funds made available by this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, and shall be subject to a limitation on obligations for Federal-aid highways and highway safety construction programs.''.

(h) INTERSTATE MAINTENANCE.—Section 1101 of such Act is further amended by adding at the end the following:

''(h) INTERSTATE MAINTENANCE.—

''(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) $41,666,667 to the Secretary to carry out projects described in section 118(c)(1) of title 23, United States Code, for the period of October 1, 2003, through February 29, 2004.

''(2) PROJECT SELECTION CRITERIA.—The project selection criteria in section 118(c)(2) of such title shall apply to amounts made available by this subsection.

''(3) CONTRACT AUTHORITY.—Funds made available by this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, and shall be subject to a limitation on obligations for Federal-aid highways and highway safety construction programs; except that such funds shall remain available until expended.''.

(i) RECREATIONAL TRAILS ADMINISTRATIVE COSTS.—Section 1101 of such Act is further amended by adding at the end the following:

''(i) RECREATIONAL TRAILS ADMINISTRATIVE COSTS.—

''(1) IN GENERAL.—In lieu of the amount to be deducted under section 104(h)(1) of title 23, United States Code, there shall be available from the Highway Trust Fund (other than the Mass Transit Account) to the Secretary to cover costs of the Secretary described in such section $312,500 for the period of October 1, 2003, through February 29, 2004.

''(2) CONTRACT AUTHORITY.—Funds made available by this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, and shall be subject to a limitation on obligations for Federal-aid highways and highway safety construction programs.''.

(j) RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL CORRIDORS.—Section 1101 of such Act is further amended by adding at the end the following:

''(j) RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL CORRIDORS.—

''(1) IN GENERAL.—In lieu of the amount to be deducted under section 104(d)(2) of title 23, United States Code, there shall be available from the Highway Trust Fund (other than the Mass Transit Account) to the Secretary for elimination of hazards of railway-highway crossings in accordance with such section $2,187,500 for the period of October 1, 2003, through February 29, 2004; except that not less than $104,167 instead of $250,000 shall be available for the period of October 1, 2003, through February 29, 2004, for eligible improvements described in subparagraph (E) of such section.

''(2) CONTRACT AUTHORITY.—Funds made available by this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, and shall be subject to a limitation on obligations for Federal-aid highways and highway safety construction programs.''.

(k) NONDISCRIMINATION.—Section 1101 of such Act is further amended by adding at the end the following:

''(k) NONDISCRIMINATION.—

''(1) SKILLS TRAINING.—In lieu of the amount to be deducted under section 140(b) of title 23, United States Code, there shall be available from the Highway Trust Fund (other than the Mass Transit Account) to the Secretary for the administration of such section $4,166,667 for the period of October 1, 2003, through February 29, 2004.

''(2) ON-THE-JOB TRAINING.—In lieu of the amount to be deducted under section 140(c) of title 23, United States Code, there shall be available from the Highway Trust Fund (other than the Mass Transit Account) to the Secretary for the administration of such section $4,166,667 for the period of October 1, 2003, through February 29, 2004.

''(3) CONTRACT AUTHORITY.—Funds made available by this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, and shall be subject to a limitation on obligations for Federal-aid highways and highway safety construction programs; except that funds made available by paragraph (1) shall remain available until expended.''.

(l) ADMINISTRATION OF FUNDS.—Funds authorized by the amendments made by this section shall be administered as if the funds had been apportioned, allocated, deducted, or set aside, as the case may be, under title 23, United States Code, except that the deductions under sections 104(a)(1)(A) and 104(a)(1)(B) of such title shall not apply to funds made available by the amendment made by subsection (a)(1) of this section.

(m) REDUCTION OF ALLOCATED PROGRAMS.—The Secretary of Transportation shall reduce the amount that would be made available, but for this section, for fiscal year 2004 for allocation under a program, that is continued both by a law reauthorizing such program enacted after the date of enactment of this Act and by this section, by the amount made available for such program by this section.

(n) PROGRAM CATEGORY RECONCILIATION.—The Secretary may establish procedures under which funds allocated under this section for fiscal year 2004 for a program category for which funds are not authorized for fiscal year 2004 under a multiyear law reauthorizing the Federal-aid highway program enacted after the date of enactment of this Act may be restored to the Federal-aid highway program.

SEC. 6. EXTENSION OF HIGHWAY SAFETY PROGRAMS.

(a) CHAPTER 1 HIGHWAY SAFETY PROGRAMS.—

(1) SEAT BELT SAFETY INCENTIVE GRANTS.—Section 157 of title 23, United States Code, is amended—

(A) in subsection (a)(3) by striking ''2001'' and inserting ''2002'';

(B) in subsection (a)(8)(B) by striking ''2001'' and inserting ''2002'';

(C) in subsection (b) by striking ''2002'' and inserting ''2003'';

(D) in subsection (c)(1) by striking ''2002'' and inserting ''2003'';

(E) in subsection (c)(2) by striking ''2002'' and inserting ''2003'';

(F) in subsection (f)(4) by striking ''2002'' and inserting ''2003'';

(G) in subsection (g)(1)—

(i) by striking ''and''; and

(ii) by inserting before the period at the end the following: '', and $46,666,667 for the period of October 1, 2003, through February 29, 2004'';

(H) in the heading to subsection (g)(3)(B) by striking ''2003'' and inserting ''2004''; and

(I) in subsection (g)(3)(B) by striking ''2003'' and inserting ''2004''.

(2) PREVENTION OF INTOXICATED DRIVER INCENTIVE GRANTS.—Section 163(e)(1) of such title is amended—

(A) by striking ''and''; and

(B) by inserting before the period at the end the following: '', and $50,000,000 for the period of October 1, 2003, through February 29, 2004''.

(b) CHAPTER 4 HIGHWAY SAFETY PROGRAMS.—Section 2009(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 337) is amended—

(1) by striking ''and''; and

(2) by inserting before the period at the end the following: '', and $68,750,000 for the period of October 1, 2003, through February 29, 2004''.

(c) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section 2009(a)(2) of such Act (112 Stat. 337) is amended by inserting after ''2003'' the following: '', and $30,000,000 for the period of October 1, 2003, through February 29, 2004''.

(d) OCCUPANT PROTECTION INCENTIVE GRANTS.—Section 2009(a)(3) of such Act (112 Stat. 337) is amended—

(1) by striking ''and''; and

(2) by inserting before the period at the end the following: '', and $8,333,333 for the period of October 1, 2003, through February 29, 2004''.

(e) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANTS.—

(1) EXTENSION OF PROGRAM.—Section 410 of title 23, United States Code, is amended—

(A) in subsection (a)(3) by striking ''6'' and inserting ''7''; and

(B) in subsection (a)(4)(C) by striking ''and sixth'' and inserting '', sixth, and seventh''; and

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 2009(a)(4) of such Act (112 Stat. 337) is amended—

(A) by striking ''and'' the last place it appears; and

(B) by inserting before the period at the end the following: '', and $16,666,667 for the period of October 1, 2003, through February 29, 2004''.

(f) NATIONAL DRIVER REGISTER.—Section 2009(a)(6) of such Act (112 Stat. 338) is amended by inserting after ''2003'' the following: '', and $833,333 for the period of October 1, 2003, through February 29, 2004''.

(g) ALLOCATIONS.—Section 2009(b) of such Act (112 Stat. 338) is amended—

(1) in paragraph (1) by striking ''2003'' and inserting ''2004''; and

(2) in paragraph (2) by striking ''2003'' and inserting ''2004''.

(h) APPLICABILITY OF TITLE 23.—Section 2009(c) of such Act (112 Stat. 338) is amended by striking ''2003'' and inserting ''2004''.

SEC. 7. EXTENSION OF MOTOR CARRIER SAFETY PROGRAM.

(a) ADMINISTRATIVE EXPENSES.—

(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) for the Secretary of Transportation to pay administrative expenses of the Federal Motor Carrier Safety Administration $71,487,500 for the period of October 1, 2003, through February 29, 2004.

(2) USE OF FUNDS.—Funds authorized by this subsection may be used for personnel costs; administrative infrastructure; rent; information technology; and programs for research and technology, regulatory development, and other operating expenses and similar matters.

(b) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM.—Section 31104(a) of title 49, United States Code, is amended by adding at the end the following:

''(7) Not more than $68,750,000 for the period of October 1, 2003, through February 29, 2004.''.

(c) INFORMATION SYSTEMS AND COMMERCIAL DRIVER'S LICENSE GRANTS.—

(1) AUTHORIZATION OF APPROPRIATION.—Section 31107(a) of such title is amended—

(A) by striking ''and'' at the end of paragraph (2);

(B) by striking the period at the end of paragraph (3) and inserting a semicolon;

(C) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(D) by adding at the end the following:

''(5) $8,333,333 for the period of October 1, 2003 through February 29, 2004.''.

(2) EMERGENCY CDL GRANTS.—From amounts made available by section 31107(a) of title 49, United States Code, for the period of October 1, 2003 through February 29, 2004, the Secretary of Transportation may make grants of up to $416,667 to a State whose commercial driver's license program may fail to meet the compliance requirements of section 31311(a) of such title.

(d) CRASH CAUSATION STUDY.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) for the Federal Motor Carrier Safety Administration to continue the crash causation study required by section 224 of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31100 note; 113 Stat. 1770–1771), $416,667 for the period of October 1, 2003 through February 29, 2004.

(e) CONTRACT AUTHORITY.—Funds made available by this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

SEC. 8. EXTENSION OF FEDERAL TRANSIT PROGRAMS.

(a) ALLOCATING AMOUNTS.—Section 5309(m) of title 49, United States Code, is amended—

(1) in paragraph (1) by inserting ''and for the period of October 1, 2003, through February 29, 2004'' after ''2003'';

(2) in paragraph (2)(B) by inserting after clause (ii) the following:

''(iii) OCTOBER 1, 2003 THROUGH FEBRUARY 29, 2004.—Of the amounts made available under paragraph (1)(B), $4,333,333 shall be available for the period of October 1, 2003, through February 29, 2004, for capital projects described in clause (i).'';

(3) in paragraph (3)(B) by inserting after ''2003'' the following: ''(and $1,250,000 shall be available for the period October 1, 2003, through February 29, 2004)''; and

(4) in paragraph (3)(C) by inserting after ''2003'' the following: ''(and $20,833,334 shall be available for the period October 1, 2003, through February 29, 2004)''.

(b) APPORTIONMENT OF APPROPRIATIONS FOR FIXED GUIDEWAY MODERNIZATION.—

(1) SPECIAL RULE FOR OCTOBER 1, 2003 THROUGH FEBRUARY 29, 2004.—The Secretary of Transportation shall determine the amount that each urbanized area is to be apportioned for fixed guideway modernization under section 5337 of title 49, United States Code, on a pro rata basis to reflect the partial fiscal year 2004 funding made available by sections 5338(b)(2)(A)(vi) and 5338(b)(2)(B)(vi) of such title.

(2) TECHNICAL AMENDMENT.—Section 5337 of such title is amended by striking the first subsection (e), relating to special rule.

(c) FORMULA GRANTS AUTHORIZATIONS.—Section 5338(a) of such title is amended—

(1) in the heading to paragraph (2) by inserting ''AND FOR THE PERIOD OF OCTOBER 1, 2003, THROUGH FEBRUARY 29, 2004'' after ''2003'';

(2) by striking ''and'' at the end of paragraphs (2)(A)(iv) and (2)(B)(iv);

(3) by striking the period at the end of paragraphs (2)(A)(v) and (2)(B)(v) and inserting ''; and'';

(4) by adding at the end of paragraph (2)(A) the following:

''(vi) $1,292,948,344 for the period of October 1, 2003, through February 29, 2004.'';

(5) by adding at the end in paragraph (2)(B) the following:

''(vi) $323,459,169 for the period of October 1, 2003, through February 29, 2004.''; and

(6) in paragraph (2)(C) by inserting after ''a fiscal year'' the following: ''(other than for the period of October 1, 2003, through February 29, 2004)''.

(d) ALLOCATION OF FORMULA GRANT FUNDS FOR OCTOBER 1, 2003, THROUGH FEBRUARY 29, 2004.—Of the aggregate of amounts made available by and appropriated under section 5338(a)(2) of title 49, United States Code, for the period of October 1, 2003, through February 29, 2004—

(1) $2,020,813 shall be available to the Alaska Railroad for improvements to its passenger operations under section 5307 of such title;

(2) $20,833,334 shall be available to carry out section 5308 of such title; and

(3) of the remaining amount—

(A) 2.4 percent shall be available to provide transportation services to elderly individuals and individuals with disabilities under section 5310 of such title;

(B) 6.37 percent shall be available to provide financial assistance for other than urbanized areas under section 5311 of such title; and

(C) 91.23 percent shall be available to provide financial assistance for urbanized areas under section 5307 of such title.

(e) CAPITAL PROGRAM AUTHORIZATIONS.—Section 5338(b) of such title is amended—

(1) in the heading to paragraph (2) by inserting ''AND FOR THE PERIOD OF OCTOBER 1, 2003, THROUGH FEBRUARY 29, 2004'' after ''2003'';

(2) by striking ''and'' at the end of paragraphs (2)(A)(iv) and (2)(B)(iv);

(3) by striking the period at the end of paragraphs (2)(A)(v) and (2)(B)(v) and inserting ''; and'';

(4) by adding at the end of paragraph (2)(A) the following:

''(vi) $1,022,503,342 for the period of October 1, 2003, through February 29, 2004.''; and

(5) by adding at the end of paragraph (2)(B) the following:

''(vi) $255,801,669 for the period of October 1, 2003, through February 29, 2004.''.

(f) PLANNING AUTHORIZATIONS AND ALLOCATIONS.—Section 5338(c) is amended—

(1) in the heading to paragraph (2) by inserting ''AND FOR THE PERIOD OF OCTOBER 1, 2003, THROUGH FEBRUARY 29, 2004'' after ''2003'';

(2) by striking ''and'' at the end of paragraphs (2)(A)(iv) and (2)(B)(iv);

(3) by striking the period at the end of paragraphs (2)(A)(v) and (2)(B)(v) and inserting ''; and'';

(4) by adding at the end of paragraph (2)(A) the following:

''(vi) $24,636,667 for the period of October 1, 2003, through February 29, 2004.'';

(5) by adding at the end of paragraph (2)(B) the following:

''(vi) $6,100,000 for the period of October 1, 2003, through February 29, 2004.''; and

(6) in paragraph (2)(C) by inserting ''or any portion of a fiscal year'' after ''fiscal year''.

(g) RESEARCH AUTHORIZATIONS.—Section 5338(d) of such title is amended—

(1) in the heading to paragraph (2) by inserting ''AND FOR THE PERIOD OF OCTOBER 1, 2003, THROUGH FEBRUARY 29, 2004'' after ''2003'';

(2) by striking ''and'' at the end of paragraphs (2)(A)(iv) and (2)(B)(iv);

(3) by striking the period at the end of paragraphs (2)(A)(v) and (2)(B)(v) and inserting ''; and'';

(4) by adding at the end of paragraph (2)(A) the following:

''(vi) $16,536,667 for the period of October 1, 2003, through February 29, 2004.'';

(5) by adding at the end of paragraph (2)(B) the following:

''(vi) $4,095,000 for the period of October 1, 2003, through February 29, 2004.''; and

(6) in paragraph (2)(C) by inserting after ''a fiscal year'' the following: ''(other than for the period of October 1, 2003, through February 29, 2004)''.

(h) ALLOCATION OF RESEARCH FUNDS FOR OCTOBER 1, 2003, THROUGH FEBRUARY 29, 2004.—Of the funds made available by or appropriated under section 5338(d)(2) of title 49, United States Code, for the period of October 1, 2003, through February 29, 2004—

(1) not less than $2,187,500 shall be available for providing rural transportation assistance under section 5311(b)(2) of such title;

(2) not less than $3,437,500 shall be available for carrying out transit cooperative research programs under section 5313(a) of such title;

(3) not less than $1,666,667 shall be available to carry out programs under the National Transit Institute under section 5315 of such title, including not more than $416,667 shall be available to carry out section 5315(a)(16) of such title; and

(4) the remainder shall be available for carrying out national planning and research

programs under sections 5311(b)(2), 5312, 5313(a), 5314, and 5322 of such title.

(i) UNIVERSITY TRANSPORTATION RESEARCH AUTHORIZATIONS.—Section 5338(e) of such title is amended—

(1) in the heading to paragraph (2) by inserting ''AND FOR THE PERIOD OF OCTOBER 1, 2003, THROUGH FEBRUARY 29, 2004'' after ''2003'';

(2) in paragraph (2)(A) by inserting after ''2003'' the following: ''and $2,020,833 for the period of October 1, 2003, through February 29, 2004'';

(3) in paragraph (2)(B) by inserting after ''2003'' the following: ''and $505,833 for the period of October 1, 2003, through February 29, 2004''; and

(4) in clauses (i) and (iii) of paragraph (2)(C) by inserting after ''fiscal year'' the following: ''(other than for the period of October 1, 2003, through February 29, 2004)''.

(j) ALLOCATION OF UNIVERSITY TRANSPORTATION RESEARCH FUNDS.—

(1) IN GENERAL.—Of the amounts made available under section 5338(e)(2)(A) of title 49, United States Code, for the period October 1, 2003, through February 29, 2004—

(A) $833,333 shall be available for the center identified in section 5505(j)(4)(A) of such title; and

(B) $833,333 shall be available for the center identified in section 5505(j)(4)(F) of such title.

(2) TRAINING AND CURRICULUM DEVELOPMENT.—Notwithstanding section 5338(e)(2) of such title, any amounts made available under such section for such period that remain after distribution under paragraph (1), shall be available for the purposes identified in section 3015(d) of the Transportation Equity Act for the 21st Century (112 Stat. 857).

(3) CONFORMING AMENDMENT.—Section 3015(d)(2) of the Transportation Equity Act for the 21st Century (112 Stat. 857) is amended by inserting ''and in the period October 31, 2003, through February 29, 2004'' after ''2003''.

(k) ADMINISTRATION AUTHORIZATIONS.—Section 5338(f) of such title is amended—

(1) in the heading to paragraph (2) by inserting ''AND FOR THE PERIOD OF OCTOBER 1, 2003, THROUGH FEBRUARY 29, 2004'' after ''2003'';

(2) by striking ''and'' at the end of paragraphs (2)(A)(iv) and (2)(B)(iv);

(3) by striking the period at the end of paragraphs (2)(A)(v) and (2)(B)(v) and inserting ''; and'';

(4) by adding at the end of paragraph (2)(A) the following:

''(vi) $24,585,834 for the period of October 1, 2003, through February 29, 2004.''; and

(5) by adding at the end of paragraph (2)(B) the following:

''(vi) $6,150,833 for the period of October 1, 2003, through February 29, 2004.''.

(l) JOB ACCESS AND REVERSE COMMUTE PROGRAM.—Section 3037(l) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5309 note; 112 Stat. 391–392) is amended—

(1) by striking ''and'' at the end of paragraphs (1)(A)(iv) and (1)(B)(iv);

(2) by striking the period at the end of paragraphs (1)(A)(v) and (1)(B)(v) and inserting ''; and'';

(3) by adding at the end of paragraph (1)(A) the following:

''(vi) $50,519,167 for the period of October 1, 2003, through February 29, 2004.'';

(4) by adding at the end of paragraph (1)(B) the following:

''(vi) $12,638,333 for the period of October 1, 2003, through February 29, 2004.''; and

(5) by inserting before the period at the end of paragraph (2) the following: ''; except that in the period of October 1, 2003, through February 29, 2004, $4,166,667 shall be used for such projects''.

(m) RURAL TRANSPORTATION ACCESSIBILITY INCENTIVE PROGRAM.—Section 3038(g) of such Act (49 U.S.C. 5310 note; 112 Stat. 393) is amended—

(1) by adding at the end of paragraph (1) the following:

''(F) $2,187,500 for the period of October 1, 2003, through February 29, 2004.''; and

(2) in paragraph (2) by inserting after ''2003'' the following: ''(and $708,333 shall be available for the period of October 1, 2003, through February 29, 2004)''.

(n) URBANIZED AREA FORMULA GRANTS.—Section 5307(b) of title 49, United States Code, is amended—

(1) in the heading to paragraph (2) by inserting ''AND FOR THE PERIOD OF OCTOBER 1, 2003, THROUGH FEBRUARY 29, 2004'' after ''2003'';

(2) in paragraph (2)(A)—

(A) by inserting ''and for the period of October 1, 2003, through February 29, 2004'' after ''2003,'';

(B) by striking ''or'' at the end of clause (ii);

(C) by striking the period at the end of clause (iii) and inserting ''; and''; and

(D) by adding at the end the following:

''(iv) a portion of the area was not designated as an urbanized area as determined under the 1990 Federal decennial census and received assistance under section 5311 in fiscal year 2002.'';

(3) by adding at the end of paragraph (2)(B) the following: ''Each portion of an area not designated as an urbanized area under the 1990 Federal decennial census and eligible to receive funds under subparagraph (A)(iv) shall receive an amount of funds made available to carry out this section that is no less than the amount the portion of the area received under section 5311 in fiscal year 2002.''.

(o) OBLIGATION CEILING.—Section 3040 of the Transportation Equity Act for the 21st Century (112 Stat. 394) is amended—

(1) by striking ''and'' at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting ''; and''; and

(3) by adding at the end the following:

''(6) $3,042,501,691 for the period of October 1, 2003, through February 29, 2004.''.

(p) FUEL CELL BUS AND BUS FACILITIES PROGRAM.—Section 3015(b) of such Act (112 Stat. 361) is amended by inserting ''(or, in the case of the period of October 1, 2003, through February 29, 2004, $2,020,833)'' after ''$4,850,000''.

(q) ADVANCED TECHNOLOGY PILOT PROJECT.—Section 3015(c)(2) of such Act (49 U.S.C. 322 note; 112 Stat. 361) is amended—

(1) by inserting ''and for the period of October 1, 2003, through February 29, 2004, after ''2003,''; and

(2) by inserting ''and $2,083,333 for such period'' after ''$5,000,000 per fiscal year''.

(r) PROJECTS FOR NEW FIXED GUIDEWAY SYSTEMS AND EXTENSIONS TO EXISTING SYSTEMS.—Subsections (a), (b), and (c)(1) of section 3030 of such Act (112 Stat. 373–381) are amended by inserting ''and for the period of October 1, 2003, through February 29, 2004,'' after ''2003''.

(s) NEW JERSEY URBAN CORE PROJECT.—Subparagraphs (A), (B), and (C) of section 3031(a)(3) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2122; 112 Stat. 379) are amended by inserting ''and for the period of October 1, 2003, through February 29, 2004,'' after ''2003,''.

(t) TREATMENT OF FUNDS.—Amounts made available under the amendments made by this section shall be treated for purposes of section 1101(b) of the Transportation Equity Act for the 21st Century (23 U.S.C. 101 note) as amounts made available for programs under title III of such Act.

SEC. 9. SPORT FISHING AND BOATING SAFETY.

(a) FUNDING FOR NATIONAL OUTREACH AND COMMUNICATIONS PROGRAM.—Section 4(c) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(c)) is amended—

(1) by striking ''and'' at the end of paragraph (4);

(2) by inserting ''and'' after the semicolon at the end of paragraph (5); and

(3) by inserting after paragraph (5) the following:

''(6) $4,166,667 for the period of October 1, 2003, through February 29, 2004;''.

(b) CLEAN VESSEL ACT FUNDING.—Section 4(b) of such Act (16 U.S.C. 777c(b)) is amended:

(1) by redesignating paragraph (4) as paragraph (5);

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

''(4) FIRST 5 MONTHS OF FISCAL YEAR 2004.—For the period of October 1, 2003, through February 29, 2004, of the balance of each annual appropriation remaining after making the distribution under subsection (a), an amount equal to $34,166,667, reduced by 82 percent of the amount appropriated for that fiscal year from the Boat Safety Account of the Aquatic Resources Trust Fund established by section 9504 of the Internal Revenue Code of 1986 to carry out the purposes of section 13106(a) of title 46, United States Code, shall be used as follows:

''(A) $4,166,667 shall be available to the Secretary of the Interior for 3 fiscal years for obligation for qualified projects under section 5604(c) of the Clean Vessel Act of 1992 (33 U.S.C. 1322 note).

''(B) $3,333,333 shall be available to the Secretary of the Interior for 3 fiscal years for obligation for qualified projects under section 7404(d) of the Sportfishing and Boating Safety Act of 1998 (16 U.S.C. 777g–1(d)).

''(C) The balance remaining after the application of subparagraphs (A) and (B) shall be transferred to the Secretary of Transportation and shall be expended for State recreational boating safety programs under section 13106 of title 46, United States Code.''.

(c) BOAT SAFETY FUNDS.—Section 13106(c) of title 46, United States Code, is amended to read as follows:

''(c) Of the amount transferred to the Secretary of Transportation under paragraph (4) of section 4(b) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(b)), $2,083,333 is available to the Secretary for payment of expenses of the Coast Guard for personnel and activities directly related to coordinating and carrying out the national recreational boating safety program under this title, of which $833,333 shall be available to the Secretary only to ensure compliance with chapter 43 of this title. No funds available to the Secretary under this subsection may be used to replace funding traditionally provided through general appropriations, nor for any purposes except those purposes authorized by this section. Amounts made available by this subsection shall remain available until expended. The Secretary shall publish annually in the Federal Register a detailed accounting of the projects, programs, and activities funded under this subsection.''.

SEC. 10. BUDGET LIMITATIONS.

(a) ADJUSTMENTS TO ANNUALIZED DISCRETIONARY SPENDING LIMITS.—In the matter that precedes subparagraph (A) of section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985, strike ''through 2002''.

(b) DISCRETIONARY SPENDING LIMITS.—Section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended as follows:

(1) Strike paragraphs (1) through (7) and redesignate paragraph (8) (which relates to fiscal year 2004) as paragraph (1) and in such

redesignated paragraph strike ''(1) with respect to fiscal year 2004'', redesignate the remaining matter as subparagraph (C), and before such redesignated matter insert the following:

''(1) with respect to fiscal year 2004—

''(A) for the highway category: $31,834,000,000 in outlays;

''(B) for the mass transit category: $1,462,000,000 in new budget authority and $6,629,000,000 in outlays; and''.

(2) Redesignate paragraphs (9) through (16) as paragraphs (2) through (9).

(c) CATEGORY DEFINED.—Section 250(c)(4) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(1) in subparagraph (B) by inserting after ''Century'' the following: ''and the Surface Transportation Extension Act of 2003''; and

(2) in subparagraph (C)—

(A) by inserting after ''Century'' the first place it appears the following: ''and the Surface Transportation Extension Act of 2003''; and

(B) by striking ''that Act'' and inserting ''those Acts''.

(d) CONFORMANCE WITH THE CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2004.—Notwithstanding any other provision of law, all adjustments made pursuant to section 110(a)(2) of title 23, United States Code, to sums authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out each of the Federal-aid highway and highway safety construction programs (other than emergency relief) in fiscal year 2004 shall be deemed to be zero.

(e) SENSE OF CONGRESS ON ADJUSTMENT TO ALIGN HIGHWAY SPENDING WITH REVENUES.—It is the sense of Congress that, in any multiyear reauthorization of the Federal-aid highway program, the alignment of highway spending with revenues under section 251(b)(1)(B)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 should be restructured to minimize year-to-year fluctuations in highway spending levels and to ensure the uniform enforcement of such levels.

SEC. 11. LEVEL OF OBLIGATION LIMITATIONS.

(a) HIGHWAY CATEGORY.—Section 8103(a) of the Transportation Equity Act for the 21st Century (2 U.S.C. 901 note; 112 Stat. 492) is amended—

(1) by striking ''and'' at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting ''; and''; and

(3) by adding at the end the following:

''(6) for fiscal year 2004, $34,498,000,000.''.

(b) MASS TRANSIT CATEGORY.—Section 8103(b) of such Act (2 U.S.C. 901 note; 112 Stat. 492) is amended—

(1) by striking ''and'' at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting ''; and''; and

(3) by adding at the end the following:

''(6) for fiscal year 2004, $7,303,000,000.''.

(c) TREATMENT OF FUNDS.—Notwithstanding any other provision of law, funds made available under this Act, including the amendments made by this Act, shall be deemed to be zero for the purposes of section 110 of the title 23, United States Code.

SEC. 12. EXTENSION OF AUTHORIZATION FOR USE OF TRUST FUNDS FOR OBLIGATIONS UNDER TEA-21.

(a) HIGHWAY TRUST FUND.—

(1) IN GENERAL.—Paragraph (1) of section 9503(c) of the Internal Revenue Code of 1986 is amended—

(A) in the matter before subparagraph (A), by striking ''October 1, 2003'' and inserting ''March 1, 2004'',

(B) by striking ''or'' at the end of subparagraph (D),

(C) by striking the period at the end of subparagraph (E) and inserting '', or'',

(D) by inserting after subparagraph (E), the following new subparagraph:

''(F) authorized to be paid out of the Highway Trust Fund under the Surface Transportation Extension Act of 2003.'', and

(E) in the matter after subparagraph (F), as added by this paragraph, by striking ''TEA 21 Restoration Act'' and inserting ''Surface Transportation Extension Act of 2003''.

(2) MASS TRANSIT ACCOUNT.—Paragraph (3) of section 9503(e) of such Code is amended—

(A) in the matter before subparagraph (A), by striking ''October 1, 2003'' and inserting ''March 1, 2004'',

(B) in subparagraph (B), by striking ''or'' at the end of such subparagraph,

(C) in subparagraph (C), by inserting ''or '' after ''Century,'',

(D) by inserting after subparagraph (C) the following new subparagraph:

''(D) the Surface Transportation Extension Act of 2003,'', and

(E) in the matter after subparagraph (D), as added by this paragraph, by striking ''TEA 21 Restoration Act'' and inserting ''Surface Transportation Extension Act of 2003''.

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Subparagraph (B) of section 9503(b)(5) of such Code is amended by striking ''October 1, 2003'' and inserting ''March 1, 2004''.

(b) AQUATIC RESOURCES TRUST FUND.—

(1) SPORT FISH RESTORATION ACCOUNT.—Paragraph (2) of section 9504(b) of the Internal Revenue Code of 1986 is amended—

(A) in subparagraph (A), by striking ''Wildlife and Sport Fish Restoration Programs Improvement Act of 2000'' and inserting ''Surface Transportation Extension Act of 2003'', and

(B) in subparagraphs (B) and (C), by striking ''TEA 21 Restoration Act'' in each such subparagraph and inserting ''Surface Transportation Extension Act of 2003''.

(2) BOAT SAFETY ACCOUNT.—Subsection (c) of section 9504 of such Code is amended—

(A) by striking ''October 1, 2003'' and inserting ''March 1, 2004'', and

(B) by striking ''TEA 21 Restoration Act'' and inserting ''Surface Transportation Extension Act of 2003''.

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Paragraph (2) of section 9504(d) of such Code is amended by striking ''October 1, 2003'' and inserting ''March 1, 2004''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(d) TEMPORARY RULE REGARDING ADJUSTMENTS.—During the period beginning on the date of the enactment of this Act and ending on February 29, 2004, for purposes of making any estimate under section 9503(d) of the Internal Revenue Code of 1986 of receipts of the Highway Trust Fund, the Secretary of the Treasury shall treat—

(1) each expiring provision of paragraphs (1) through (4) of section 9503(b) of such Code which is related to appropriations or transfers to such Fund to have been extended through the end of the 24-month period referred to in section 9503(d)(1)(B) of such Code, and

(2) with respect to each tax imposed under the sections referred to in section 9503(b)(1) of such Code, the rate of such tax during the 24-month period referred to in section 9503(d)(1)(B) of such Code to be the same as the rate of such tax as in effect on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

□ 1515

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to urge immediate passage of H.R. 3087, the Surface Transportation Extension Act of 2003. The immediate enactment of this legislation is necessary to continue the highway construction, highway safety, transit, motor carrier and surface transportation research programs within the Department of Transportation for an additional 5 months after fiscal year 2003 and ends on September 30, 2003, just 6 days from today.

If Congress does not pass a bill and send it to the President before the end of this fiscal year, four Department of Transportation agencies will close their doors and furlough their employees until Congress enacts an extension. Failure to pass a bill before the end of September also means that no State will be reimbursed for the Federal share of their transportation project costs, thus subjecting the Federal Government to breach of contract claims by the States. Moreover, high-wage infrastructure construction jobs, engineers, planners and other related jobs, would be lost. New highway projects will be shelved, safety grants will not be provided to the States, transit construction will be halted, and the Federal enforcement of motor carrier safety regulation on the highways and at the borders will end.

I would like to thank at this time the gentleman from Iowa (Mr. NUSSLE) and his staff for their cooperation in drafting provisions of this bill under the jurisdiction of the Committee on the Budget. I would also like to thank the gentleman from California (Chairman THOMAS) and his staff for their assistance in preparing the provisions in the jurisdiction of the Committee on Ways and Means.

H.R. 3087 provides over $14 billion in contract authority to the States to continue Federal highway programs and over $3 billion to continue grants to transit agencies around the country. It provides $142 million for the Federal Motor Carrier Safety Administration and $125 million to the National Highway Traffic Safety Administration for highway safety grants.

Although this extension will provide funding for 5 months, on March 1 Congress will be faced with the same situation we face now; all the programs and the operation of the agencies will come to a screeching halt again.

I want to stress my continued commitment to the multiyear reauthorization bill, but I am also committed to introducing a bill that meets the needs and improves our highways and transit systems and provides jobs. Obviously, we have to find the revenues necessary to enact the authorization that best meets the needs of the country.

It is my intent, all with the help of God and everybody else, to introduce a bill before we adjourn this session of Congress. I am working very closely with the ranking minority member, the gentleman from Minnesota (Mr. OBERSTAR), to achieve a bipartisan agreement that will result in the best possible bill.

We expect to produce legislation that is developed in consultation with the Members of this House to solve their transportation problems, provide more equity to the States and reduce gridlock throughout the Nation. In the interim, Congress must pass H.R. 3087 so that these important infrastructure programs and the jobs associated with them can continue.

I am submitting my full statement for the record, but I want to clarify that while I support the bill that is before the House today, I also introduced H.R. 3088, which was not scheduled. H.R. 3088 would have kept these programs operating through March, and also had a grace period during which the States could have been reimbursed for their expenditures and also could have used some of their unobligated funds.

My personal view is that we should have passed a 6-month extension with a grace period, but I am trying to work cooperatively with the other body and with the leadership. I have been assured today that H.R. 3087 passes, and, when it does, the other body will take it up and pass it without amendment and send it to the President immediately so there are no disruptions of these programs. My support today is based on that assurance. That is the reason I have compromised on the length of the extension and the removal of the grace period for the States. We do not have the time to continue a debate on this extension. It must go to the President immediately and become law.

Mr. Speaker, I rise today to urge immediate passage of H.R. 3087, the Surface Transportation Extension Act of 2003.

The immediate enactment of this legislation is necessary to continue the highway construction, highway safety, transit, motor carrier, and surface transportation research programs within the Department of Transportation for an additional 5 months after fiscal year 2003 ends on September 30, 2003, just 6 days from today.

If Congress does not pass a bill and send it to the President before the end of this fiscal year, four Department of Transportation agencies will close their doors and furlough their employees until Congress enacts an extension.

Failure to pass a bill before the end of September also means that no State will be reimbursed for the Federal share of their transportation projects costs, thus subjecting the Federal Government to breach of contract claims by the States.

Moreover, high wage infrastructure construction jobs, engineers, planners and other related jobs will be lost.

New highway projects will be shelved, safety grants will not be provided to States, transit construction will be halted, and Federal enforcement of motor carrier safety regulations on the highways and at the borders will end.

The total amounts provided in H.R. 3087 reflects 5/12s of the budget authority and associated outlays in the 2004 budget resolution that Congress passed this year.

I would like to thank Chairman JIM NUSSLE and his staff for their cooperation in drafting the provisions of this bill under the jurisdiction of the budget committee.

I also want to thank Chairman BILL THOMAS and his staff for their assistance in preparing the provisions in the jurisdiction of the Ways and Means Committee.

H.R. 3087 provides over $14 billion in contract authority to the States to continue the Federal Highway Program and over $3 billion to continue grants to transit agencies around the country.

It provides $142 million for the Federal Motor Carrier Safety Administration to make grants to the States to enforce commercial safety regulations and to continue truck and bus inspections at our southern border with Mexico.

H.R. 3087 provides $125 million to the National Highway Traffic Safety Administration for highway safety grants, occupant protection grants, and alcohol driving countermeasure grants.

This legislation will allow the temporary transfer of funds among core highway programs, to give States flexibility in administering their programs under a short-term extension.

However, the bill provides that any transfers will be restored when the next highway and transit authorization bill is passed.

Although this extension will provide funding for 5 months, on March 1 Congress will be faced with the same situation we face now. All of the programs and the operations of the agencies will come to a screeching halt again.

I want to stress my continued commitment to a multi-year reauthorization bill but, and I also remain committed to introducing a bill that meets the needs and improves our highways and transit systems and provides jobs.

On a national basis, congestion costs more than $67 billion annually—more than 3.6 billion hours of delay and 5.7 billion gallons of excess fuel consumed.

The average driver is losing more than a week and a half of work, 62 hours a year, sitting in gridlock. The average cost of congestion per peak road traveler is $1,160 a year.

For every $1 billion invested in Federal highway and transit spending, 47,500 jobs are created or sustained.

Nearly a third of all fatal crashes each year are caused by substandard road conditions and roadside hazards.

More than 42,000 Americans are killed and 3.3 million are seriously injured each year on the Nation's highways.

Obviously, we have to find the revenues necessary to enact the authorization that best meets the needs of the country.

It is my intent to introduce a bill before we adjourn this session of Congress. I am working cooperatively with my ranking minority member, Congressman OBERSTAR to achieve a bipartisan agreement that will result in the best possible bill. We expect to produce legislation that is developed in consultation with the Members of this House to solve our transportation problems, provide more equity to states, and reduce gridlock throughout the Nation.

In the interim, Congress must pass H.R. 3087 so that these important infrastructure programs and the jobs associated with them can continue.

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

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

Mr. Speaker, I, too, rise in support of H.R. 3087, to extend our highway safety motor carrier safety programs for the next 5 months.

I extend my commiserations to our chairman, who had the honesty and the integrity to say we really should be here doing a 6-month extension. He knows, I know, and we both agreed, and 74 members of our committee agreed in cosponsoring the 6-month extension, that is the right policy to do for this country, and he has labored mightily with the other body, as we affectionately say in this House, to reason, rightly and properly, to get the right policy. But it could not be done, unfortunately.

The bill before us will extend to February 29 the funding for our transportation programs at 5/12ths of the fiscal year 2004 budget resolution. I want to specify those dollar amounts: Highways, $14.73 billion; transit, $3.04 billion; motor carrier safety and National Highway Traffic Safety Administration, $266.32 million; for a total of $18.04 billion.

Members and the State transportation departments that they represent should have no concerns about the continued flow of dollars for our highway and transit programs. We are assuring that those dollars move forward, because we also extend the landmark legacy of TEA–21, which is the budget firewalls guaranteed account, which assures that the dollars collected at the pump will be translated into highway and transit projects on the other side, and that all of those dollars will be invested in the Nation's surface transportation infrastructure, and not to mask the growing size of the Federal deficit.

But this stopgap is no substitute for the long-term bill. We need to work together, as the chairman has said, to fashion the 6-year bill that will be the successor to TEA–21, and that, in my expectation and every reasonable assessment of the Nation's congestion problems, transportation needs in urban, suburban and rural areas, adds up to $375 billion in needs over the next 6 years, a 60 percent increase over TEA–21.

We have the formula with which to do that. We have the Member understanding, the Member resolve and the staff expertise to craft that legislation, get it done, and move forward, lest we come to a point where this statement has yet again to be made: ''Time is running out in our effort to reauthorize our Federal highway, mass transit and other related transit programs.''

That is taken from a statement I made on this floor, together with then Chairman BUD SHUSTER, March 9, 1998.

We had just come to the end of a 6-month extension of our transportation program, of ISTEA. We had crafted a bill in committee known as BESTEA. We were ready to bring that bill to the House floor. But, because of obstructions from the other body, problems with the House leadership and problems with the executive branch at the time, we were bottled up. So we came to this floor at that point to extend those programs 2 more months. They would run out May 1, so we extended it to June 11, and on June 8, President Clinton signed TEA–21 into law.

We have always done our work in this Committee on Transportation and Infrastructure. We work together. We did our job. But there were others who did not do theirs.

I went on to say, ''If we do not pass this extension, funds will run out by May 1. States will face the summer construction season without assurance of Federal transportation funds.''

We are here recounting the same story.

''We have to move on a multiyear surface transportation bill, but we need to ensure that the bill we produce adequately addresses the Nation's transportation needs. The bill we have crafted in committee provides the level of funding necessary to build, repair and maintain our crumbling infrastructure, to improve mass transit and other alternative modes, enhance safety, protect the environment, and the bill has strong bipartisan support and is a testimony to Transportation Committee Chairman BUD SHUSTER's leadership.''

I would say the same, the bill that we can craft in this committee will be a tribute to the leadership of the gentleman from Alaska (Chairman YOUNG) and that of the gentleman from Wisconsin (Chairman PETRI) and our ranking member, the gentleman from Illinois (Mr. LIPINSKI.)

We are at the point we were 6 years ago. We are resolved to move ahead, move ahead resolutely, to do the right thing for public policy, to provide the funding levels that we know are needed by this country to move our transportation system ahead, to attack congestion at its source and to sustain the mobility of this great Nation of ours.

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

Mr. YOUNG of Alaska. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. PETRI), the chairman of the Subcommittee on Surface Transportation, who does an outstanding job.

Mr. PETRI. Mr. Speaker, this stopgap measure is needed to give the Committee on Transportation and Infrastructure and our colleagues on the Senate authorizing committees time to finalize the long-term surface transportation authorization bill.

Though much work has been done on the bill, there are challenges remaining, including identifying the needed resources to support a $375 billion level of funding over 6 years and addressing the concerns of donor States who want to get a better return on their contribution to the Highway Trust Fund.

This short-term extension is a must-pass bill. If Congress does not pass a bill and send it to the President before the end of the month, four Department of Transportation agencies will close their doors and furlough their employees: The Federal Highway Administration, the Federal Transit Administration, the National Highway Traffic Safety Administration and the Federal Motor Carrier Safety Administration.

Without passage of this extension, new highway projects will be shelved, safety grants will not be provided to States, transit construction will be halted, and Federal enforcement of motor carrier safety regulations on the highways and at the borders will end.

The bill before us provides over $17 billion in new funding authority, which reflects 5 months' worth or 5/12ths of the budget authority and associated outlays in the 2004 budget resolution that Congress passed earlier this year.

Some groups have expressed concern about a provision in H.R. 3087 that allows the temporary transfer of funds among core highway programs to give States flexibility, if needed, in administering their programs under a short-term extension. However, this bill provides that any transfers will be restored when the next highway bill and transit authorization bill is passed.

When this provision was included in the surface transportation extension bill that bridged the gap between ISTEA and TEA–21, nearly half the States did not utilize this authority at all, and every State fully restored all transferred funds. We will monitor this process closely again to ensure that increased flexibility does not lead to funds being used for ineligible purposes, and that funds are not needlessly transferred.

I urge my colleagues to support the passage of H.R. 3087 today. It is vitally important that this bill be passed by both the House and Senate and delivered to the President before September 30. Our economy cannot withstand the shutdown of the national surface transportation program.

Mr. OBERSTAR. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. LIPINSKI), the ranking member on the Subcommittee on Surface Transportation.

Mr. LIPINSKI. Mr. Speaker, I thank the ranking member, my good friend the gentleman from Minnesota (Mr. OBERSTAR), for yielding time, and I want to state that I rise in very strong support of H.R. 3087. We know why we have to pass this legislation. It is a 5-month extension. We have to keep the projects that are going on continuing to move through the system. We have to continue to keep people working. So there is no doubt in my mind that this bill should be passed, will be passed, and has to be passed.

I believe that we on the Committee on Transportation and Infrastructure, the gentleman from Alaska (Chairman YOUNG), the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), the chairman of the subcommittee, the gentleman from Wisconsin (Mr. PETRI) and myself and the staff on both sides of the committee, have worked very, very hard in producing a 6-year bill. I think we have overwhelming support on the committee for a bill that will generate $375 billion.

□ 1530

That is what not only we believe is necessary for an adequate bill, but I believe that people in the administration feel that way and people in the Senate feel that way. The Senate itself has come up with a bill of approximately $317 billion. They feel that that is probably the most that we can get.

But I think that most of us in the House on the Committee on Transportation and Infrastructure still refuse to accept the scaling down of this bill. I believe that we can get $375 billion by spending down the trust fund, by collecting the interest into the trust fund that now goes to general revenue, by making a couple of fixes pertaining to the ethanol situation, and by either bonding, indexing, or increasing the user fee, and remember, it is a user fee. No greater American than Ronald Reagan said it was a user fee. He said a nickel for America is not too much to expect.

So we on the Committee on Transportation and Infrastructure on both sides of the aisle I know will redouble our effort between now and the time that this extension expires to bring in a bill that will adequately address the infrastructure and transportation and transit needs of this Republic. I know that the gentleman from Wisconsin (Mr. PETRI) is committed to that, I know that the gentleman from Alaska (Chairman YOUNG) is committed to that, I know that the gentleman from Minnesota (Ranking Member OBERSTAR) is committed to that, and I am certainly committed to that.

So let us move forward with this 5-month extension, but let us redouble our efforts to produce a bill that brings the American people $375 billion.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Speaker, I rise today in support of H.R. 3087 to extend current law for 5 months to ensure that our Nation's highways and transit systems continue to operate as Congress deliberates on long-term reauthorization of Federal aid.

I want to thank the gentleman from Alaska (Chairman YOUNG) and the gentleman from Wisconsin (Chairman PETRI) for their leadership, as well as the ranking members of the full committee and the subcommittee, for their vision for a transportation program that will not only maintain, but modernize and improve our Nation's ailing transportation system. I know it is not

an ideal situation to be here today to consider a short-term extension; but recognizing the difficult issues involved in reaching a consensus on a robust and comprehensive 6-year bill, it is necessary to take this action.

Although I support and recognize the urgent need for enacting this short-term extension, I must reluctantly point out that this legislation ties transportation funding levels to the fiscal year 2004 budget resolution. This means new money will be apportioned to States based on the same inequitable distribution formulas that have disadvantaged donor States such as Michigan for decades. For too long, the State of Michigan has sent more Federal fuel tax money to Washington than it has received in return. In fact, on a 4-year average under TEA 21, Michigan ranks 48 out of all States on the return of Federal highway funds. Michigan is not receiving its fair share.

I continue to be encouraged by the willingness and desire of the gentleman from Alaska (Chairman YOUNG) and the gentleman from Wisconsin (Chairman PETRI) to pursue a plan that achieves equity for donor States such as Michigan as they address the serious infrastructure needs of this country. Hopefully, over the next 5 months, we will make progress on legislation to reach the goal of a 95 percent guarantee for all States. However, regardless of the next course of action at the end of February, it will be unacceptable for any transportation funding to neglect donor State equity.

Again, I look forward to working with the chairmen of the full committee and the subcommittee and our ranking members to address the wide range of issues that they are wrestling with, and I look forward to helping them in any way that I can.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank our hard-working ranking member for yielding me this time, and I thank both of our ranking members and both of our Chairs of our committee and our subcommittee for the diligent work they have put in. I congratulate them on that and on trying to get us as far as we could thus far.

We are on suspension, which is really the only thing we could do, and it probably is the easiest thing we can do; and when you are doing the easiest thing, you have to watch out. Everybody knows that if something happened after 5 months and we were not ready, we would have to be right back here extending this bill. We just have to. We are not going to let a transportation bill expire. That is why I am sorry it is not for 6 months.

I am glad we are doing this on the floor today. For me it is a message for now and it is a message for the future. In this jobless recovery, folks out there need to know that we are working on jobs, and when they hear this bill is on the floor, they think, oh, goodness, at least they are not going to cut off what jobs are still going and maybe there will be some jobs coming. I am terribly concerned about a jobless rate of 6.4 percent, and 6.9 percent in my own district. Among African Americans, it is an amazing 11.5 percent, more than twice what it is for whites, and 5.5 percent for Hispanics, 50 percent higher than it is for whites. I hope we will not forget what this bill means to Americans: roads. Transportation means that we are going to put people to work, and today we are saying that we are trying our best to do that.

Mr. Speaker, I want to second the remarks of our ranking member about funding, the $375 million figure. I have begun to understand that figure as I became a member of the Committee on Homeland Security, and more and more of what I am asking for roads really has to do with security. The money I am asking for really has to do with things like bridges and tunnels because you cannot get out of the District of Columbia the way it is now if there were an emergency.

So I ask us all to focus on this bill, to focus on getting it done now, and to focus on doing what we have to do to get it out at the earliest possible moment.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I agree with what the gentlewoman has talked about, about getting out of Washington, D.C. As the gentlewoman knows, I am very sympathetic; and we will be addressing it in the full bill to try to solve some of those problems of having the ability to get the people out of Washington, if necessary, in a quick fashion.

Our biggest goal of, I believe, the gentleman from Minnesota (Mr. OBERSTAR) and members of the committee is to really address the issues of congestion across this whole Nation. I have had the privilege of being in 40 different States in the last 2 years. The gentleman from Minnesota (Mr. OBERSTAR) has traveled with me and the gentleman from Wisconsin (Mr. PETRI). We go across this Nation, and we find a tremendous equal problem in every big city. New York, with all due respect to New York, if that one bridge was blown up, you would have 12 million people stranded with no way to supply. San Francisco and, I would suggest, L.A., Houston. So we have a national problem about congestion and the ability to move product and people to and fro; and it is my hope on this committee, with the members of this committee and with the help of the gentleman from Minnesota (Mr. OBERSTAR) and the staffs which we have, we will work really hard and we will be able to introduce a bill before we break this session that will meet those needs.

Mr. Speaker, if I had full authority, we would not only meet the needs; we would be able to have the money. But under this system, this is a two-tiered system; it has to go from this committee to another committee, and that committee will have the responsibility of trying to raise the funds to meet the needs that we are going to pass out of the committee to do the job for the people, to be able to move the people in case of an emergency, but also to make sure that commerce continues to grow. Without the ability to grow, without the ability to have transportation, our economy will shrink. So that is my goal on the committee, and I am confident we can achieve those goals. The American public wants to do this. I am confident that as time goes by there will be a greater bit of wisdom in certain parts of this great city of ours to understand the needs as I have presented to the committee and the committee will be able to send to the House.

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

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy in permitting me to speak on this.

While I too regret that we are not going to have a longer bill, it is better to allow more time and allow the bipartisan leadership of our committee to craft adequate funding, funding that the people want and Congress will support, if we are able to bring it to the floor, far better than to have an inadequate funding level that we are saddled with over the next 6 years.

One point I want to make this afternoon, however, is that there is a broad coalition of support for the policy structure of TEA 21. It is not broken and it does not need to be fixed. Recently the House sent a strong message when it soundly rejected the weakening of guaranteed funding for transportation enhancement activities as outlined in TEA 21. It would send the wrong message about our commitment if we would allow dollars to be redirected from investments critical in areas like highway safety, transportation enhancement activities, metropolitan congestion, and clean air. These are part of the coalition that are going to permit our leadership to bring a strong package to the floor and get overwhelming support.

So I was concerned about the provision that had State departments of transportation having wider latitude to shift dollars. I am pleased that we are going to be clear that this provision will not extend the transferability clause. I am pleased that there is a commitment to make sure that it does not ultimately result in shortchanging the programs. I appreciate anything we can do to clarify this, because this is the single most important economic development issue, the single most important environmental issue; and, yes, as we have heard, it has critical national security components.

I appreciate the work that is being done within our committee, with our

leadership, and I appreciate the ability on the floor today to clarify exactly what the intent is, so we build the coalition, not weaken it, and give the American public legislation that they deserve.

Mr. YOUNG of Alaska. Mr. Speaker, I will insert into the RECORD at this point a letter from the gentleman from Iowa (Mr. NUSSLE), the chairman of the Committee on the Budget, to myself regarding H.R. 3087.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, September 23, 2003.

Hon. DON YOUNG,
Chairman, Committee on Transportation & Infrastructure,
Rayburn HOB, Washington, DC.

DEAR CHAIRMAN YOUNG: I understand that the House is expected to consider a five-month extension of TEA21 and concerns have arisen as to whether this would have adverse budgetary implications for highway, highway safety, and mass transit programs when a long-term extension is considered next year.

In particular, concerns have been raised that the Committee on Transportation and Infrastructure would be penalized should the short-term extension expire before the Congressional Budget Office (CBO) releases it baseline projections early next year. As you know, CBO is generally prohibited from assuming the continuation of any expired mandatory program.

I am confident your committee will not be penalized for any temporary lapse in its spending authorities. For purposes of enforcing either the 2004 or 2005 budget resolution, the appropriate baseline would be the baseline underlying the budget resolution. The 2004 budget resolution assumes a multi-year extension of TEA21, and I can assure you that the House budget resolution for 2005 will also assume such an extension and I will work to maintain that position in conference.

Further, it would be my intent, if necessary, to request that CBO produce an alternative baseline that assumes a full year extension and I would use this baseline to develop the FY 2005 budget resolution. Accordingly, it will make little difference as to whether the House ultimately adopts a five- or six month extension. Either way, I will make every attempt to ensure that the operative baseline reflects the continuation of these critical highway, highway safety, and mass transit programs.

If I may be of any assistance as you move this important bill, please do not hesitate to contact me or Rich Meade, Chief of Staff of the Budget Committee, at 6–7270.

Sincerely,

JIM NUSSLE,
Chairman.

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

Mr. OBERSTAR. Mr. Speaker, I yield 2½ minutes to the distinguished gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Speaker, I rise to engage the subcommittee chairman, the gentleman from Wisconsin (Mr. PETRI), and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), in a colloquy.

I am concerned about the transfer authority provided under sections 3(a) and (b) of the bill. This provision, as I understand it, allows States during this interim period to transfer funds from critical highway safety, transportation enhancement, and congestion mitigation and air quality programs. I want to be assured that the real intent of this provision is to give States additional authority for those cases where it is needed on a project-by-project basis to move funds beyond which current law would allow.

Further, it is my understanding that in cases where funds are transferred, section 3(c) specifically requires the restoration of any transferred funds promptly after the date of enactment of any subsequent law reauthorizing the Federal aid highway program, whether it be a short-term extension act or multiyear reauthorization legislation.

Therefore, this transferability provision expires at the end of the 5-month period on February 29, 2004; and any funds borrowed are required to be restored.

I yield to the gentleman from Wisconsin (Mr. PETRI), the chairman of the Subcommittee on Highways, Transit, and Pipelines.

Mr. PETRI. Mr. Speaker, the gentlewoman from California is correct. Section 3(c) specifically states that the transferability provision applies only during this 5-month period, and any funds used will be restored.

Mrs. TAUSCHER. Mr. Speaker, reclaiming my time, I yield to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the committee.

Mr. OBERSTAR. Mr. Speaker, I appreciate the issue the gentlewoman has raised. It is identical to the issue the gentleman from Oregon addressed in the well just moments ago.

Although the bill allows States to transfer funds among programs during this 5-month period where they deem necessary, the restoration of any funds borrowed will begin upon enactment of any subsequent law reauthorizing the program, whether a short-term additional extension or a multiyear reauthorization. The restoration of funds is specifically required by section 3(c) of the pending bill.

I further want to make clear that I will not support efforts to change the effect of section 3(c) of the bill to allow the transfer authority to be extended beyond February 29, 2004. I thank the gentlewoman for her vigilance and the gentleman from Oregon similarly.

Mrs. TAUSCHER. Mr. Speaker, I appreciate the help of the gentleman from Wisconsin (Chairman PETRI) and the gentleman from Minnesota (Ranking Member OBERSTAR) on this. I really understand the clarification, and I support the bill.

□ 1545

Mr. OBERSTAR. Mr. Speaker I yield myself such time as I may consume.

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

Mr. OBERSTAR. Mr. Speaker, I wish to include in the RECORD the statement I referred to earlier of March 9, 1998 on our previous TEA 21 legislation. I just want to underscore the importance of what we are doing. A very short-term extension, a very short leash on this program. And to also point out how critically important it is going to be for us not only to do our work in the committee which I am confident, absent external pressures, we can accomplish, but also to move that bill through this body and get into conference with the other body and resolve what will be clearly differences between the two Houses; that is going to take considerable amounts of time and effort.

I would ideally like to see in the balance of this year, not just, I am not just talking about the legislative session, but the balance of this calendar year, that this body will stay in session, so that when we do, and I am confident that we will, complete work in our committee on a bill, a 6-year extension, we could bring it to this floor and pass it to this body before the end of this calendar year, so that we are ready to go at the beginning of next year with conference.

But absent that, look at this time frame. We will convene in January. Typically, the House, then exhausted from its holiday recess, will recess again to await the message of the President on the State of the Union. And then having heard that message on the State of the Union, exhausted from the burdens imposed on us by the President, we will recess again and not come back until the beginning of February.

Now, the gentleman from Alaska (Mr. YOUNG) is smiling but he has been here 2 years longer than I, and he knows exactly what happens in this body, and that is exactly what will happen.

So then we will come back here some time in February and hope we can escape from under the burden of the Presidents' Day recess and then pass that bill. And then we will have the blink of an eye in which to conference with the other body and bring a bill back before the end of February.

I am afraid if we do not get this bill done, through this body by the Christmas recess, then we will be back here on this floor once again pleading for another extension of time to keep transportation programs from once again expiring. So our responsibility is serious, is substantial. We have a big job to do. I am confident we can get it done in our committee. I am just not confident about the overall structure and the time frame remaining in this session.

I do not want to be back on this floor saying again what I said 6 years ago, time is running out.

TIME IS RUNNING OUT FOR A NEW HIGHWAY BILL

(By James L. Oberstar)

Time is running out in our effort to reauthorize our federal highway, mass transit and other related transportation programs.

The Intermodal Surface Transportation Efficiency Act of 1992 expired last September 30, and the fund provided by the six-month extension approved in the waning days of the 1997 session will run out by May 1. Without new Congressional action, states will have to face the summer construction season without an assurance of federal transportation funds.

It is imperative we move as soon as possible on a new, multiyear surface transportation bill, but we also need to ensure that the bill we produce adequately addresses the nation's transportation needs. In the House, H.R. 2400, the Building Efficient Surface Transportation Enhancement Act (BESTEA), is pending in the Committee on Transportation and Infrastructure. This bill, I firmly believe, provides the level of funding necessary to build, repair and maintain our crumbling infrastructure, improve mass transit and other alternative modes, enhance safety, and protect the environment. The bill has strong bipartisan support and is a testimony to Transportation Committee Chairman Bud Shuster's (R-Pa.) leadership.

In recent weeks, the Senate has moved ahead on its ISTEA successor, and I applaud my Senate colleagues for that. I also applaud their efforts to increase funding, especially for mass transit programs, and bring the spending levels in their bill closer to those in BESTEA. However, the Senate bill's funding levels rely heavily on budget authority, promises that may or may not lead to actual funding.

In the House, we are working to overcome the spending restrictions imposed by last year's balanced budget agreement. While I support the effort to eliminate the budget deficit, recent projections by the Office of Management and Budget and the Congressional Budget Office have shown that the budget deficit will actually be eliminated this year, years ahead of the schedule anticipated by the budget agreement. Still, Budget Committee Chairman John Kasich (R–Ohio) and others insist on strict adherence to the conservative spending limits contained in that agreement.

To his credit, Speaker Newt Gingrich has formed a task force to look into the issue. The Speaker himself chairs the task force, which also includes Chairman Shuster, Kasich, and Surface Transportation Subcommittee Chairman Thomas Petri (R-Wis.). This task force has been charged with finding a way to make more funds available for transportation programs without violating the integrity of the budget agreement. This is a difficult task, and I wish them success.

In some quarters, this issue is being characterized as an effort to take funding away from education, defense, agriculture and other discretionary programs and spend that money on roads, bridges and mass transit. That is not true. Funding for transportation is drawn from a trust fund dedicated to this purpose.

Federal fuel taxes (currently 18.4 cents per gallon of gasoline and 24.4 cents per gallon of diesel fuel) are collected from motorists, truckers and other road users for maintenance and enhancement of our transportation infrastructure. These taxes are deposited in the Highway Trust Fund.

The budget agreement, however, maintains a high surplus in the trust fund in order to cover overspending elsewhere in the budget and present the illusion of balance. The Highway Trust Fund was never intended to cover deficits in other programs or to act as a bank for the rest of the government. To allow such an enormous surplus to accumulate in order to spend more money on non-transportation programs is a major breach of faith with users to pay the fuel taxes and expect—and deserve—these funds to be spent for transportation purposes.

As we work to eliminate our federal budget deficit, this country also faces a huge and growing infrastructure deficit. Almost 254,000 miles of highway pavement are in poor condition. One of every three bridges is structurally deficient of functionally obsolete. Nearly one of every two transit rail yards, stations and bridges is in poor condition. Yet, every year federal, state and local governments spend $17 billion less than the amount needed simply to maintain these facilities at their current condition and capacity.

BESTEA would help overcome this infrastructure deficit, authorizing $179.8 billion, a 48 percent increase over ISTEA, for highway programs and $36.7 billion, a 15 percent increase, in transit funding through 2003.

Reauthorization of ISTEA will set our national transportation priorities well into the 21st Century. Chairman Shuster, Chairman Petri, Subcommittee Ranking Democrat Nick Joe Rahall (D–W.V.) and I believe BESTEA continues and improves upon the transportation policies and programs set forth in ISTEA. We will continue to work together and are determined to bring BESTEA to a vote on the House floor in time to rescue the states from the transportation-funding limbo in which they will find themselves in six weeks if we do not act quickly.

Time is running out.

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

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will state that the gentleman from Minnesota (Mr. OBERSTAR) makes a great statement, and I am well aware of what he said about the time frame.

As we know, my druthers were 6 months. That probably would not have solved the problem. But it is my goal to have a bill before this session is closed down, introduced and vetted, and it is our hope that we can do our job as the Committee on Transportation and Infrastructure, and that this House will move a bill over to the other body before the deadline; and I believe we can do that.

Now, whether the other body can achieve its goals with five committees that handle this legislation is another story, let alone the conference. So it is going to be very difficult. But our job in this House, and I hope the gentleman agrees with me, is to do our job and to move the legislation, to move the ball forward, get it to the goal line, and then, hopefully, they will have the wisdom to drive it over and make a touchdown with the help of the other body. If not, unfortunately, we will probably be back here, but that is not my intent. My intent is to achieve that goal. But now we have to pass this, get it down to the President, have him sign it so our highways across this Nation can continue to be built, the jobs will still be in place, and the infrastructure can continue to grow as it needs to be.

Mr. UDALL of Colorado. Mr. Speaker, I am voting for this bill because without enactment of such an extension the current transportation law will expire on September 30, 2003 and it is important that transportation programs and projects continue while Congress continues to work toward their long-term renewal.

However, I am concerned about a provision in this bill that would grant States the ability to transfer unobligated funds between transportation programs during the extension period.

Regional governments in my State have similar concerns. They have let me know that they are worried that shifting funds from transportation enhancement and safety activities, mitigation for metropolitan traffic congestion, and clean air programs could seriously undermine planning activities for these projects and cause critical delays and disruptions.

There appears to be little need or justification for this provision, and I will continue to resist any attempt to weaken guaranteed funding for transportation enhancement activities when the transportation bill is reauthorized on a long-term basis.

In the meantime, I strongly urge the Colorado Department of Transportation to work cooperatively with local entities, particularly the Denver Regional Council of Governments, to ensure that these enhancement programs are safeguarded during the extension period.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I rise to support the temporary extension of TEA–21 if it ultimately produces a robust and substantive six-year reauthorization bill.

However, there are some concerns regarding the 5-month extension of TEA–21.

The Transportation and Infrastructure Committee has traditionally worked in a bipartisan manner. We are the largest Committee in Congress working through several jurisdictions and grappling with, along with transportation, many pertinent issues such as air quality, economic development, health, goods movement and the job creation and economic stimulus just to name a few.

The Transportation reauthorization bill is far reaching and traditionally acts as an immediate economic stimulus to our nation's economy.

As a Committee we are committed to producing transportation reauthorization bill that meets the immediate and long-term needs of the American people.

As a former Speaker of the House once said ''All politics are local.''

Nothing could be closer to the truth. I would only add that in the case of transportation ''all politics are local and so are their transportation funding decisions.''

Since the passage of ISTEA, the question of how to meet the Nation's transportation infrastructure needs has been addressed increasingly at the regional and local levels of government.

Local officials have risen to the challenge of maintaining, improving, and expanding the surface transportation system, and their efforts through joint powers of authority have contributed to the highly successful programming of surface transportation projects in TEA–21.

Both ISTEA and TEA–21 fostered that successful programming by delegating greater responsibility to Metropolitan Planning Organizations, a policy further expanded upon by the California State Legislature to ensure a programming partnership between State and local government.

Accordingly, Southern California recognizes the importance of continuing and further expanding suballocation provisions into any extension of the federal-aid highway program.

My concerns are that this extension does not incorporate the suballocation process to adequately address regional transportation priorities. Instead, States are granted flexibility in

obligating federal-aid highway funds, potentially jeopardizing local efforts to resolve transportation and air quality challenges.

This provision of State flexibility may produce unintended consequences. Any significant changes in the flow of Federal funds could be detrimental to the region's ability to implement Transportation Control Measure (TCM) projects to alleviate traffic congestion and reduce emissions.

To date, the Southern California Association of Governments (SCAG) region has made great strides in implementing TCM strategies.

Without sufficient transportation control measures, Southern California's air quality conformity status could be jeopardized. A conformity lapse could result in the loss of approximately $8 billion in near-term programming capacity.

What is needed in this extension and in the reauthorization of TEA–21 is the further delegation of programming authority to regions to work directly with their communities in making investment choices that are critical to ensuring safe and efficient transportation systems throughout the Nation.

The extension bill does require that States reimburse localities once TEA–21 is reauthorized.

My further concern is how long can we ask our local and regional transportation entities to do without funding?

We are here today voting on a 5 month extension bill; 5 months from now I do not want to stand here speaking on another extension bill.

We cannot afford to keep putting off our responsibilities to provide adequate and timely transportation funding to the American people and to our constituents.

Finally, I want to reiterate that I support this 5-month extension of TEA–21 if it keeps our national, regional and local transportation needs at the forefront of our Congressional priorities.

All politics are local and so are their transportation funding decisions. We must be prepared to act swiftly and decisively on the reauthorization of TEA–21 when Congress returns to work in January.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, as a member of the Transportation Committee, I would like to thank Chairman YOUNG, Chairman PETRI, Ranking Member OBERSTAR, and Ranking Member LIPINSKI for their leadership as our Committee continues to push a long-term surface transportation reauthorization bill.

I appreciate that they have made this an inclusive process.

Unfortunately, the Bush Administration and the House and Senate Republican leaderships now obstruct our efforts to pass a full 6 year reauthorization bill that we urgently need to bolster our economy and create desperately-needed jobs.

In tonight's Democratic special order, I will talk about the economic stimulus and job creation that Chairman YOUNG's $375 billion dollar bill will provide our sluggish economy.

But right now, I want to highlight a serious concern I have regarding this short term extension.

The extra flexibility given to the States in this extension may create a dangerous challenge to the transportation priorities identified by local officials.

My district is in non-attainment, and the City of Dallas, like every other city in this country, is in a serious budget crunch.

If cities and MPO's do not receive adequate funding—even for a short time—congestion and air quality problems may worsen.

I would like to remind the leadership of the Transportation Committee that I, along with many of our colleagues, will not accept extra flexibility afforded to the States if we have to pass another extension after this one.

Cities and MPO's rely on federal transportation dollars just as the States do, and we should not disrupt a funding distribution scheme that we know works very well.

Mr. EHLERS. Mr. Speaker, I rise in support of H.R. 3087 and to offer my continued commitment to passing a long-term surface transportation bill that will adequately fund the transportation needs of our Nation.

Investment in our Nation's transportation infrastructure is central to a strong economy. High-quality roads enable the efficient movement of people and goods throughout the country, facilitate just-in-time delivery and move interstate and international trade across our borders. By contrast, congestion and traffic gridlock cause workers and others to lose valuable time and result in dramatically higher fuel consumption. Improved transit systems contain unban sprawl, promote economic growth and get people to work and to entertainment in a cost-effective, environmentally friendly manner. I firmly believe that a strong investment in transportation infrastructure will provide a stimulus for economic growth at a time when our economy needs a kick start.

An efficently operating transportation system is vital to the economic health of my home State of Michigan. As the global center of the automobile industry, our manufacturers, among others, depend on the ability to ship and receive their products without delay. Manufacturers in West Michigan must be able to get their component parts to their destinations ''just in time'' for their use in the manufacturing process. This sytem breaks down when delivery trucks are struck in traffic, causing significant lost productivity.

The national economic and social costs of congestion are staggering: $67 billion annually in lost productivity and wasted motor fuel; 3.6 billion hours of delay; 5.7 billion gallons in excess fuel; 1,160 in costs to the average peak road traveler; and more than a week-and-a-half of work (62 hours a year) per worker lost while sitting in gridlock.

My constituents have been calling out for Congress to take steps to stimulate our economy. What better way to do so than to pass a robust, long-term transportation infrastructure bill?

I understand that this short-term extension is necessary to keep our surface transportation programs operating past September 30 and to give us more time to complete our work on a long-term bill. I also understand that this extension will not make major programmatic or funding changes from our current programs. But, I do want to take this opportunity to make one comment about funding equity. Michigan ranks 48th out of all States in terms of the rate of return for all federal highway funds. Michigan currently receives only a 43 percent return for transit funds. Since the inception of the federal highway system in 1956, Michigan has paid $1.71 billion more into the Highway Trust Fund than it has received back, the fourth highest amount among all States. I am a cosponsor of Mr. DELAY'S SHARE bill to mandate a 95 percent rate of return for highway funds for all States, because Michigan needs to get its fair share. I also support the Transportation Committee leadership's reauthorization funding levels because their proposal will help bring equity to transportation funding and help bridge the historic gap between donor and donee States. We must pass a long-term bill that will address the equity needs of donor States and provide necessary improvements to our roads, bridges and transit systems.

I look forward to continuing work with Chairman YOUNG and my fellow Members of the Transportation Committee on the reauthorization of TEA–21.

Mr. LEVIN. Mr. Speaker, I am voting in favor of this bill today because not doing so would cause irreparable harm to the States.

The current highway funding bill expires 6 days from today, and unless ewe pass this extension, highway and transit programs will effectively be shut down. Passage of the measure before the House will extend the highway program for 5 months, until February 29, 2004.

The reason we are in the unenviable position of passing a short-term extension is due to the intransigence of some in the White House and in the Congress, who refuse to provide the funds necessary for an adequate reauthorization bill that fairly addresses the inequities of the current mechanisms by which the Federal government funds roads and transit in this country.

My home State of Michigan is a donor State, which means it sends more in gas tax revenue to Washington than it receives back in highway funding. For the past 5 years, Michigan has received on average 88 cents back for every dollar sent to Washington. At the same time, 25 States and the District of Columbia receive more than a dollar back for every dollar sent to Washington. The bill we are voting on continues this inequitable formula for another 5 months. It is to do more to level the playing field.

I have joined 141 of my colleagues in the House in cosponsoring legislation requiring a minimum return of 95 percent for all States. We can bring this policy change about in a number of ways, but the status quo is simply not acceptable.

Mr. Speaker, we are simply passing a stopgap measure today. The time had come for the leadership in this House to buckle down and bring forth a long-term reauthorization bill that provides fair equity to all States and affords them the ability to enact their long-term goals.

Mr. YOUNG of Alaska. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHAW). The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the bill, H.R. 3087, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within

which to revise and extend their remarks and include extraneous material on H.R. 3087.

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

There was no objection.

WATER RESOURCES DEVELOPMENT ACT OF 2003

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 375 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 375

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2557) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

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

Mr. HASTINGS of Washington. Mr. Speaker, House Resolution 375 is a structured rule providing for the consideration of H.R. 2557, the Water Resources Development Act of 2003. The rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure.

The rule provides that the amendments in the nature of a substitute, recommended by the Committee on Transportation and Infrastructure, now printed in the bill shall be considered as the original bill for the purpose of amendments and shall be considered as read. The rule also waives all points of order against the committee amendment in the nature of a substitute. Furthermore, the rule makes in order only those amendments printed in the Committee on Rules report accompanying this resolution. It provides that the amendments printed in the report shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report, equally divided and controlled by a proponent and an opponent, shall not be subject to amendment and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

Finally, the rule waives all points of order against the amendments printed in the report and provides for one motion to recommit, with or without instructions.

Mr. Speaker, H.R. 2557 is a bill providing for the conservation and development of water and related resources and authorizing the Secretary of the Army to construct various projects to improve rivers and harbors in the United States, and for other purposes.

The bill establishes a traditional 2-year cycle of congressional action to authorize, modify and improve the projects, programs and policies of the Corps of Engineers. It authorizes 13 ''Chiefs Reports'' on Federal flood damage reduction, navigation, hurricane and storm damage reduction and environmental restoration.

It should be noted, Mr. Speaker, that this bill includes provisions for streamlining and expediting Corps of Engineers project delivery and permits. It also reflects an important consensus agreement on peer review of Corps of Engineers projects.

I am particularly pleased, Mr. Speaker, that the committee has included in the manager's amendment, language permitting the Corps of Engineers employees working at dams in the Pacific Northwest, my area, to participate in wage surveys that are conducted to determine their rate of pay. This important provision would allow these employees the same participation allowed similar employees at dams in the region operated by the Bonneville Power Administration and the Bureau of Reclamation. I appreciate the committee's consideration of my request on this matter.

Finally, Mr. Speaker, the Congressional Budget Office estimates that implementing H.R. 2557 would cost $2.6 billion over the 2004–2008 period and an additional $2.1 billion over the following 10 years. In addition, the CBO estimates that enacting H.R. 2557 would increase direct spending by $17 billion from the 2004 to 2008 period and by $32 billion through 2013.

H.R. 2557 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act. Federal participation in water resources projects and programs authorized by this bill would benefit State, local and tribal governments, and any costs incurred by those governments to comply with the conditions of this Federal assistance would be entirely voluntary.

With broad bipartisan support, this bill was reported favorably to the House on July 23 by voice vote. Accordingly, Mr. Speaker, I urge my colleagues to support both H.R. 2557 and the underlying rule.

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

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

Mr. Speaker, I thank the gentleman from Washington (Mr. HASTINGS) for yielding me the customary 30 minutes.

Mr. Speaker, I am pleased to support the passage of H.R. 2557, the Water Resources Development Act of 2003, and want to begin by thanking and congratulating my colleagues, the gentleman from Alaska (Chairman YOUNG) and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR) of the full Committee on Transportation and Infrastructure, as well as the gentleman from Tennessee (Chairman Duncan) and the ranking member, the gentleman from Illinois (Mr. COSTELLO) on the Subcommittee of Water Resources and Environment for their hard work on this legislation.

This bill is the result of thoughtful bipartisan cooperation which is clearly evident in the final product. These colleagues and the committee staff deserve a tremendous amount of credit for tackling some difficult issues in this legislation, not the least of which is the reform of the Army Corps of Engineers project review process.

H.R. 2557 reauthorizes the 1986 Water Resources Development Act for the Civil Works Program for the Army Corps of Engineers.

□ 1600

The bill authorizes funding for a number of vitally important water resource development programs, studies and projects all across this country.

The Congressional Budget Office estimates the total outlays authorized by the bill for 2004 to 2008 to be $2.6 billion, with an additional $2.1 billion over the 10 years after fiscal year 2008. CBO also estimates that the Water Resources Development Act of 2003 will increase direct spending by $17 million over the period of fiscal year 2004 through fiscal year 2008.

Mr. Speaker, the Army Corps of Engineers is a unique Federal agency in that it performs a broad range of both military and civilian duties. The Corps' civilian duties have traditionally included the construction and maintenance of passable channels and flood control. However, Congress expanded these responsibilities in the early 1990s to add beach erosion control, ecosystem protection, disaster relief, and other activities to their charge.

Today the Corps maintains more than 11,000 miles of channels for commercial navigation, 300 deep commercial harbors and 600 shallow inland harbors. The Corps also manages 33 major lakes and reservoirs and 8,500 miles of levees for flood control. Perhaps lesser known, but equally as important, is the fact that there are 75 hydropower plants at Army Corps facilities that are responsible for producing approximately one-quarter of the Nation's electricity.

Mr. Speaker, my home State of Massachusetts is a State with an abundance of navigable rivers, harbors, lakes and coastline, and I am especially grateful for the work performed by the Army Corps of Engineers. However, I believe the reforms to the Corps' project review and approval process adopted in this bill are not only necessary, but will serve to strengthen the Corps' capabilities.

By establishing an independent peer review system under the direction of the National Academy of Sciences, this legislation ensures that Corps projects will satisfy acceptable economic and environmental standards. The peer review system applies only to projects estimated to cost $50 million or more, which represents roughly 30 percent of all Corps projects. The bill also provides sufficient flexibility and discretion for the Corps to exempt noncontroversial projects from the review process. This is critically important so that the Corps can move quickly on projects that do not have an adverse impact.

The Water Resources Development Act of 2003 also embraces a number of other important reforms to improve the coordination of environmental reviews and enhance the Corps' ability to work cooperatively with non-Federal partners. I am especially pleased that this legislation recognizes the need for the Federal Government to do more for local communities by substantially increasing the Federal cost share for deep harbor dredging to 65 percent and 100 percent for long-term maintenance. This is welcome news to States and other non-Federal partners that are struggling in this economy to leverage the match for these projects.

Mr. Speaker, although the underlying bill is good, and it is a bipartisan project, I personally wish we were considering this bill under an open rule. The majority leader has already cancelled votes on Mondays and has informed this body that it is unlikely there will be votes on Fridays during the entire month of September. It is clear that we have time to consider thoughtful bills like the Water Resources Development Act under an open rule. Yet the Republican leadership continues to close the democratic process by reporting restrictive rules that only make in order a handful of amendments.

While the chairman and ranking member of the Committee on Transportation and Infrastructure and the Subcommittee on Water Resources and Environment worked with a number of Members, including myself, on a variety of issues, not every issue was addressed by the manager's amendment. A number of thoughtful amendments were brought before the Committee on Rules, requesting waivers for their consideration by this body. While the rule does make in order three amendments, the manager's amendment and one amendment each from majority and minority, other amendments were not made in order.

One of these amendments was offered by the gentlewoman from Michigan (Mrs. MILLER). Her amendment would have directed the Department of Transportation to develop regulations to reduce the amount of invasive species that enter the Great Lakes on the cargo ships that travel throughout the region. This is a critically important issue the gentlewoman made clear to the Committee on Rules last night. Her amendment was thoughtful, and I am disappointed that this body will not have the opportunity to debate and vote on it.

However, the underlying bill, the Water Resources Development Act, demonstrates our collective commitment to addressing water resource needs nationally, and it reaffirms our confidence in the Army Corps of Engineers. It was written and considered in a bipartisan fashion, and it deserves the support of every Member of this body.

Once again, I commend the work of the members of the committee, specifically the chairman and the ranking member, on this bill, and I urge my colleagues to support its passage.

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

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Speaker, I will not take 2 minutes, but I rise in strong support of the rule for consideration of H.R. 2557, the Water Resources Development Act of 2003. This is a good rule and a good bill. All amendments that were submitted were submitted in a timely manner and were germane and made in order.

The reason I rise is to take just a moment to say that there are few amendments because the committee worked hard to address Members' needs in the bill and in the manager's amendment.

I just wanted to commend the staff on both sides for their hard work and long hours that they put in on this bill because, in many cases, groups and Members and staff started out far apart on many controversial issues, but this bill became a real effort and the best of bipartisanship, and we ended up with a very good bill that has flood control and environmental restoration projects, navigation projects, water conservation, recreation and dam safety projects.

So I just wanted to say that I want to commend the Members who worked so hard on this bill, particularly the gentleman from Illinois (Mr. COSTELLO), the ranking member, and the gentleman from Alaska (Mr. YOUNG) our chairman, and the gentleman from Minnesota (Mr. OBERSTAR), the ranking member, but especially I wanted to say a word about the hard work and long hours that the staff put in on this to resolve many of the very controversial issues, and I also want to thank the Committee on Rules for giving us this time and a good rule here, and I urge support of this rule.

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

Before I yield back my time, I again want to thank the gentleman from Alaska (Chairman YOUNG), and the gentleman from Minnesota (Ranking Member OBERSTAR), and the gentleman from Tennessee (Chairman DUNCAN), and the gentleman from Illinois (Ranking Member COSTELLO), and the staff of the full Committee on Transportation and Infrastructure for all their work on this bill. This is a good bill, and it deserves to be passed.

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

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise in strong support of this rule and support of the legislation as well, and I would hope, first of all, to congratulate all of those in leadership who have been involved in this. Water issues are so important, and they are also hard to work out at times, and I know the gentleman from Alaska (Mr. YOUNG) has put a lot of time and effort into this, as well as all of those on the committee.

I especially am, of course, supportive of this rule because it makes in order an amendment that I have to this bill that I believe is vitally important to the security of our country and to the American taxpayers. The amendment

that I will be offering, and I would hope that my fellow colleagues would consider this very deeply when it comes to the floor, it permits the ports around the United States, does not mandate them, but permits them to put a fee on containers coming in or out of the port, up to $100 per container.

As we move forward with an incredibly expensive goal of modernizing our ports so they will be secure and safe, there is going to be this astronomical cost to accomplishing this goal. The ports themselves do not have the revenue resources necessary to do their part unless we give them a source of revenue. Many of the ports are going to complain, and I understand that some of the ports have actually complained that they do not want the power to even ask for a fee from those people who are using the port facilities, the manufacturers overseas who are using the port facilities to send their containers in and out of the port.

The American people should not have to pick up the entire burden that is required to make our ports safe and to keep our ports functioning in a way. My bill would make sure the people overseas pay their part as well and are able to do so through a fee on the containers coming through the ports.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. FILNER), a member of the Committee on Transportation and Infrastructure.

Mr. FILNER. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MCGOVERN) for yielding me the time, and I rise today in support obviously of the rule, but also of the underlying bill, and especially the manager's amendment which the gentleman from Alaska (Mr. YOUNG) will bring up later which authorizes a water-related infrastructure project of great interest and need in my district and to my constituents in Imperial County, California.

The New River, and that is the name of the river we are dealing with, the New River has been described as the world's worst polluted river. The river flows from Mexico north across the U.S. border and through my district in southern California. Due to grossly inadequate sewage treatment and solid waste facilities in Mexico, raw sewage, industrial waste and garbage are constantly released into the New River, hundreds of millions of gallons of raw sewage in the New River every year.

It is extremely polluted. It is foamy, foul-smelling. A person would not want their children to play anywhere near this river. It violates water quality standards, and plants and animals cannot survive in much of the river. It continues to threaten the health of the residents of my district and even of undocumented immigrants who use the waterway to try to cross the international border.

A coalition of citizen groups and government agencies in my district, including the Calexico New River Committee, has developed a feasible plan that will significantly improve the quality of water that flows through this community. They need to be supported, and this bill, which authorizes the Nation's water-related projects, would authorize $10 million to make sanitation improvements to this river. It is an extremely important first step in the process in enhancing the water quality of the New River, enriching life in our community and making a healthier home not only for the human beings, but for fish and wildlife.

So for the sake of my constituents at the U.S.-Mexico border, I urge my colleagues to support the manager's amendment and pass this bill.

Mr. MCGOVERN. Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Pursuant to House Resolution 375 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. 2557.

□ 1612

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. 2557) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, with Mr. LAHOOD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Illinois (Mr. COSTELLO) each will control 30 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. DUNCAN).

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

Mr. Chairman, I urge all Members to support H.R. 2557, the Water Resources Development Act of 2003. Under the great leadership of the gentleman from Alaska (Mr. YOUNG) our committee has focused on the need to meet our Nation's navigation, flood control and environmental restoration needs.

In our subcommittee, we have held numerous hearings in which witnesses have testified about the importance of these water resources projects to our economy. Just last week, our subcommittee held a hearing on the contributions of ports and inland waterways to the Nation's intermodal transportation system. It is clear from the testimony we received that if we do not take action now to improve our ports and waterways, we could severely harm our economy as a result of congestion in our transportation systems.

That is just one reason why we need to pass the Water Resources Development Act of 2003. There are many other reasons.

Each of the over 400 provisions of the bill meets an important national purpose. We are confident of this because for each request the committee received, the committee consulted with the Corps of Engineers to ensure that there was a Federal interest in the project and that the request complied with all rules on cost-sharing and cost-benefit analysis. Obviously not all requests met this standard, but after this review, the committee was able to approve over 60 authorizations, modifications, studies and policies relating to navigation improvements, over 100 flood control authorizations, modifications and studies, over 80 environmental authorizations, modifications or studies.

H.R. 2557 also includes some important new policies. H.R. 2557 encourages watershed planning by authorizing greater technical assistance to State and local governments and authorizes an additional 24 watershed studies.

□ 1615

This bill encourages the Corps of Engineers to carry out projects in partnerships with its local sponsors and to streamline the process for entering into agreements with local sponsors. In fact, this bill has very good streamlining provisions in it so that these very important projects, instead of sometimes taking 8 or 10 or 12 years, hopefully can be done in a much shorter time, saving taxpayer money and saving lives and doing good things for the environment in the process.

H.R. 2557 includes important provisions that allow the Corps of Engineers to help expedite environmental permits for non-Federal water resource projects as well as streamlining approvals for its own projects. And that, as I said, is one of the most important parts of this legislation.

H.R. 2557 includes consensus provisions on peer review of certain Corps of Engineers studies. This is a landmark provision in this legislation. It also includes, Mr. Chairman, 27 shoreline and streambank protection projects, 16 water conservation projects, 12 recreation projects, 12 dam safety projects, and many other projects too numerous to name.

This bill has been put together on a true bipartisan basis. There are no Republican or Democrat navigation, flood control, or environmental restoration projects. We all recognize that communities across the country have water resources needs, very important water resources needs. This bill responds to those communities, our constituents.

I want to recognize the assistance and expertise and friendship provided

by the ranking member of the subcommittee, the gentleman from Illinois (Mr. COSTELLO). Thanks to his efforts and the efforts of the gentleman from Alaska (Mr. YOUNG), chairman of the full committee, and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), as well as the entire committee, we tackled some very contentious issues, as I mentioned when I spoke on the rule; and we have come together on a bill that has the unanimous support of the Committee on Transportation and Infrastructure.

Mr. Chairman, this is a good bill, and I urge all Members to support it.

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

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

Mr. Chairman, I rise today in support of H.R. 2557, the Water Resources Development Act of 2003. This bill addresses what Congress failed to do last year, enact a Water Resources Development Act for 2002.

Mr. Chairman, the Committee on Transportation and Infrastructure strongly supports this legislation for the corps' water resource program. It is critical to maintain this 2-year cycle to provide continuity to the program and certainty to the non-Federal local sponsors who support the corps' program. This 2-year cycle also affords Congress the opportunity to monitor and, if necessary, amend the workings of the corps' program, often in response to changing circumstances.

H.R. 2557 authorizes projects for the entirety of the corps' civil works program. It includes flood control, navigation, environmental restoration, and authorizations for several important projects to restore and enhance the Nation's environmental infrastructure. In developing this legislation over the past 3 years, the committee received over 300 individual requests from Members for projects of importance to the various regions of this country. The committee tried to accommodate as many requests as feasible within the jurisdiction and authority of the Corps of Engineers.

Mr. Chairman, I would like to take this opportunity now to acknowledge and thank the chairman of the full committee, the gentleman from Alaska (Mr. YOUNG), the ranking member of the full committee, the gentleman from Minnesota (Mr. OBERSTAR), and in particular my colleague, friend, and chairman of the subcommittee for all of their hard work and their leadership. Without their leadership, support, and work we would not be here today. The gentleman from Tennessee (Mr. DUNCAN) in particular, let me say, showed a willingness to work with individual Members on both sides; and we were able to put together what I believe is a good bipartisan bill.

The tough issue of independent review, which yielded a bipartisan solution to a very complex issue of great importance to the members of the committee and the entire House and to the improved operation of the corps' civil works program was accomplished because of this bipartisan support and their leadership.

The independent review language that is included in H.R. 2557 creates a firm, yet flexible, standard for the independent review of corps project studies. It is firm in that it establishes a $50 million threshold for projects to be reviewed. It is flexible in that the chief of engineers has the opportunity to exempt certain projects from review and retains the authority to time the reviews to a particular circumstance of an individual project study. This approach is the key to this bipartisan proposal.

Including this language in the bill will ultimately improve the corps' program. It will result in better recommendations for the Committee on Transportation and Infrastructure to consider when developing future water resource legislation. I believe also that it will save the taxpayers money and it will enhance the quality of investment in water resource projects.

I urge all of my colleagues to support the legislation.

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

Mr. DUNCAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Alaska (Mr. YOUNG), the chairman of the full committee, without whose support and hard work this legislation would not be here on the floor today.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Chairman, I thank the gentleman for yielding me this time, and I will compliment the gentleman from Tennessee (Mr. DUNCAN) for his hard work and that of the gentleman from Illinois (Mr. COSTELLO) and the gentleman from Minnesota (Mr. OBERSTAR) on this legislation. It is a bipartisan piece of legislation, and I am very pleased today that we are considering it because this has been delayed for numerous years.

I also would like to thank the gentleman from California (Mr. DOOLITTLE) and the gentleman from California (Mr. MATSUI) for their good work and their understanding, because that is one of the roadblocks we had, and they were able to sit down and work out a solution to a very complex problem in their State. In California, I feel sorry for them because there are 53 of them, and so they have a real problem. In Alaska, there is only one of us. If I start arguing with myself, I know it is a problem; but these gentlemen were able to get together, and I want to compliment them.

As I said, this bill has been stalled for 2 years, but we got together and we have been able to get past the rhetoric, identify real issues and come up with workable bipartisan solutions that will actually help the Corps of Engineers carry out its mission. This negotiation involved a lot of give and take, as I just mentioned. The result does not represent my initial positions nor those of the gentleman from Minnesota (Mr. OBERSTAR), and that is the nature of compromise.

The compromise language gives the Corps of Engineers the tools it needs to improve and expedite water resource projects. These provisions earned the support of all the members of the Committee on Transportation and Infrastructure and deserve the support of all Members of this House.

Now that the debate over corps reform is past us, both the Congress and the Corps of Engineers can focus on meeting the Nation's navigation, flood control, and environmental restoration needs to provide economic and national security to improve our quality of life.

I know some will complain about the cost of the Corps of Engineers projects, but these investments are critically important to the economy. Over 13 million jobs are dependent on trade, but our harbors are not ready to meet the increasing demands of international trade.

Our farmers and our electric utilities depend on efficient waterways to move grain and coal, but over half are over 50 years old and two have been operating since the 19th century. And may I stress this again. Our goal in this committee is to relieve congestion. We must use our waterways to the best of our ability, as they are doing in other countries.

Many communities along the rivers and shores are not protected from hurricanes and flooding, even though the cost of recovering from a flood is an average six times greater than the cost of investing in the infrastructure needed to prevent those damages.

Finally, there are worthwhile environmental restoration projects to provide both environmental and economic benefits. The Water Resources Development Act addresses the needs in communities all over the country.

Again, I want to thank the Members that worked on bringing this bill to the floor. It is a bill that can do the job for the Nation. I am very, very excited about having this legislation on the floor today.

Mr. Chairman, there will be two amendments. My understanding is that one amendment will be offered and withdrawn. The other amendment, and I hope everybody listens very carefully, because I do have concerns about the effect on our ports, but we will discuss that in debate on those amendments and hopefully listen to all the arguments and then make the right decisions.

Mr. COSTELLO. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the full committee.

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

Mr. OBERSTAR. Mr. Chairman, I thank the gentleman and want to compliment the gentleman from Illinois on the splendid work that he has done since becoming the ranking member on the Subcommittee on Water Resources and Environment. He has devoted himself heart and soul and invested countless hours in the shaping of this legislation, and I really appreciate the splendid professional service he has rendered to the Nation and to the Congress.

And to the Chair of the subcommittee, the gentleman from Tennessee (Mr. DUNCAN), no more judicious, thoughtful Member serves in this body. His contribution is always one of openness, inclusiveness, and willingness to listen and work to reach the compromises necessary for the legislative process to work.

And to our chairman, the gentleman from Alaska, again, as he has said, we have spent a great deal of time together working out the complexities of this measure. Were it up to us alone, we would have had this bill on the floor in the last Congress, but that was not possible because of a California problem, and maybe some other issues of lesser significance. But as the chairman said, we have together reasoned with the Members from California directly involved in the project in the Sacramento and American Rivers, and that matter is now resolved and is included in this legislation, and we will move forward. The gentleman from Alaska has been a splendid partner and leader in shaping this legislation.

Mr. Chairman, we move with this bill to not only build but rebuild the Nation's water infrastructure, to expand international trade by improving our coastal ports and the inland navigation system. Through flood control and hurricane storm damage reduction, we will meet critical needs to protect lives and property.

We have a bipartisan solution to the complex issue of independent review of corps projects, and I compliment the gentleman from Illinois (Mr. COSTELLO) and the chairman of the subcommittee, the gentleman from Tennessee (Mr. DUNCAN), on the time they have invested, together with the chairman and me and with the corps, in resolving long-standing issues that span several Congresses.

I am a long-time supporter of the corps, an advocate for and admirer of the Corps of Engineers for the valuable service it does this country. The Nation needs the Corps of Engineers, but the corps also needs to be sure that its proposals can withstand the strictest scrutiny; that its proposals are as rock solid as the foundations of the most secure dams that the corps builds. And that is why we needed to craft this independent review process, to validate and give substance to and authority to the process by which the corps recommends projects for our committee to act upon.

This independent review process will help restore the confidence that Congress has long put in the Corps of Engineers but which has been shaken in recent years by outside critical review of the corps' process in evaluating major, multimillion dollar and multibillion dollar projects.

The corps is not a static entity, and it does not do this work all by itself. The corps, truthfully, does nothing that the Congress does not authorize it to do and direct it to do. Every water resources bill has clear direction for the Corps of Engineers, what to do and how to get to that goal. And several times we have acted to make commonsense reforms to improve the way the corps does its business.

Our committee instituted cost sharing. We established mitigation requirements. In fact, going back to 1977, the gentleman from Minnesota, then on the Republican side, Mr. Quie, and I, had an innovative proposal for the corps to do mitigation and reconstruction concurrently. We gave the corps a no-net loss of wetlands goal. We made environmental restoration a mission priority for the Corps of Engineers. We instituted floodplain management. We eliminated barriers to nonstructural flood damage reduction, allowing rivers to connect with the natural floodplain. This committee has initiated all of these activities and the corps has carried them out, but we always need to review and to move that process further.

Over the past 200 years, the Congress and Presidents have given the Corps of Engineers responsibility for a wide variety of critical military and civilian needs and have made this agency the world's premier water resource manager, the Corps of Engineers, the envy of other countries around the world who come to study the corps and try to emulate it in some fashion in their own back yard.

□ 1630

In the over 200 years since the Corps of Engineers was formed, that organization has served the Nation with great pride and extraordinary results. Throughout the 19th Century, it was the Corps that mapped the coastal fortifications, supervised the construction of those coastal fortifications, that went out and mapped the West in the aftermath of Lewis and Clark, constructed lighthouses, built jetties and piers for harbors, and carefully mapped the navigation channels of this country.

Its most important legacy, perhaps, was the work on canals, on rivers, and on roads. The Corps built those paths of commerce. Out of treacherous streams, the Corps built safe waterways, water highways for inland navigation and coastal safe harbors for a growing Nation that was founded on the water.

Congress expanded the Corps's responsibilities in 1826, authorizing the President to have river surveys made to clean out and to deepen selected waterways and make other river and harbor improvements that extended to the river basin of the Ohio, the Mississippi, and the Missouri River systems.

The Corps shaped this Nation as it entered the 20th Century. Chief of Engineers, Henry M. Robert, who is also and perhaps better known as the author of Robert's Rules of Order, oversaw the planning of the Galveston Seawall, a major engineering project that has protected that area from destruction by numerous hurricanes since his pioneering work.

I would like to point out Hiram M. Chittenden, an engineer officer, who supervised the construction of roads, bridges and aqueducts we know today as Yellowstone National Park, wrote a report on his survey of reservoir sites in Wyoming and Colorado that contributed to the establishment of what we now today know as the U.S. Bureau of Reclamation.

The Corps of Engineers had responsibility for the welfare of restoring Yosemite Valley and was the protector of our natural resources until the creation of the National Park Service. In fact, it was John Muir, founder of the Sierra Club, who in the 1880s said, ''Thank God for the U.S. Army Corps of Engineers. They have saved and restored Yellowstone Park.''

I will conclude by saying that this extraordinary agency is today at work not only at home, but in Afghanistan and in Iraq, ever protecting the long-range best interests and needs of the United States. This bill will assure that the Corps will continue to do that work in a manner of great credibility for the public.

George W. Goethals' early work at Davis Island and Muscle Shoals created the skills and management expertise needed to successfully finish the Panama Canal. Although the Panama Canal was not built by the Corps of Engineers, through the efforts of engineer officers such as Goethals, who were detailed to the Panama Canal Commission, some of the most difficult construction obstacles were overcome. If the Corps' original recommendations on the size of locks had been followed, there would be no need to expand the canal today.

The Corps' military and civilian functions have always been mutually supportive. Thousands of engineers troops served in France in 1917 and 1918, contributing to both front-line and rear-support efforts. The combat engineers constructed bridges, roads, and narrow-gauge railroads at or immediately behind the front. Other engineer troops enlarged French port facilities, constructed more than 20 million square feet of storage space, and built 800 miles of standard-gauge rail lines, plus an equal distance in yards and storage tracks. These types of contributions continued through World War II.

After World War II, the Corps developed and maintained new navigation systems such as the American portion of the St. Lawrence Seaway. At the same time, modernization of existing waterways became a growing concern. Heavier tows, barges, and other vessels plied the nation's major rivers. Locks such as those on the upper Mississippi, built mainly in the 1930s, were no longer adequate to handle the traffic. Lock and Dam 26 near Alton, Illinois, was the principal bottleneck on the upper

Mississippi system until a new lock was constructed in the 1980s.

Corps' construction activities since World War II have been further expanded. The Corps built Veterans Administration hospitals; Nike, Atlas, Titan, and Minuteman missile sites; NASA facilities, including the massive vehicle assembly building at Cape Kennedy; post offices and bulk mail facilities; and armed forces recruiting centers.

Successes at home were matched by the Corps' accomplishments abroad. The Corps provides technical assistance in conjunction with economic aid in an approach that came to typify many American foreign assistance programs.

Since the 1950s, the Corps has engaged in major engineering studies and projects in many countries. Under terms of the Foreign Assistance Act of 1961, the Corps began work in reimbursable programs through the State Department's Agency for International Development (AID).

Today, the Corps is active in both Afghanistan and Iraq.

In foreign affairs, we need instantly available, in-house capabilities to address the Nation's strategic needs. Domestically, only the Corps has the experience to balance economic development with environmental stewardship.

I urge my colleagues to support H.R. 2557, the Water Resources Development Act of 2003, and to continue the quality work of the Corps of Engineers in service to the Nation.

Mr. DUNCAN. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Mr. Chairman, I very much wish to thank the gentleman from Alaska (Mr. YOUNG) and his staff and the gentleman from Minnesota (Mr. OBERSTAR) and his staff and also the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from California (Mr. COSTELLO) and their staffs for helping us on this bill.

As the economy begins to revive in this country, I am delighted that we can pass WRDA. It will do a great deal to help the economy but also to help all the communities throughout the Nation that will receive improvements under this bill.

We have struggled for many years in the Sacramento region to find a common solution to the water management problems that we have. And I am very pleased to be here today and to say that we have reached an acceptable compromise. The gentlemen from California (Mr. MATSUI) (Mr. OSE) (Mr. POMBO) and I represent various parts of the Sacramento region and have reached a compromise that will address both water supply and flood control.

We could not have done this without the help of all the members and their staffs who lead this committee. I really appreciate that. It is a great effort. It will be of immeasurable benefit to our region.

Mr. Chairman, I am very pleased to lend my support for this piece of legislation.

Mr. COSTELLO. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. MATSUI).

Mr. MATSUI. Mr. Chairman, first of all, I would like to take this moment to thank the gentleman from Alaska (Mr. YOUNG) for the work that he has done on this bill along with the ranking member, the gentleman from Minnesota (Mr. OBERSTAR). The work that they have done in terms of putting this legislation together, the Corps reform proposals, the legislation, and, obviously, the projects, will go a long way in making sure America remains strong in terms of our infrastructure.

I would also like to thank Chairman YOUNG and ranking member OBERSTAR and their staff along with the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Illinois (Mr. COSTELLO) for the wonderful work that they have done in helping the gentleman from California (Mr. DOOLITTLE), myself, and the regional members in the northern California area put together, obviously, a piece of legislation within this bill that would take care of many of the water needs that the gentleman from California (Mr. DOOLITTLE) and I have been concerned about over the years with respect to Sacramento County and the American River watershed.

We had a major flood problem in 1986, and then another in 1997, which almost broke our levee system. And as a result of that, the Corps of Engineers has come up with a chief report that would raise the current Folsom Dam by some 7 feet and, obviously, shore up the American River levee system.

Due to the efforts the members that I just mentioned, obviously, we have put together a proposal that would take care of both water needs and, certainly, the needs of the people in the County of Sacramento.

So I just want to take this moment to thank again the members, particularly the gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR) for working out this proposal with the gentleman from California (Mr. DOOLITTLE), myself and the regional members from our area.

Again, I want to make that effort because obviously this is a matter that has been going on for 20 years. I want to thank all members involved in this process.

Mr. DUNCAN. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma (Mr. SULLIVAN).

Mr. SULLIVAN. Mr. Chairman, I rise in support of H.R. 2557, the Water Resources Development Act, and I thank the gentleman from Alaska (Mr. YOUNG) and the gentleman from Tennessee (Mr. DUNCAN) for their strong leadership on this measure. This legislation is vital to my district in northeastern Oklahoma. Among many provisions of this legislation is language authorizing improvements to the McClellan-Kerr Arkansas River Navigation System. This legislation will allow an extension in depth from its current 9 feet to 12 feet.

This extension represents a significant step in economic development and job growth in northeastern Oklahoma. Just the increase in depth from 9 to 12 feet means that barges can carry 40 percent more cargo.

Mr. Chairman, there are over 65 industries on the Oklahoma segment of the navigation system providing direct employment for over 4,000 people. The annual payroll for these hardworking Oklahomans is more than $85 million a year. Over the past 25 years, the navigation system has created 54,000 jobs, paying an average of $78 million annually. The Tulsa port of Catoosa is home to a foreign trade zone and 42 countries have traded in our area via this navigation system. The expansion of the McClellan-Kerr system brings remarkable prospects for jobs, growth and development.

Not only will this legislation build up current businesses, but will allow Oklahoma to go after new businesses such as Boeing. The passage of this measure is part of my commitment to bring industry and quality jobs to Oklahoma. It is good news for hardworking Oklahomans and a cornerstone of our economic recovery.

Mr. Chairman, I cannot emphasize enough the importance of H.R. 2557, and I urge my colleagues to join me in my support for this measure.

Mr. COSTELLO. Mr. Chairman, I yield 4 minutes to the gentleman from Oregon (Mr. BLUMENAUER), a member of the subcommittee.

Mr. BLUMENAUER. Mr. Chairman, I appreciate the work of the gentleman from Illinois (Mr. COSTELLO), as well as our chairman, the gentleman from Tennessee (Mr. DUNCAN). It has truly been one of the pleasures for me this Congress, watching the work that has been done in the subcommittee developing a broad range of inputs, looking with fresh eyes at some of the most important environmental and infrastructure issues that the country faces.

I am pleased that we now have a bill that is done right, which can enhance our country's ports, navigation and flood control, as well as the environment, and, ultimately, I am convinced will save the taxpayers money.

We are finally dealing with a number of Corps reform issues that heretofore had bogged down previous bills, including last year's bill. We now have, as has been referenced, independent review of costly and controversial projects, one of the key issues for me over the course of my tenure on this committee. And we are beginning a conversation about updating the Corps' principles and guidelines. These operating principles have not been updated in 20 years. The facts are that we have learned a great deal about our water resources projects, what works and what does not, in that time, and I look forward to working with our committee leadership, especially since the National Academy of Science is set to finish a report on updating the principles and guidelines this fall.

I am pleased that there was an amendment that I offered adopted to

give the Corps more flexibility in its planning process to take into account economic benefits of environmental restoration and environmental benefits of economic restoration. It asks the Corps to calculate the residual flood risk of a project, such as downstream impacts of a structural project like a levee. Our intent is to encourage the Corps to be able to do more nonstructural flood control projects which are clearly beneficial for the environment and the taxpayers, even though these benefits are sometimes more difficult to calculate.

This bill does take important steps that I think will help enhance the credibility of the Corps of Engineers. I must caution, however, that we have got to be continuing our work on the independent review process. It is not exactly as I personally would design it. It gives a bit more discretion, frankly, to the Chief of Engineers and the Secretary of the Army than I think is helpful in terms of providing that clear picture that is important for the integrity of the Corps, but I think this is an important start.

I have some concerns about environmental streamlining provisions. I am all for dealing with ways that can shorten the planning and construction process, but not at the expense of the benefits that are required. Reports from the National Academy of Science show that delays in Corps projects are often caused by their complexity and inconsistent funding; and, occasionally, frankly, we run into problems because people try and jam through things and not follow the process, which creates problems in the long run.

Last but not least, I am very concerned about protections for destruction of our Nation's wetlands. I plan on coming back and speaking on an amendment offered by the gentleman from Wisconsin (Mr. KIND). But on balance, I think this bill moves us in the right direction. It starts a conversation about refining some important areas, and it is testimony to the hard work of our committee leadership in allowing us to come together and do the legislation the people deserve, which I appreciate.

Mr. DUNCAN. Mr. Chairman, I yield 3 minutes to the gentlewoman from Illinois (Mrs. BIGGERT) for the purpose of engaging in a colloquy.

Mrs. BIGGERT. Mr. Chairman, I thank the gentleman for yielding me this time, and for including in the manager's amendment language authorizing construction of a second aquatic invasive species dispersal barrier on the Chicago Ship and Sanitary Canal. I also thank the chairman for authorizing a study of and construction of needed improvements to the existing, temporary barrier.

As the chairman is aware, these barriers are the last line of defense against an aggressive aquatic invasive species called the Asian carp. This menace is now well within 50 miles of Lake Michigan and approaching fast. I very much appreciate what the committee has done in this bill to halt the spread of invasive species like the Asian carp.

I remain concerned, however, about the cost-sharing requirements and the burden on the State of Illinois. I do not want anything to delay the timely construction of a better permanent barrier.

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

Mrs. BIGGERT. I yield to the gentleman from Tennessee.

Mr. DUNCAN. Mr. Chairman, the Corps of Engineers is currently evaluating a test barrier that was authorized under the National Invasive Species Act in 1996. At the same time, the Corps is studying the potential of building a second barrier under a continuing authority for small projects. I will work with the gentlewoman and be glad to do so to see that this project is not delayed.

This is a serious matter that involves the missions of several Federal agencies and impacts the entire Great Lakes region. The committee plans to work on a reauthorization of the National Invasive Species Act during the next session. I am willing to work with the gentlewoman as we work on that legislation to encourage a regional and multi-agency response to this problem.

Mrs. BIGGERT. Mr. Chairman, I thank the gentleman for his response, and I look forward to working with him to see that the Asian carp, and other species like it, do not make it into the Great Lakes.

Mr. COSTELLO. Mr. Chairman, I yield 3 minutes to the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON of Indiana. Mr. Chairman, I thank the chairman and the gentleman from Illinois (Mr. COSTELLO), ranking member, and certainly the gentleman from Minnesota (Mr. OBERSTAR), et cetera.

I rise today to speak in favor of the Water Resources Development Act and to share with my colleagues an experience that I have had in Indianapolis, Indiana of the transformative power of this legislation. As this poster will reveal, it is almost like a tale of two cities, what used to be the worst of times and which is now the very best of times because of the incredible assistance that we received in Indianapolis, that we benefitted from funding from the committee, and in August of 2002 the gentleman from Oregon (Mr. BLUMENAUER) was in Indianapolis; the gentleman from Minnesota (Mr. OBERSTAR) was there just a couple of months ago. I was happy to share my experience with my constituents and my colleagues and countless other visitors who have come. We can tell before we received the water appropriation for Indianapolis, the picture to my right revealed the old city that had the dilapidated landscape. The walls of the waterfront were sort of falling down. And because of the yeoman's work of the gentleman from Tennessee (Chairman DUNCAN) and the gentleman from Illinois (Mr. COSTELLO), ranking member, and the gentleman from Minnesota (Mr. OBERSTAR), we have been able to transform the city. And I thought it was imperative that I came down and said thanks on behalf of the city to these incredible, wonderful gentlemen who were very beneficial in seeing to it that we got the appropriation, and now that we have the White River there that will carry commerce back and forth from the Ohio River and connecting us to the rest of the world.

From the days we have come a long way, finally turning our attention to the river, and I just wanted to thank them so very much, everybody that was involved in ascertaining that this happen.

Mr. DUNCAN. Mr. Chairman, I thank the gentlewoman from Indiana for her kind words.

Mr. Chairman, I yield 4 minutes to the gentlewoman from Florida (Ms. HARRIS), another member who has worked hard on certain parts of this legislation.

Ms. HARRIS. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise to express my vigorous support for the Water Resources and Development Act, particularly in view of the essential reforms it contains. In my home State of Florida and across America, coastal communities rely upon effective flood control and the maintenance of navigable channels as their economic lifeblood. For example, Port Manatee, which is served by a federally maintained channel, is an essential economic engine for southwest Florida. According to a study conducted by Economic Research Associates, the port supported more than 22,000 jobs in 2002, while contributing in excess of $2.3 billion to the local economy. A successful partnership between the Army Corps of Engineers and the port's local leadership in dredging and expansion of the harbor helped produce these stunning economic achievements.

Nevertheless, the protection of sensitive ecosystems remains essential to preserving our quality of life in Florida. Additionally, our achievement of this goal has become indispensable to the health of our number one industry, tourism. Thus we simply cannot afford to neglect our infrastructure nor our environment. Fortunately, the Water Resources and Development Act strikes an effective balance between these purposes. The act mandates additional project development reform, while imposing more requirements that directly mitigate the impact of projects upon fish and wildlife.

Further, the act removes several impediments to the creation of partnerships between the Army Corps of Engineers and non-Federal sponsors. This reform will not only expedite project execution, it will engage the expertise of our local communities, which know

best how to protect our sensitive ecological areas.

An outstanding partnership between the Army Corps of Engineers and the City of Bradenton received the Hammer Award from former Vice President Al Gore, due to their outstanding efforts in connection with flood control projects on Wares Creek in Manatee County. Working together, the Gore and the city of Bradenton saved taxpayers more than $600,000 by accelerating the start date of this project by 2½ years.

This reauthorization measure reaffirms the Federal Government's commitment to shoreline protection. Regrettably, the argument persists that the Army Corps of Engineers should not engage in beach nourishment projects. This perspective appears rooted in the erroneous assumption that such projects constitute a taxpayer-funded tourist entitlement.

Quite to the contrary, beach nourishment provides an economical solution to storm damage, while protecting shorefront structures and critical wildlife habitats from the punishing effects of future hurricanes and tropical storms. As we assess the effect of storms like Isabel, we must consider every possible means of reducing their costs. In my district, beaches such as Lido Key in the city of Sarasota routinely endure the effects of the storms that batter our region.

Mr. Chairman, the Army Corps of Engineers is prepared to apply the valuable lessons we have learned from the mistakes committed in the Everglades and other areas. The Corps has adopted environmental operating principles, while expanding its professional development programs that focus upon environmental protection. We must provide them the tools they need to secure the future of our coastal communities.

Mr. COSTELLO. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. CARDIN).

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

Mr. CARDIN. Mr. Chairman, first let me thank the gentleman from Illinois (Mr. COSTELLO) and the gentleman from Tennessee (Mr. DUNCAN) for their work on this important legislation and the gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR).

They have brought out a well-balanced Water Resources Development Act, and we appreciate that. This is a good bill for our Nation. It is a good bill for the people that I represent, and I thank them very much for their courtesies.

I particularly wanted to mention a project authorized in the manager's amendment to restore the stream ecosystem of the Gwynns Falls in Baltimore City. This is a complicated project that has been under study by the Corps and local jurisdictions now since we first authorized the study in April of 1992; so it has been a long time.

The authorization of this ecosystem restoration stream builds on the successful work we have on a greenway/bikepath through the Gwynns Falls. It also is an important part of the Chesapeake Bay program for improving the quality of the water along the bay. We now understand that our watersheds, our streams are a very important part of our work to restore the Chesapeake Bay, and the work done along the Gwynns Falls will be very helpful in that regard.

Let me also mention the fact that Baltimore is currently under a court order to replace its aging sewer system. We need to modernize our sewer system. In doing the work along the Gwynns Falls, we also will be advancing the work of the replacement of our aged sewer system. So for all these reasons, this project is a win-win for our environment, for the appropriate use of our lands. And I want to thank all of them for including this project. I know it was complicated. I know it was difficult, and we thank them very much.

Mr. DUNCAN. Mr. Chairman, I have no further requests for time, and I reserve the balance of my time.

Mr. COSTELLO. Mr. Chairman I yield 3 minutes to the gentleman from Oregon (Mr. DEFAZIO), former ranking member of this subcommittee.

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman from Illinois (Mr. COSTELLO) for yielding me this time.

I would like to congratulate the chairman and the ranking member for their excellent work. This is a piece of legislation that is overdue, and we can only hope that the Senate will not be the usual dead weight on this issue and will actually move this needed bill through.

This bill would go a long way toward helping many communities across the United States meet Federal mandates. There is a lot of talk around here in Washington, D.C. about unfunded mandates. The law is replete with unfunded mandates.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The gentleman must refrain from improper references to the Senate.

Mr. DEFAZIO. Mr. Chairman, I thought that we were able to talk about the reality that there are people on the other side of the Capitol.

The CHAIRMAN. References to the Senate as ''dead weight'' are not proper.

Mr. DEFAZIO. I understand, Mr. Chairman. I certainly meant not to impugn the other body with that statement, just to talk about the reality of what has happened to the Water Resources Development Act in the past.

But to continue, there are a number of Federal mandates that would be helpful to our local communities and our States if the Water Resources Development Act becomes law. But even more importantly, today in the United States of America, I think, is the fact that this bill represents a real jobs program. We can cut taxes for the wealthy people until the cows come home, and it is not going to put people back to work in the United States of America. But if we invest in infrastructure, it will. We know that the return on the dividend tax cut was 5 cents on the dollar. For every dollar we borrowed to cut dividend taxes, and we borrowed all that money, we are going to get 5 cents of stimulus to the economy; not a great investment. But for every dollar we borrow, and again we would have to borrow, to invest in water infrastructure, we are going to get $7, seven times over the impact on the economy. If we spend $1 billion under the Water Resources Development Act, we get about 45,000 jobs, real jobs, putting Americans back to work. This is an economic stimulus bill.

It is also a bill, as the gentleman who preceded me from Maryland discussed, that helps to deal with environmental problems, and also I want to recognize further that the Corps of Engineers often is subject to criticism, but there is an awful lot of good work that the Corps of Engineers does. I was just up in the mountains of my district last weekend seeing a project they are doing on a reservoir which is to help with fish runs, but also the dam itself was originally built to stop the annual flooding. So there are many good things that the Corps has done and many more that they will do if this legislation becomes law, if whoever else it is who is responsible for passing this somewhere else on Capitol Hill gets their act together.

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

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

I would urge passage of this legislation. I again thank the gentleman from Tennessee (Mr. DUNCAN), my friend, the chairman of the subcommittee, for all of his hard work on this legislation.

Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

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

I likewise would like to thank the gentleman from Illinois (Mr. COSTELLO), ranking member, for his work on this legislation. I used to say that during my 6 years as Chairman of the aviation subcommittee that I knew of no other chairman and ranking member of a subcommittee who got along better than I did with the gentleman from Illinois (Mr. LIPINSKI), my ranking member. We got along with each. Now, I can say the same thing about the gentleman from Illinois (Mr. COSTELLO). There must be something special about people from Illinois, Mr. Chairman, but it has been a pleasure to work with the gentleman from Illinois (Mr. COSTELLO) on this bill. This is the most environmentally friendly Water Resources Development Act that this Congress has ever produced. It is also a good bill for the taxpayers in the provisions that it has to speed up and thus

hold down the cost of these very needed projects around the country.

So like the gentleman from Illinois (Mr. COSTELLO), I urge passage of this bill.

Ms. LIPINSKI. Mr. Chairman, as we debate H.R. 2557, the Water Resources Department Act today, I think it is important to take careful note of intent of the Committee on Transportation and Infrastructure. Section 5007 of the bill in fact instructs that certain projects' reports and construction be expedited. I would like to highlight the fact that the Lucas Berg Pit project is among those reports directed to be expedited.

Lucas Berg Pit is in Worth in my district, the third district of Illinois. Work on Lucas Berg Pit was initiated in FY 2003. This work is ongoing, but it is taking longer than necessary. It is my hope that the Army Corps of Engineers will take notice of the Congressional intent and expedite the Lucas Berg Pit project, as directed in this important water resources legislation. I look forward to working with the Army Corps' Rock Island District on this vital project.

Ms. MILLENDER-McDONALD. Mr. Chairman, I rise today in support of the Water Resources Development Act of 2003. This legislation is a long time coming.

The Water Resources Development Act of 2003 authorizes $4 billion dollars worth of new water projects throughout the United States.

Our environmental infrastructure is a vital backdrop to our communities. Congress must continue to work to provide the guidance and resources to the communities across the country that are working to preserve and enhance their environmental infrastructure.

The Water Resources Development Act of 2003 will provide our communities and our Nation with an updated blueprint of the major environmental infrastructure projects that must be undertaken.

Members of the Transportation and Infrastructure Committee, of which I am proud to serve on, and specifically the Water Resources and Environment subcommittee have worked diligently for the past 2 years to produce a bill that works toward addressing our Nation's mounting environmental infrastructure needs. I would like to applaud the work of Ranking Member COSTELLO of the Water Resources and Environment subcommittee for his support and commitment to seeing this legislation through. This legislation is a product of bipartisanship in its purest form.

As all of us are aware, our communities and our Nation must work together to ensure a healthy, productive and efficient environmental infrastructure.

In southern California, where water is quickly becoming a precious commodity, our region is anxious to begin to repair our water infrastructure.

In addition, the Water Resources Development Act of 2003 includes provisions that will enhance dredging and local Federal matches for these projects. Specifically, this bill will provide the Port of Los Angeles the ability to apply in-kind credits to the local match, thereby stretching the impact of precious local funds. This language modifies the project for navigation, Los Angeles Harbor, to direct the Secretary to provide credit for the cost of planning and design work performed by the non-Federal interest.

Finally, this bill is a good first step in providing for our environmental infrastructure and reaffirming our commitment to the American people that the environmental infrastructure in which they live is healthy.

Mr. GREEN of Texas. Mr. Chairman, I rise in strong support of the Water Resources Development Act of 2003. This important legislation will authorize critical flood control projects across the country, including authorizing a project for Halls Bayou to be constructed by the local sponsor and reimbursed by the Army Corps of Engineers.

Located in a 42-square-mile watershed in North Central Harris County, Halls Bayou is already an authorized project, but this bill allows for Halls Bayou work to be done more quickly and with more local input, which is what my constituents want.

After Halls Bayou is added as a Section 211(f) project under the Water Resources Development Act of 1996, the local sponsor will be able to pursue the General Reevaluation Review and identify a Federal project that will protect homes and businesses from the risk of flooding.

The local sponsor has already constructed a detention area in the Halls Bayou watershed at Keith. Weiss Park, but a full Federal project is urgently needed. We are also acquiring other areas for detention in anticipation of the new authorization for Halls Bayou.

Back in 2001 Tropical Storm Allison flooded almost 13,000 homes in the Halls Bayou watershed, a tributary of Greens Bayou, which saw another 15,000 homes flooded. Recently Hurricane Isabel showed the Nation the damage one of these storms can do, even to the most developed, advanced nation in the world. And often, it is not the wind that is the problem, it is the water. Isabel showed why Federal flood control projects are needed more than ever in our country.

Clearly the sooner this legislation is approved, the better for my constituents. I would like to express my sincere thanks to Chairman YOUNG, Ranking Member OBERSTAR, Subcommittee Chairman DUNCAN, Ranking Member COSTELLO, Texans NICK LAMPSON and EDDIE BERNICE JOHNSON, and to my friend BOB MENENDEZ for their work getting this bill together and looking out for the critical flood control needs of Harris County.

Mr. Chairman, this bill deserves the support of the full House.

Mr. BEREUTER. Mr. Chairman, this Member rises today in strong support of H.R. 2557, the Water Resources Development Act (WRDA). This Member commends the distinguished gentleman from Alaska (Mr. YOUNG), chairman of the Transportation and Infrastructure Committee, the distinguished gentleman from Minnesota (Mr. OBERSTAR), ranking member on the committee, the distinguished gentleman from Tennessee (Mr. DUNCAN), chairman of the Water Resources and Environment Subcommittee, and the distinguished gentleman from Illinois (Mr. COSTELLO), the ranking member on the subcommittee, for all their hard work in bringing this bill to the floor.

This important legislation presents a tremendous opportunity to improve flood control, navigation, shore protection and environmental protection. This Member is pleased that the bill includes necessary provisions which assist the Sand Creek watershed project in Sanders County, NE. Among the many benefits it provides, the Sand Creek project will help meet Federal environmental restoration goals, address local flooding problems and preserve water quality. The Sand Creek Project can serve as a showcase of emerging science and restoration techniques for secluded wetlands with their multiple environmental benefits to the Great Plains and other States. The project is sponsored jointly by the Lower Platte North NRD, the City of Wahoo and Saunders County.

The Sand Creek section of the H.R. 2557 allows the local sponsor of the project to complete needed soil, water and other environmental restoration work and ultimately to receive proper financial credit in its matching share of Federal funds in this project. This action would result in significant cost and time savings. Additionally, the enclosed would authorize the Secretary of the Army to accept advance non-Federal project sponsor funds until Federal funds are available in order to move this project forward consistent with State plans to relocate U.S. Highway 77 as an expressway.

The Sand Creek project received conditional authorization in the Water Resources Development Act of 2000. Earlier this year, the Corps formally approved the project. The Sand Creek project has attracted widespread support.

In closing, Mr. Chairman, this Member urges his colleagues to support this important bill.

Mr. ANDREWS. Mr. Chairman, I rise today to take issue with report language included in H.R. 2557, the Water Resources and Development Act that endorses the Army Corps of Engineers' Delaware River Main Channel Deepening project. Although the report language admits that ''close scrutiny revealed that the projected benefits of the project might not exceed the projected costs,'' it goes on to say that ''notwithstanding mathematical errors made by the Corps in its original economic analysis, further analysis has demonstrated that the project remains economically justified and the project is continuing.'' This defies all logic and much evidence to the contrary.

The Delaware River dredging project remains a boondoggle. This ill-advised project continues to undergo tremendous scrutiny that raises more questions than it answers. In June of 2002 the General Accounting Office (GAO) found that the Army Corps of Engineers grossly misrepresented the costs and benefits of the project. The GAO has determined that the economic analysis provided for this project contained a number of ''material errors,'' miscalculations, invalid assumptions, and used significantly outdated information.'' Based on the GAO findings, the benefit-to-cost ratio of this project is .49 to 1.

Last fall the New Jersey Department of Environmental Protection revoked the Army Corps of Engineers' coastal zone permit for this project. A few months later, during the 2002 Christmas holiday, the Army Corps of Engineers released its ''Comprehensive Economic Reanalysis.'' This report represents an attempt by the Army Corps of Engineers to rework the benefit to cost ratio using a significantly lower discount rate than they have used in all prior cost analysis of the project, a possible violation of their own policy. Additionally, there remain concerns that the benefits of the project continue to be overstated.

A July 14, 2003 report by Dr. Robert Stearns, a former high-ranking Army Corps of Engineers official, says the project will lose money. The report says the Army Corps of Engineers' reanalysis, ''does not address the

outstanding issues or the questions raised regarding the project. In fact, the reanalysis raises more questions about his project—questions raised by the independent review panel, questions regarding the process, and questions about the data and models used to justify the project.'' Dr. Stearns estimated the project will lose between 50 cents and 25 cents for every dollar the project costs, and could easily fail to meet the cost-benefit test if even one major assertion does not occur.

I will list just a few of the many problems in the Army Corps of Engineers' reanalysis. One, the Army Corps of Engineers has still not calculated the dramatically higher expense of alternatives to disposing spoils along the river in South Jersey. Second, Army Corps of Engineers economists selectively discounted negative reactions from refiners, who are to be the project's prime beneficiaries by being able to bring tankers up river more fully laden with oil. Third, they used an ''inappropriately low'' discount rate, in calculating the benefits. And fourth, the analysis failed to account for assertions by Maritrans, a company that offloads oil from tankers onto barges, that the project likely will not reduce the number of barges it needs.

From an environmental standpoint, there continue to be many questions about the impact on water quality, dredge spoil disposal, and wildlife and aquatic life. The U.S. Fish and Wildlife Service has recently expressed concerns that contaminants in the Delaware River could adversely affect the bald eagle or peregrine falcon population. There remain serious concerns about whether the Army Corps of Engineers has fulfilled the requirements of the Clean Air Act. This is of critical concern considering that much of the project falls in a portion of New Jersey that is in severe non-attainment for ozone.

On September 11, 2003, in his Statement of Administration Policy on S. 1424, the FY04 Energy and Water Development Appropriations bill, President Bush offered more harsh words for this project. The statement expresses concern ''that the bill includes excessive funding for studies and design of potential new projects, which would add to the backlog and could unrealistically raise sponsor expectations for near-term construction starts.'' The President further objects to the appropriation of ''over $150 million to other work that raises policy concerns, such as directing funds for construction for the Delaware River Main Channel'' project.

Mr. Chairman, the Delaware River dredging project is not economically justified and should not move forward.

Mr. ACEVEDO-VILÁ. Mr. Chairman, today, the House considers the Water Resources Development Act, H.R. 2557, a vital piece of legislation, with a significant impact on the quality of life of our citizens. I commend the leadership of the House Transportation and Infrastructure Committee for their steadfast support for this legislation: Chairman YOUNG, Congressman OBERSTAR, Chairman DUNCAN and Congressman COSTELLO deserve our recognition and gratitude for their tireless work on this legislation.

Some will say, that WRDA can wait, that there are other more important pieces of legislation. I am here to tell you that it cannot wait. WRDA is not just about large water infrastructure projects, WRDA has a direct impact on the lives of some of our most vulnerable citizens. I offer you the example of the people living on the edge of the Martín Peña Channel in San Juan, Puerto Rico. For generations, people have lived on what used to be the channel. These people are literally living on top of piles of trash. These are U.S. citizens living in Third World conditions.

For years, as I was growing up in Puerto Rico, politicians would talk about the need to move the families from this area and dredge the channel. It never happened. I have made it my priority to change this situation. We are now on the verge of taking the first and most important step of authorizing the dredging of this channel. I am grateful to the members of the Transportation and Infrastructure Committee, many of which have personally visited this area, for recognizing the importance of this project. I also acknowledge the support of Chairman HOBSON and Congressman VISCLOSKY who have included the funding for the necessary planning, engineering and design work in the Energy and Water Appropriations Bill for FY 2004.

Those who have seen the living conditions of the families in the areas around the channel will agree that Congress cannot wait any longer to enact WRDA. I hope we can use this project as an example of why we need WRDA now. I urge my fellow House members to vote for this measure and to send a strong message to the Senate that we need their quick action so we can begin to improve the lives of our must vulnerable citizens.

Mr. EVERETT. Mr. Chairman, a 10-county area in southeast Alabama, which I represent, is almost solely dependent on groundwater sources to supply their drinking water needs. The 10-county region includes Barbour, Bullock, Coffee, Covington, Crenshaw, Dale, Geneva, Henry, Houston, and Pike counties. Due to the drought conditions during 2000 and 2002, water demand increased by 50 to 80 percent in this region.

The Geological Survey of Alabama conducted a 3-year study beginning in 1997 to map the aquifers currently being used in southeast Alabama and to identify other potential aquifers, most of which are at deeper levels. The results of the study reveal that current and future water withdrawals of groundwater within the Choctawhatchee, Pea, and Yellow Rivers Watershed area will be insufficient to meet future demand. Bullock, Barbour, and Pike counties have the most significant, long-range, high-capacity water resources, some of which have not been developed, but counties to the south, including Houston, Dale, and Coffee, will have to rely on their current aquifers and the possible development of a few deeper aquifers.

The study states, ''the development of alternative sources of water, specifically surface impoundments, is essential to the long-range achievement of continued growth, industrial expansion, and prosperity of the citizens in southeastern Alabama.'' The Choctawhatchee, Pea, and Yellow Rivers Watershed Management Authority estimates the timeline to build a regional reservoir is approximately 10 years for the reservoir to be operational.

The Corps of Engineers conducted a needs assessment for a regional reservoir in southeast Alabama, which helped to reinforce the need for a reservoir at this time. This was completed in December 2001 and the Corps is currently completing an alternative analysis to be finished by the end of 2003 that should show the reservoir is the best available option for addressing this concern.

Given these circumstances and the length of time necessary to develop an operational reservoir for water supply purposes, I believe it is imperative that the project receives Congressional authorization to allow the Corps to move forward with design and construction work. Continued delays only prolong the problem and force the local entities to expend scarce resources to develop additional short-term solutions to meet their water supply needs. The more prudent approach is the development of a long-term solution for the region's water supply needs, which could be accomplished through the development of a regional reservoir.

I look forward to working with the Transportation and Infrastructure Committee next year during the development of the 2004 Water Resources Development Act to authorize the Corps to design and construct a multi-purpose regional reservoir for southeast Alabama.

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

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2557

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Water Resources Development Act of 2003''.

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Definition of secretary.

TITLE I—WATER RESOURCES PROJECTS

Sec. 1001. Project authorizations.
Sec. 1002. Small projects for flood damage reduction.
Sec. 1003. Small projects for emergency streambank protection.
Sec. 1004. Small projects for navigation.
Sec. 1005. Small projects for improvement of the quality of the environment.
Sec. 1006. Small projects for aquatic ecosystem restoration.
Sec. 1007. Small projects for shoreline protection.
Sec. 1008. Small projects for snagging and sediment removal.

TITLE II—GENERAL PROVISIONS

Sec. 2001. Annual passes for recreation.
Sec. 2002. Non-Federal contributions.
Sec. 2003. Harbor cost sharing.
Sec. 2004. Funding to process permits.
Sec. 2005. National shoreline erosion control development and demonstration program.
Sec. 2006. Written agreement for water resources projects.
Sec. 2007. Assistance for remediation, restoration, and reuse.
Sec. 2008. Compilation of laws.
Sec. 2009. Dredged material disposal.
Sec. 2010. Wetlands mitigation.
Sec. 2011. Remote and subsistence harbors.
Sec. 2012. Beneficial uses of dredged material.
Sec. 2013. Cost sharing provisions for certain areas.
Sec. 2014. Revision of project partnership agreement.

Sec. 2015. Cost sharing.
Sec. 2016. Credit for work performed before partnership agreement.
Sec. 2017. Recreation user fee revenues.
Sec. 2018. Expedited actions for emergency flood damage reduction.
Sec. 2019. Watershed and river basin assessments.
Sec. 2020. Tribal partnership program.
Sec. 2021. Treatment of certain separable elements.
Sec. 2022. Prosecution of work.
Sec. 2023. Wildfire firefighting.
Sec. 2024. Credit for nonconstruction services.
Sec. 2025. Technical assistance.
Sec. 2026. Centers of specialized planning expertise.
Sec. 2027. Coordination and scheduling of Federal, State, and local actions.
Sec. 2028. Project streamlining.
Sec. 2029. Lakes program.
Sec. 2030. Mitigation for fish and wildlife losses.
Sec. 2031. Cooperative agreements.
Sec. 2032. Project planning.
Sec. 2033. Independent peer review.

TITLE III—PROJECT-RELATED PROVISIONS

Sec. 3001. Cook Inlet, Alaska.
Sec. 3002. King Cove Harbor, Alaska.
Sec. 3003. Sitka, Alaska.
Sec. 3004. Tatilek, Alaska.
Sec. 3005. Nogales Wash and tributaries, Arizona.
Sec. 3006. Grand Prairie Region and Bayou Meto Basin, Arkansas.
Sec. 3007. Saint Francis Basin, Arkansas.
Sec. 3008. American and Sacramento Rivers, California.
Sec. 3009. Cache Creek Basin, California.
Sec. 3010. Grayson Creek/Murderer's Creek, California.
Sec. 3011. John F. Baldwin Ship Channel and Stockton Ship Channel, California.
Sec. 3012. Los Angeles Harbor, Los Angeles, California.
Sec. 3013. Larkspur Ferry Channel, Larkspur, California.
Sec. 3014. Napa River Salt Marsh Restoration, Napa River, California.
Sec. 3015. Pacific Flyway Center, Sacramento, California.
Sec. 3016. Pinole Creek, California.
Sec. 3017. Prado Dam, California.
Sec. 3018. Sacramento Deep Water Ship Channel, California.
Sec. 3019. Sacramento River, Glenn-Colusa, California.
Sec. 3020. San Lorenzo River, California.
Sec. 3021. Upper Guadalupe River, California.
Sec. 3022. Walnut Creek Channel, California.
Sec. 3023. Wildcat/San Pablo Creek Phase I, California.
Sec. 3024. Wildcat/San Pablo Creek Phase II, California.
Sec. 3025. Brevard County, Florida.
Sec. 3026. Broward County and Hillsboro Inlet, Florida.
Sec. 3027. Gasparilla and Estero Islands, Florida.
Sec. 3028. Lido Key Beach, Sarasota, Florida.
Sec. 3029. Manatee Harbor, Florida.
Sec. 3030. Tampa Harbor, Florida.
Sec. 3031. Tampa Harbor-Big Bend Channel, Florida.
Sec. 3032. Miami Harbor, Florida.
Sec. 3033. Little Wood River, Gooding, Idaho.
Sec. 3034. Hennepin-Hopper Lakes, Illinois.
Sec. 3035. Mississippi River and Big Muddy River, Illinois.
Sec. 3036. Spunky Bottoms, Illinois.
Sec. 3037. Emiquon, Illinois.
Sec. 3038. Little Calumet River, Indiana.
Sec. 3039. White River, Indiana.
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Sec. 3041. Prestonsburg, Kentucky.
Sec. 3042. Amite River and tributaries, Louisiana, East Baton Rouge Parish Watershed.
Sec. 3043. Atchafalaya Basin, Louisiana.
Sec. 3044. Public access, Atchafalaya Basin Floodway System, Louisiana.
Sec. 3045. J. Bennett Johnston Waterway, Mississippi River to Shreveport, Louisiana.
Sec. 3046. Mississippi Delta Region, Louisiana.
Sec. 3047. New Orleans to Venice, Louisiana.
Sec. 3048. West Bank of the Mississippi River (East of Harvey Canal), Louisiana.
Sec. 3049. Camp Ellis, Saco, Maine.
Sec. 3050. Union River, Maine.
Sec. 3051. Cass River, Spaulding Township, Michigan.
Sec. 3052. Detroit River Shoreline, Detroit, Michigan.
Sec. 3053. Water Resources Institute, Muskegon, Michigan.
Sec. 3054. Saginaw River, Bay City, Michigan.
Sec. 3055. Ada, Minnesota.
Sec. 3056. Duluth Harbor, McQuade Road, Minnesota.
Sec. 3057. Grand Portage Harbor, Minnesota.
Sec. 3058. Granite Falls, Minnesota.
Sec. 3059. Minneapolis, Minnesota.
Sec. 3060. Red Lake River, Minnesota.
Sec. 3061. Silver Bay, Minnesota.
Sec. 3062. Taconite Harbor, Minnesota.
Sec. 3063. Two Harbors, Minnesota.
Sec. 3064. Deer Island, Harrison County, Mississippi.
Sec. 3065. Bois Brule Drainage and Levee District, Missouri.
Sec. 3066. Sand Creek Watershed, Wahoo, Nebraska.
Sec. 3067. Alamogordo, New Mexico.
Sec. 3068. Orchard Beach, Bronx, New York.
Sec. 3069. Times Beach, Buffalo, New York.
Sec. 3070. Port of New York and New Jersey, New York and New Jersey.
Sec. 3071. New York State Canal System.
Sec. 3072. Arcadia Lake, Oklahoma.
Sec. 3073. Willamette River Temperature Control, McKenzie Subbasin, Oregon.
Sec. 3074. French Creek, Union City Dam, Pennsylvania.
Sec. 3075. Lackawanna River at Olyphant, Pennsylvania.
Sec. 3076. Lackawanna River at Scranton, Pennsylvania.
Sec. 3077. Raystown Lake, Pennsylvania.
Sec. 3078. Sheraden Park Stream and Chartiers Creek, Allegheny County, Pennsylvania.
Sec. 3079. Solomon's Creek, Wilkes-Barre, Pennsylvania.
Sec. 3080. South Central Pennsylvania.
Sec. 3081. Wyoming Valley, Pennsylvania.
Sec. 3082. Little Limestone Creek, Jonesborough, Tennessee.
Sec. 3083. Cedar Bayou, Texas.
Sec. 3084. Lake Kemp, Texas.
Sec. 3085. Lower Rio Grande Basin, Texas.
Sec. 3086. North Padre Island, Corpus Christi Bay, Texas.
Sec. 3087. Proctor Lake, Texas.
Sec. 3088. San Antonio Channel, San Antonio, Texas.
Sec. 3089. Elizabeth River, Chesapeake, Virginia.
Sec. 3090. Roanoke River Upper Basin, Virginia.
Sec. 3091. Blair and Sitcum Waterways, Tacoma Harbor, Washington.
Sec. 3092. Greenbrier River Basin, West Virginia.
Sec. 3093. Manitowoc Harbor, Wisconsin.
Sec. 3094. Mississippi River Headwaters Reservoirs.
Sec. 3095. Continuation of project authorizations.
Sec. 3096. Project reauthorizations.
Sec. 3097. Project deauthorizations.
Sec. 3098. Land conveyances.
Sec. 3099. Extinguishment of reversionary interests and use restrictions.
Sec. 3100. Land exchange, disposal and acquisition of lands, Allatoona Lake, Georgia.

TITLE IV—STUDIES

Sec. 4001. John Glenn Great Lakes basin program.
Sec. 4002. St. George Harbor, Alaska.
Sec. 4003. Susitna River, Alaska.
Sec. 4004. Searcy County, Arkansas.
Sec. 4005. Upper Mississippi River and Illinois Waterway, Illinois, Iowa, Minnesota, Missouri, and Wisconsin.
Sec. 4006. Hamilton, California.
Sec. 4007. Oceanside, California.
Sec. 4008. Sacramento River, California.
Sec. 4009. San Francisco Bay, Sacramento-San Joaquin Delta, California.
Sec. 4010. Tybee Island, Georgia.
Sec. 4011. Calumet Harbor, Illinois.
Sec. 4012. Paducah, Kentucky.
Sec. 4013. Bastrop-Morehouse Parish, Louisiana.
Sec. 4014. West Feliciana Parish, Louisiana.
Sec. 4015. City of Mackinac Island, Michigan.
Sec. 4016. Chicago, Illinois.
Sec. 4017. South Branch, Chicago River, Chicago, Illinois.
Sec. 4018. Northeast Mississippi.
Sec. 4019. Pueblo of Zuni, New Mexico.
Sec. 4020. Hudson-Raritan Estuary, New York and New Jersey.
Sec. 4021. Sac and Fox Nation, Oklahoma.
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Sec. 4023. Tillamook Bay and Bar, Oregon.
Sec. 4024. Ecosystem restoration and fish passage improvements, Oregon.
Sec. 4025. Northeastern Pennsylvania aquatic ecosystem restoration and protection.
Sec. 4026. Georgetown and Williamsburg Counties, South Carolina.
Sec. 4027. Sabine Pass to Galveston Bay, Texas.
Sec. 4028. Grand County and Moab, Utah.
Sec. 4029. Chehalis River Basin, Washington.
Sec. 4030. Sprague, Lincoln County, Washington.
Sec. 4031. Monongahela River Basin, Northern West Virginia.
Sec. 4032. Wauwatosa, Wisconsin.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 5001. Maintenance of navigation channels.
Sec. 5002. Watershed management.
Sec. 5003. Dam safety.
Sec. 5004. Structural integrity evaluations.
Sec. 5005. Flood mitigation priority areas.
Sec. 5006. Additional assistance for authorized projects.
Sec. 5007. Expedited completion of reports and construction for certain projects.
Sec. 5008. Expedited completion of reports for certain projects.
Sec. 5009. Southeastern water resources assessment.
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Sec. 5016. Montgomery, Alabama.
Sec. 5017. Pinhook Creek, Huntsville, Alabama.
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Sec. 5019. Akutan Small Boat Harbor, Alaska.
Sec. 5020. Lowell Creek Tunnel, Seward, Alaska.
Sec. 5021. St. Herman and St. Paul Harbors, Kodiak, Alaska.
Sec. 5022. Augusta and Clarendon, Arkansas.
Sec. 5023. Loomis Landing, Arkansas.
Sec. 5024. McClellan-Kerr Arkansas River navigation project, Arkansas and Oklahoma.
Sec. 5025. St. Francis River Basin, Arkansas and Missouri.
Sec. 5026. Cambria, California.

Sec. 5027. Contra Costa Canal, Oakley and Knightsen, California; Mallard Slough, Pittsburg, California.
Sec. 5028. East San Joaquin County, California.
Sec. 5029. Sacramento Area, California.
Sec. 5030. Sacramento Deep Water Ship Channel, California.
Sec. 5031. San Francisco, California.
Sec. 5032. San Francisco, California, waterfront area.
Sec. 5033. Stockton, California.
Sec. 5034. Charles Hervey Townshend Breakwater, Connecticut.
Sec. 5035. Everglades restoration, Florida.
Sec. 5036. Florida Keys water quality improvements.
Sec. 5037. Lake Worth, Florida.
Sec. 5038. Lake Lanier, Georgia.
Sec. 5039. Riley Creek recreation area, Idaho.
Sec. 5040. Reconstruction of Illinois flood protection projects.
Sec. 5041. Kaskaskia River basin, Illinois, restoration.
Sec. 5042. Natalie Creek, Midlothian and Oak Forest, Illinois.
Sec. 5043. Peoria riverfront development, Peoria, Illinois.
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Sec. 5048. Mayfield Creek and tributaries, Kentucky.
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Sec. 5050. Southern and Eastern Kentucky.
Sec. 5051. Coastal Louisiana ecosystem protection and restoration.
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Sec. 5055. Delmarva conservation corridor, Maryland.
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Sec. 5058. St. Clair River and Lake St. Clair, Michigan.
Sec. 5059. Garrison and Kathio Township, Minnesota.
Sec. 5060. Northeastern Minnesota.
Sec. 5061. Desoto County, Mississippi.
Sec. 5062. Harrison, Hancock, and Jackson Counties, Mississippi.
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Sec. 5064. St. Louis, Missouri.
Sec. 5065. Hackensack Meadowlands area, New Jersey.
Sec. 5066. Atlantic Coast of New York.
Sec. 5067. College Point, New York City, New York.
Sec. 5068. Flushing Bay and Creek, New York City, New York.
Sec. 5069. Little Neck Bay, Village of Kings Point, New York.
Sec. 5070. Onondaga Lake, New York.
Sec. 5071. John H. Kerr Dam and Reservoir, North Carolina.
Sec. 5072. Stanly County, North Carolina.
Sec. 5073. Central Riverfront Park, Cincinnati, Ohio.
Sec. 5074. Piedmont Lake Dam, Ohio.
Sec. 5075. Ohio.
Sec. 5076. Waurika Lake, Oklahoma.
Sec. 5077. Columbia River, Oregon.
Sec. 5078. Eugene, Oregon.
Sec. 5079. John Day Lock and Dam, Lake Umatilla, Oregon and Washington.
Sec. 5080. Lowell, Oregon.
Sec. 5081. Hagerman's Run, Williamsport, Pennsylvania.
Sec. 5082. Northeast Pennsylvania.
Sec. 5083. Susquehannock Campground access road, Raystown Lake, Pennsylvania.
Sec. 5084. Upper Susquehanna River basin, Pennsylvania and New York.
Sec. 5085. Washington, Greene, Westmoreland, and Fayette Counties, Pennsylvania.
Sec. 5086. Cano Martin Pena, San Juan, Puerto Rico.
Sec. 5087. Beaufort and Jasper Counties, South Carolina.
Sec. 5088. Cooper River, South Carolina.
Sec. 5089. Lakes Marion and Moultrie, South Carolina.
Sec. 5090. Upper Big Sioux River, Watertown, South Dakota.
Sec. 5091. Fritz Landing, Tennessee.
Sec. 5092. Memphis, Tennessee.
Sec. 5093. Town Creek, Lenoir City, Tennessee.
Sec. 5094. Tennessee River partnership.
Sec. 5095. Clear Creek and tributaries, Harris, Galveston, and Brazoria Counties, Texas.
Sec. 5096. Harris County, Texas.
Sec. 5097. Harris Gully, Harris County, Texas.
Sec. 5098. Onion Creek, Texas.
Sec. 5099. Pelican Island, Texas.
Sec. 5100. Front Royal, Virginia.
Sec. 5101. Richmond National Battlefield Park, Richmond, Virginia.
Sec. 5102. Baker Bay and Ilwaco Harbor, Washington.
Sec. 5103. Chehalis River, Centralia, Washington.
Sec. 5104. Hamilton Island Campground, Washington.
Sec. 5105. Puget Island, Washington.
Sec. 5106. Bluestone, West Virginia.
Sec. 5107. West Virginia and Pennsylvania flood control.
Sec. 5108. Lower Kanawha River Basin, West Virginia.
Sec. 5109. Central West Virginia.
Sec. 5110. Southern West Virginia.
Sec. 5111. Construction of flood control projects by non-Federal interests.
Sec. 5112. Bridge authorization.
Sec. 5113. Additional assistance for critical projects.
Sec. 5114. Use of Federal hopper dredge fleet.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term ''Secretary'' means the Secretary of the Army.

TITLE I—WATER RESOURCES PROJECTS

SEC. 1001. PROJECT AUTHORIZATIONS.

Except as otherwise provided in this section, the following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports designated in this section:

(1) AMERICAN RIVER WATERSHED, CALIFORNIA.—The project for flood damage reduction and environmental restoration, American River Watershed, California: Report of the Chief of Engineers, dated November 5, 2002, at a total cost of $257,300,000, with an estimated Federal cost of $201,200,000 and an estimated non-Federal cost of $56,100,000; except that the Secretary is authorized to accept funds from State and local governments and other Federal agencies for the purpose of constructing a permanent bridge instead of the temporary bridge described in the recommended plan and may construct such permanent bridge if all additional costs for such bridge, above the $36,000,000 provided for in the recommended plan for bridge construction, are provided by such governments or agencies.

(2) PINE FLAT DAM AND RESERVOIR, CALIFORNIA.—The project for environmental restoration, Pine Flat Dam and Reservoir, Fresno County, California: Report of the Chief of Engineers, dated July 19, 2002, at a total cost of $38,480,000, with an estimated Federal cost of $24,930,000 and an estimated non-Federal cost of $13,550,000.

(3) SOUTH PLATTE RIVER, DENVER, COLORADO.—The project for environmental restoration Denver County Reach, South Platte River, Denver, Colorado: Report of the Chief of Engineers, dated May 16, 2003, at a total cost of $17,997,000, with an estimated Federal cost of $11,698,000 and an estimated non-Federal cost of $6,299,000.

(4) MORGANZA TO THE GULF OF MEXICO, LOUISIANA.—

(A) IN GENERAL.—The project for hurricane and storm damage reduction, Morganza to the Gulf of Mexico, Louisiana: Report of the Chief of Engineers, dated August 23, 2002, at a total cost of $719,000,000, with an estimated Federal cost of $467,000,000 and an estimated non-Federal cost of $252,000,000.

(B) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest for interim flood protection after March 31, 1989, if the Secretary determines that the work is integral to the project.

(5) SMITH ISLAND, MARYLAND.—The project for environmental restoration and protection, Smith Island, Maryland: Report of the Chief of Engineers, dated October 29, 2001, at a total cost of $8,000,000, with an estimated Federal cost of $5,200,000 and an estimated non-Federal cost of $2,800,000.

(6) CORPUS CHRISTI SHIP CHANNEL, CORPUS CHRISTI, TEXAS.—The project for navigation and environmental restoration, Corpus Christi Ship Channel, Texas, Channel Improvement Project: Report of the Chief of Engineers dated June 2, 2003, at a total cost of $153,808,000, with an estimated Federal cost of $73,554,000 and an estimated non-Federal cost of $80,254,000.

(7) MATAGORDA BAY, TEXAS.—The project for navigation, Gulf Intracoastal Waterway, Brazos River to Port O'Connor, Matagorda Bay Re-Route, Texas: Report of the Chief of Engineers, dated December 4, 2002, at a total cost of $14,515,000. The costs of construction of the project are to be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(8) RIVERSIDE OXBOW, FORT WORTH, TEXAS.—

(A) IN GENERAL.—The project for environmental restoration, Riverside Oxbow, Fort Worth, Texas: Report of the Chief of Engineers dated May 29, 2003, at a total cost of $22,200,000, with an estimated Federal cost of $9,180,000 and an estimated non-Federal cost of $13,020,000.

(B) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project the cost of design and construction work carried out on the Beach Street Dam and associated features by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

(9) DEEP CREEK, CHESAPEAKE, VIRGINIA.—The project for the Atlantic Intracoastal Waterway Bridge Replacement, Deep Creek, Chesapeake, Virginia: Report of the Chief of Engineers, dated March 3, 2003, at a total cost of $22,178,000.

SEC. 1002. SMALL PROJECTS FOR FLOOD DAMAGE REDUCTION.

(a) IN GENERAL.—The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s):

(1) CACHE RIVER BASIN, GRUBBS, ARKANSAS.—Project for flood damage reduction, Cache River basin, Grubbs, Arkansas.

(2) SANTA ANA RIVER BASIN AND ORANGE COUNTY STREAMS, CALIFORNIA.—Project for flood damage reduction, Santa Ana River basin and Orange County streams, California.

(3) STONY CREEK, OAK LAWN, ILLINOIS.—Project for flood damage reduction, Stony Creek, Oak Lawn, Illinois.

(4) OLIVE HILL AND VICINITY, KENTUCKY.—Project for flood damage reduction, Olive Hill and vicinity, Kentucky.

(5) NASHUA RIVER, FITCHBURG, MASSACHUSETTS.—Project for flood damage reduction, Nashua River, Fitchburg, Massachusetts.

(6) SAGINAW RIVER, HAMILTON DAM, FLINT, MICHIGAN.—Project for flood damage reduction, Saginaw River, Hamilton Dam, Flint, Michigan.

(7) MARSH CREEK, MINNESOTA.—Project for flood damage reduction, Marsh Creek, Minnesota.

(8) ROSEAU RIVER, ROSEAU, MINNESOTA.—Project for flood damage reduction, Roseau River, Roseau, Minnesota.

(9) SOUTH BRANCH OF THE WILD RICE RIVER, BORUP, MINNESOTA.—Project for flood damage reduction, South Branch of the Wild Rice River, Borup, Minnesota.

(10) TWIN VALLEY LAKE, WILD RICE RIVER, MINNESOTA.—Project for flood damage reduction, Twin Valley Lake, Wild Rice River, Minnesota.

(11) BLACKSNAKE CREEK, ST. JOSEPH, MISSOURI.—Project for flood damage reduction, Blacksnake Creek, St. Joseph, Missouri.

(12) MCKEEL BROOK, NEW JERSEY.—Project for flood damage reduction, McKeel Brook, New Jersey.

(13) EAST RIVER, SILVER BEACH, NEW YORK CITY, NEW YORK.—Project for flood damage reduction, East River, Silver Beach, New York City, New York.

(14) RAMAPO RIVER, TOWN OF MONROE AND VILLAGES OF MONROE, KIRYAS JOEL, AND HARRIMAN, NEW YORK.—Project for flood damage reduction, Ramapo River, Town of Monroe and Villages of Monroe, Kiryas Joel, and Harriman, New York.

(15) LITTLE MILL CREEK, SOUTHAMPTON, PENNSYLVANIA.—Project for flood damage reduction, Little Mill Creek, Southampton, Pennsylvania.

(16) LITTLE NESHAMINY CREEK, WARRENTON, PENNSYLVANIA.—Project for flood damage reduction, Little Neshaminy Creek, Warrenton, Pennsylvania.

(17) SURFSIDE BEACH, SOUTH CAROLINA.—Project for flood damage reduction, Surfside Beach and vicinity, South Carolina.

(b) SPECIAL RULES.—In carrying out the project for flood damage reduction, South Branch of the Wild Rice River, Borup, Minnesota, referred to in subsection (a)(9) the Secretary may consider national ecosystem restoration benefits in determining the Federal interest in the project and shall allow the non-Federal interest to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184) to the extent that the Secretary's evaluation indicates that applying such section is necessary to implement the project.

SEC. 1003. SMALL PROJECTS FOR EMERGENCY STREAMBANK PROTECTION.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r):

(1) OUACHITA AND BLACK RIVERS, ARKANSAS.—Project for emergency streambank protection, Ouachita and Black Rivers, Arkansas.

(2) MELVINA DITCH, CHICAGO RIDGE, ILLINOIS.—Project for emergency streambank protection for the east side of Melvina Ditch in the vicinity of 96th Street and Nashville Avenue, Chicago Ridge, Illinois.

(3) MIDDLE FORK GRAND RIVER, GENTRY COUNTY, MISSOURI.—Project for emergency streambank protection, Middle Fork Grand River, Gentry County, Missouri.

(4) SHREWSBURY RIVER, RUMSON, NEW JERSEY.—Project for emergency streambank protection, Shrewsbury River, Rumson, New Jersey.

(5) KOWAWESE UNIQUE AREA AND HUDSON RIVER, NEW WINDSOR, NEW YORK.—Project for emergency streambank protection, Kowawese Unique Area and Hudson River, New Windsor, New York.

SEC. 1004. SMALL PROJECTS FOR NAVIGATION.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577):

(1) BLYTHEVILLE COUNTY HARBOR, ARKANSAS.—Project for navigation, Blytheville County Harbor, Arkansas.

(2) EVANSTON, ILLINOIS.—Project for navigation, Evanston, Illinois.

(3) NIAGARA FRONTIER TRANSPORTATION AUTHORITY BOAT HARBOR, BUFFALO, NEW YORK.—Project for navigation, Niagara Frontier Transportation Authority Boat Harbor, Buffalo, New York.

(4) WOODLAWN MARINA, LACKAWANNA, NEW YORK.—Project for navigation, Woodlawn Marina, Lackawanna, New York.

(5) BAKER BAY AND ILWACO HARBOR, WASHINGTON.—Project for navigation, Baker Bay and Ilwaco Harbor, Washington.

SEC. 1005. SMALL PROJECTS FOR IMPROVEMENT OF THE QUALITY OF THE ENVIRONMENT.

The Secretary shall conduct a study for the following project and, if the Secretary determines that the project is appropriate, may carry out the project under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a): Project for improvement of the quality of the environment, Smithville Lake, Missouri.

SEC. 1006. SMALL PROJECTS FOR AQUATIC ECOSYSTEM RESTORATION.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is appropriate, may carry out the project under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330):

(1) COLORADO RIVER, YUMA, ARIZONA.—Project for aquatic ecosystem restoration, Colorado River, Yuma, Arizona.

(2) CHINO VALLEY, CALIFORNIA.—Project for aquatic ecosystem restoration, Chino Valley, California.

(3) NEW AND ALAMO RIVERS, IMPERIAL COUNTY, CALIFORNIA.—Project for aquatic ecosystem restoration, New and Alamo Rivers, Imperial County, California, including efforts to address invasive aquatic plant species.

(4) SAN DIEGO RIVER, CALIFORNIA.—Project for aquatic ecosystem restoration, San Diego River, California, including efforts to address invasive aquatic plant species.

(5) STOCKTON DEEP WATER SHIP CHANNEL AND LOWER SAN JOAQUIN RIVER, CALIFORNIA.—Project for aquatic ecosystem restoration, Stockton Deep Water Ship Channel and lower San Joaquin River, California.

(6) SWEETWATER RESERVOIR, SAN DIEGO COUNTY, CALIFORNIA.—Project for aquatic ecosystem restoration, Sweetwater Reservoir, San Diego County, California, including efforts to address invasive aquatic plant species.

(7) BISCAYNE BAY, FLORIDA.—Project for aquatic ecosystem restoration, Biscayne Bay, Key Biscayne, Florida.

(8) DESTIN HARBOR, FLORIDA.—Project for aquatic ecosystem restoration, Destin Harbor, Florida.

(9) CHATTAHOOCHEE RIVER, COLUMBUS, GEORGIA, AND PHENIX CITY, ALABAMA.—Project for aquatic ecosystem restoration, City Mills Dam and Eagle and Phenix Dam, Chattahoochee River, Columbus, Georgia, and Phenix City, Alabama.

(10) CHATTAHOOCHEE RIVER AND OCMULGEE RIVER BASINS, GEORGIA.—Project for aquatic ecosystem restoration, Chattahoochee River and Ocmulgee River basins, Gwinnett County, Georgia.

(11) SNAKE RIVER, JEROME, IDAHO.—Project for aquatic ecosystem restoration, Snake River, Jerome, Idaho.

SEC. 1007. SMALL PROJECTS FOR SHORELINE PROTECTION.

The Secretary shall conduct a study for the following project and, if the Secretary determines that the project is feasible, may carry out the project under section 3 of the Act entitled ''An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property'', approved August 13, 1946 (33 U.S.C. 426g): Project for shoreline protection, Nelson Lagoon, Alaska.

SEC. 1008. SMALL PROJECTS FOR SNAGGING AND SEDIMENT REMOVAL.

The Secretary shall conduct a study for the following project and, if the Secretary determines that the project is feasible, the Secretary may carry out the project under section 2 of the Flood Control Act of August 28, 1937 (33 U.S.C. 701g): Project for removal of snags and clearing and straightening of channels for flood control, Kowawese Unique Area and Hudson River, New Windsor, New York.

TITLE II—GENERAL PROVISIONS

SEC. 2001. ANNUAL PASSES FOR RECREATION.

Section 208(c)(4) of the Water Resources Development Act of 1996 (16 U.S.C. 460d–3 note; 110 Stat. 3681; 113 Stat. 294) is amended by striking ''the December 31, 2003'' and inserting ''December 31, 2004''.

SEC. 2002. NON-FEDERAL CONTRIBUTIONS.

Section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213) is amended by adding at the end the following:

''(n) NON-FEDERAL CONTRIBUTIONS.—

''(1) PROHIBITION ON SOLICITATION OF EXCESS CONTRIBUTIONS.—The Secretary may not solicit contributions from non-Federal interests for costs of constructing authorized water resources development projects or measures in excess of the non-Federal share assigned to the appropriate project purposes listed in subsections (a), (b), and (c) or condition Federal participation in such projects or measures on the receipt of such contributions.

''(2) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed to affect the Secretary's authority under section 903(c) of this Act.''.

SEC. 2003. HARBOR COST SHARING.

(a) PAYMENTS DURING CONSTRUCTION.—Section 101(a)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(a)(1); 100 Stat. 4082) is amended in each of subparagraphs (B) and (C) by striking ''45 feet'' and inserting ''53 feet''.

(b) OPERATION AND MAINTENANCE.—Section 101(b)(1) of such Act (33 U.S.C. 2211(b)(1)) is amended by striking ''45 feet'' and inserting ''53 feet''.

(c) DEFINITIONS.—Section 214 of such Act (33 U.S.C. 2241; 100 Stat. 4108) is amended in each of paragraphs (1) and (3) by striking ''45 feet'' and inserting ''53 feet''.

(d) APPLICABILITY.—The amendments made by subsections (a), (b), and (c) shall apply only to a project, or separable element of a project, on which a contract for physical construction has not been awarded before the date of enactment of this Act.

SEC. 2004. FUNDING TO PROCESS PERMITS.

Section 214(a) of the Water Resources Development Act of 2000 (33 U.S.C. 2201 note; 114 Stat. 2594) is amended by striking ''2003'' and inserting ''2005''.

SEC. 2005. NATIONAL SHORELINE EROSION CONTROL DEVELOPMENT AND DEMONSTRATION PROGRAM.

(a) EXTENSION OF PROGRAM.—Section 5(a) of the Act entitled ''An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property'', approved August 13, 1946 (33 U.S.C. 426h(a)), is amended by striking ''6 years'' and inserting ''10 years''.

(b) EXTENSION OF PLANNING, DESIGN, AND CONSTRUCTION PHASE.—Section 5(b)(1)(A) of such Act (33 U.S.C. 426h(b)(1)(A)) is amended by striking ''3 years'' and inserting ''6 years''.

(c) COST-SHARING; REMOVAL OF PROJECTS.—Section 5(b) of such Act (33 U.S.C. 426h(b)) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (5) and (6), respectively; and

(2) by inserting after paragraph (2) the following:

''(3) COST SHARING.—The Secretary may enter into a cost-sharing agreement with a non-Federal interest to carry out a project, or a phase of a project, under the erosion control program in cooperation with the non-Federal interest.

''(4) REMOVAL OF PROJECTS.—The Secretary may pay all or a portion of the costs of removing a project, or an element of a project, constructed under the erosion control program if the Secretary determines during the term of the program that the project or element is detrimental to the environment, private property, or public safety.''.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 5(e)(2) of such Act (33 U.S.C. 426h(e)(2)) is amended by striking ''$21,000,000'' and inserting ''$31,000,000''.

SEC. 2006. WRITTEN AGREEMENT FOR WATER RESOURCES PROJECTS.

(a) PARTNERSHIP AGREEMENTS.—Section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) is amended—

(1) in subsection (a)—

(A) by striking ''under the provisions'' and all that follows through ''under any other'' and inserting ''under any'';

(B) by inserting ''partnership'' after ''written'';

(C) by striking ''Secretary of the Army to furnish its required cooperation for'' and inserting ''district engineer for the district in which the project will be carried out under which each party agrees to carry out its responsibilities and requirements for implementation or construction of''; and

(D) by inserting after ''$25,000.'' the following: ''Such agreement may include a provision for liquidated damages in the event of a failure of one or more parties to perform.'';

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following:

''(e) LIMITATION.—Nothing in subsection (a) shall be construed as limiting the authority of the Secretary to ensure that a partnership agreement meets all requirements of law and policies of the Secretary in effect on the date of entry into the partnership agreement.''.

(b) LOCAL COOPERATION.—Section 912(b) of the Water Resources Development Act of 1986 (101 Stat. 4190) is amended—

(1) in paragraph (2)—

(A) by striking ''shall'' the first place it appears and inserting ''may''; and

(B) by striking the last sentence; and

(2) in paragraph (4)—

(A) by inserting after ''injunction, for'' the following: ''payment of liquidated damages or, for'';

(B) by striking ''to collect a civil penalty imposed under this section,''; and

(C) by striking ''any civil penalty imposed under this section,'' and inserting ''any liquidated damages,''.

(c) APPLICABILITY.—The amendments made by subsections (a) and (b) only apply to partnership agreements entered into after the date of enactment of this Act; except that at the request of a non-Federal interest for a project the district engineer for the district in which the project is located may amend a project partnership agreement entered into on or before such date and under which construction on the project has not been initiated as of such date of enactment for the purpose of incorporating such amendments.

(d) REFERENCES.—

(1) TO COOPERATION AGREEMENTS.—Any reference in a law, regulation, document, or other paper of the United States to a cooperation agreement or project cooperation agreement shall be treated to be a reference to a partnership agreement or a project partnership agreement, respectively.

(2) TO PARTNERSHIP AGREEMENTS.—Any reference to a partnership agreement or project partnership agreement in this Act (other than this section) shall be treated as a reference to a cooperation agreement or a project cooperation agreement, respectively.

SEC. 2007. ASSISTANCE FOR REMEDIATION, RESTORATION, AND REUSE.

(a) IN GENERAL.—The Secretary may provide to State and local governments assessment, planning, and design assistance for remediation, environmental restoration, or reuse of areas located within the boundaries of such State or local governments where such remediation, environmental restoration, or reuse will contribute to the improvement of water quality or the conservation of water and related resources of drainage basins and watersheds within the United States.

(b) NON-FEDERAL SHARE.—The non-Federal share of the cost of assistance provided under subsection (a) shall be 50 percent.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 for each of fiscal years 2004 through 2008.

SEC. 2008. COMPILATION OF LAWS.

Within one year after the date of enactment of this Act, the laws of the United States relating to the improvement of rivers and harbors, flood control, beach erosion, and other water resources development enacted after November 8, 1966, and before January 1, 2004, shall be compiled under the direction of the Secretary and the Chief of Engineers and printed for the use of the Department of the Army, Congress, and the general public. The Secretary shall reprint the volumes containing such laws enacted before November 8, 1966. In addition, the Secretary shall include an index in each volume so compiled or reprinted. Not later than December 1, 2004, the Secretary shall transmit at least 25 copies of each such volume to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

SEC. 2009. DREDGED MATERIAL DISPOSAL.

Section 217 of the Water Resources Development Act of 1996 (33 U.S.C. 2326a; 110 Stat. 3694–3696) is amended—

(1) by redesignating subsection (c) as subsection (d);

(2) by inserting after subsection (b) the following:

''(c) GOVERNMENTAL PARTNERSHIPS.—

''(1) IN GENERAL.—The Secretary may enter into cost-sharing agreements with 1 or more non-Federal public interests with respect to a project, or group of projects within a geographic region if appropriate, for the acquisition, design, construction, management, or operation of a dredged material processing, treatment, contaminant reduction, or disposal facility (including any facility used to demonstrate potential beneficial uses of dredged material, which may include effective sediment contaminant reduction technologies) using funds provided in whole or in part by the Federal Government. One or more of the parties of the agreement may perform the acquisition, design, construction, management, or operation of a dredged material processing, treatment, or disposal facility. If appropriate, the Secretary may combine portions of separate construction or maintenance appropriations from separate Federal projects with the appropriate combined cost-sharing between the various projects when the facility serves to manage dredged material from multiple Federal projects located in the geographic region of the facility.

''(2) PUBLIC FINANCING.—

''(A) AGREEMENTS.—

''(i) SPECIFIED FEDERAL FUNDING SOURCES AND COST SHARING.—The cost-sharing agreement used shall clearly specify the Federal funding sources and combined cost-sharing when applicable to multiple Federal navigation projects and the responsibilities and risks of each of the parties related to present and future dredged material managed by the facility.

''(ii) MANAGEMENT OF SEDIMENTS.—The cost-sharing agreement may include the management of sediments from the maintenance dredging of Federal navigation projects that do not have partnership agreements. The cost-sharing agreement may allow the non-Federal sponsor to receive reimbursable payments from the Federal Government for commitments made by the sponsor for disposal or placement capacity at dredged material treatment, processing, contaminant reduction, or disposal facilities.

''(iii) CREDIT.—The cost-sharing agreement may allow costs incurred prior to execution of a partnership agreement for construction or the purchase of equipment or capacity for the project to be credited according to existing cost-sharing rules.

''(B) CREDIT.—Nothing in this subsection supersedes or modifies existing agreements between the Federal Government and any non-Federal sponsors for the cost-sharing, construction, and operation and maintenance of Federal navigation projects. Subject to the approval of the Secretary and in accordance with existing laws, regulations, and policies, a non-Federal public sponsor of a Federal navigation project may seek credit for funds provided in the acquisition, design, construction, management, or operation of a dredged material processing, treatment, or disposal facility to the extent the facility is used to manage dredged material from the Federal navigation project. The non-Federal sponsor shall be responsible for providing all necessary lands, easements, rights-of-way, or relocations associated with the facility and shall receive credit for these items.''; and

(3) in each of subsections (d)(1) and (d)(2)(A), as so redesignated—

(A) by inserting ''and maintenance'' after ''operation''; and

(B) by inserting ''processing, treatment, or'' after ''dredged material'' the first place it appears.

SEC. 2010. WETLANDS MITIGATION.

In carrying out a water resources project that involves wetlands mitigation and that has impacts that occur within the service area of a mitigation bank, the Secretary, to the maximum extent practicable and where appropriate, shall give preference to the use of the mitigation bank if the bank contains sufficient available credits to offset the impact and the bank is approved in accordance with the Federal Guidance for the Establishment, Use and Operation of Mitigation Banks (60 Fed. Reg. 58605) or other applicable Federal law (including regulations).

SEC. 2011. REMOTE AND SUBSISTENCE HARBORS.

(a) IN GENERAL.—In conducting a study of harbor and navigation improvements, the Secretary may recommend a project without the need to demonstrate that the project is justified solely by national economic development benefits if the Secretary determines that—

(1)(A) the community to be served by the project is at least 70 miles from the nearest surface accessible commercial port and has no direct rail or highway link to another community served by a surface accessible port or harbor; or

(B) the project would be located in the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, or American Samoa;

(2) the harbor is economically critical such that over 80 percent of the goods transported through the harbor would be consumed within the community served by the harbor and navigation improvement; and

(3) the long-term viability of the community would be threatened without the harbor and navigation improvement.

(b) JUSTIFICATION.—In considering whether to recommend a project under subsection (a), the Secretary shall consider the benefits of the project to—

(1) public health and safety of the local community, including access to facilities designed to protect public health and safety;

(2) access to natural resources for subsistence purposes;

(3) local and regional economic opportunities;

(4) welfare of the local population; and

(5) social and cultural value to the community.

SEC. 2012. BENEFICIAL USES OF DREDGED MATERIAL.

(a) IN GENERAL.—Section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) is amended by striking subsections (c) through (g) and inserting the following:

''(c) IN GENERAL.—The Secretary may carry out projects to transport and place suitable material dredged in connection with the construction, operation, or maintenance of an authorized navigation project at locations selected by a non-Federal entity for use in the construction, repair, or rehabilitation of projects determined by the Secretary to be in the public interest and associated with navigation, flood damage reduction, hydroelectric power, municipal and industrial water supply, agricultural water supply, recreation, hurricane and storm damage reduction, aquatic plant control, and environmental protection and restoration.

''(d) COOPERATIVE AGREEMENT.—Any project undertaken pursuant to this section shall be initiated only after non-Federal interests have entered into an agreement with the Secretary in which the non-Federal interests agree to pay the non-Federal share of the cost of construction of the project and 100 percent of the cost of operation, maintenance, replacement, and rehabilitation of the project in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

''(e) SPECIAL RULE.—Construction of a project under subsection (a) for the protection and restoration of aquatic and ecologically related habitat the cost of which does not exceed $750,000 and which will be located in a disadvantaged community as determined by the Secretary may be carried out at Federal expense.

''(f) DETERMINATION OF CONSTRUCTION COSTS.—Costs associated with construction of a project under this section shall be limited solely to construction costs that are in excess of those costs necessary to carry out the dredging for construction, operation, or maintenance of the authorized navigation project in the most cost effective way, consistent with economic, engineering, and environmental criteria.

''(g) SELECTION OF DREDGED MATERIAL DISPOSAL METHOD.—In developing and carrying out a project for navigation involving the disposal of dredged material, the Secretary may select, with the consent of the non-Federal interest, a disposal method that is not the least-cost option if the Secretary determines that the incremental costs of such disposal method are reasonable in relation to the environmental benefits, including the benefits to the aquatic environment to be derived from the creation of wetlands and control of shoreline erosion. The Federal share of such incremental costs shall be determined in accordance with subsection (d).

''(h) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $30,000,000 annually for projects under this section of which not more than $3,000,000 annually may be used for construction of projects described in subsection (e). Such sums shall remain available until expended.

''(j) REGIONAL SEDIMENT MANAGEMENT PLANNING.—In consultation with appropriate State and Federal agencies, the Secretary may develop, at Federal expense, plans for regional management of material dredged in conjunction with the construction, operation, or maintenance of navigation projects, including potential beneficial uses of dredged material for construction, repair, or rehabilitation of public projects for navigation, flood damage reduction, hydroelectric power, municipal and industrial water supply, agricultural water supply, recreation, hurricane and storm damage reduction, aquatic plant control, and environmental protection and restoration.''.

(b) REPEAL.—

(1) IN GENERAL.—Section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j) is repealed.

(2) HOLD HARMLESS.—The repeal made by paragraph (1) shall not affect the authority of the Secretary to complete any project being carried out under such section 145 on the day before the date of enactment of this Act.

(c) PRIORITY AREAS.—In carrying out section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326), the Secretary shall give priority to a project for the beaches of Bogues Bank in the vicinity of Morehead City, North Carolina, and a project in the vicinity of the Smith Point Park Pavilion and the TWA Flight 800 Memorial, Brookhaven, New York.

SEC. 2013. COST SHARING PROVISIONS FOR CERTAIN AREAS.

Section 1156 of the Water Resources Development Act of 1986 (33 U.S.C. 2310; 100 Stat. 4256) is amended to read as follows:

''SEC. 1156. COST SHARING PROVISIONS FOR CERTAIN AREAS.

''The Secretary shall waive local cost-sharing requirements up to $500,000 for all studies and projects in the Commonwealth of Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands, in Indian country (as defined in section 1151 of title 18, United States Code, and including lands that are within the jurisdictional area of an Oklahoma Indian tribe, as determined by the Secretary of the Interior, and are recognized by the Secretary of the Interior as eligible for trust land status under part 151 of title 25, Code of Federal Regulations) or on land in the State of Alaska conveyed to an Alaska Native Village Corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).''.

SEC. 2014. REVISION OF PROJECT PARTNERSHIP AGREEMENT.

Upon authorization by law of an increase in the maximum amount of Federal funds that may be allocated for a project or an increase in the total cost of a project authorized to be carried out by the Secretary, the Secretary shall revise the project partnership agreement for the project to take into account the change in Federal participation in the project.

SEC. 2015. COST SHARING.

An increase in the maximum amount of Federal funds that may be allocated for a project or an increase in the total cost of a project authorized to be carried out by the Secretary shall not affect any cost sharing requirement applicable to the project under title I of the Water Resources Development Act of 1986 (33 U.S.C. 2211 et seq.).

SEC. 2016. CREDIT FOR WORK PERFORMED BEFORE PARTNERSHIP AGREEMENT.

If the Secretary is authorized to credit toward the non-Federal share the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project and such work has not been carried out as of the date of enactment of this Act, the Secretary shall enter into an agreement with the non-Federal interest for the project under which the non-Federal interest shall carry out such work, and the credit shall apply only to work carried out under the agreement.

SEC. 2017. RECREATION USER FEE REVENUES.

Section 225 of the Water Resources Development Act of 1999 (113 Stat. 297–298) is amended—

(1) in subsection (a)(1) by striking ''During fiscal years 1999 through 2002, the'' and inserting ''The''; and

(2) in subsection (a)(3) by striking ''September 30, 2005'' and inserting ''expended''.

SEC. 2018. EXPEDITED ACTIONS FOR EMERGENCY FLOOD DAMAGE REDUCTION.

The Secretary shall expedite any authorized planning, design, and construction of any project for flood damage reduction for an area that, within the preceding 5 years, has been subject to flooding that resulted in the loss of life and caused damage of sufficient severity and magnitude to warrant a declaration of a major disaster by the President under the Robert T. Stafford Disaster and Emergency Relief Act (42 U.S.C. 5121 et seq.).

SEC. 2019. WATERSHED AND RIVER BASIN ASSESSMENTS.

(a) IN GENERAL.—Section 729 of the Water Resources Development Act of 1986 (33 U.S.C. 2267a; 114 Stat. 2587–2588; 100 Stat. 4164) is amended—

(1) in subsection (d)—

(A) by striking ''and'' at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting ''; and''; and

(C) by adding at the end the following:

''(6) Sacramento-San Joaquin Delta, California.'';

(2) by striking paragraph (1) of subsection (f) and inserting the following:

''(1) NON-FEDERAL SHARE.—The non-Federal share of the costs of an assessment carried out under this section on or after December 11, 2000, shall be 25 percent.''; and

(3) by striking subsection (g).

(b) REVISION OF PARTNERSHIP AGREEMENT.—The Secretary shall revise the partnership agreement for any assessment being carried out under such section 729 to take into account the change in non-Federal participation in the assessment as a result of the amendments made by subsection (a).

SEC. 2020. TRIBAL PARTNERSHIP PROGRAM.

Section 203(b)(1)(B) of the Water Resources Development Act of 2000 (33 U.S.C. 2269(b)(1)(B); 114 Stat. 2589) is amended by inserting after ''Code'' the following '', and including lands that are within the jurisdictional area of an Oklahoma Indian tribe, as determined by the Secretary of the Interior, and are recognized by the Secretary of the Interior as eligible for trust land status under part 151 of title 25, Code of Federal Regulations''.

SEC. 2021. TREATMENT OF CERTAIN SEPARABLE ELEMENTS.

(a) IN GENERAL.—If, in carrying out a water resources project, the Secretary identifies a separable element that would advance a primary mission of the Corps of Engineers, with benefits that could be achieved more cost-effectively if carried out in conjunction with the project, the Secretary, in consultation with the non-Federal interest, may carry out such separable element at Federal expense if the cost of such separable element does not exceed 3 percent of the Federal project cost and does not exceed $1,000,000.

(b) OPERATION AND MAINTENANCE.—Operation and maintenance of a separable element of a project carried out under this section shall be a non-Federal responsibility.

(c) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to increase the amount authorized to be appropriated for a project beyond that amount authorized by law or to provide a separate authorization of appropriations.

SEC. 2022. PROSECUTION OF WORK.

Section 10 of the Rivers and Harbors Act of September 22, 1922 (33 U.S.C. 621; 42 Stat. 1043), is amended by inserting after ''harbors'' the following: '', including any planning, engineering, design, construction, operation, and maintenance,''.

SEC. 2023. WILDFIRE FIREFIGHTING.

Section 309 of Public Law 102–154 (42 U.S.C. 1856a-1; 105 Stat. 1034) is amended by inserting ''the Secretary of the Army,'' after ''the Secretary of Energy,''.

SEC. 2024. CREDIT FOR NONCONSTRUCTION SERVICES.

(a) IN GENERAL.—The Secretary is authorized to allow a non-Federal interest credit toward its share of project costs for any authorized water resources development project for the cost of materials and in-kind services, including design and management services but not including construction, provided by the non-Federal interest for implementation of the project.

(b) LIMITATION.—Credit authorized under subsection (a)—

(1) shall not exceed the non-Federal share of project costs;

(2) shall not alter any other requirements that require a non-Federal interest to provide lands, easements, rights-of-way, and dredged material disposal areas for the project;

(3) shall not exceed the actual and reasonable costs of the materials or in-kind services provided by the non-Federal interest, as determined by the Secretary; and

(4) shall not be allowed unless the Secretary has determined that such materials or services are compatible with and necessary for the project.

SEC. 2025. TECHNICAL ASSISTANCE.

Section 22 of Water Resources Development Act of 1974 (42 U.S.C. 1962d–16) is amended—

(1) in subsection (a) by striking ''The Secretary'' and inserting the following:

''(a) FEDERAL STATE COOPERATION.—

''(1) COMPREHENSIVE PLANS.—The Secretary'';

(2) by inserting after the last sentence in subsection (a) the following:

''(2) TECHNICAL ASSISTANCE.—

''(A) IN GENERAL.—At the request of a governmental agency or non-Federal interest, the Secretary may provide, at Federal expense, technical assistance to such agency or non-Federal interest in managing water resources.

''(B) TYPES OF ASSISTANCE.—Technical assistance under this paragraph may include provision and integration of hydrologic, economic, and environmental data and analyses.''

(3) in subsection (b)(1) by striking ''this section'' each place it appears and inserting ''subsection (a)(1)'';

(4) in subsection (c) by striking ''(c) There is'' and inserting the following:

''(c) AUTHORIZATION OF APPROPRIATIONS.—

''(1) FEDERAL AND STATE COOPERATION.—There is'';

(5) in subsection (c) strike ''the provisions of this section'' and insert ''subsection (a)(1);''; and

(6) by inserting at the end of subsection (c) the following:

''(2) TECHNICAL ASSISTANCE.—There is authorized to be appropriated $5,000,000 annually to carry out subsection (a)(2), of which not more than $2,000,000 annually may be used by the Secretary to enter into cooperative agreements with nonprofit organizations to provide assistance to rural and small communities.''.

SEC. 2026. CENTERS OF SPECIALIZED PLANNING EXPERTISE.

(a) ESTABLISHMENT.—The Secretary is authorized to establish centers to provide specialized planning expertise for water resources projects to be carried out by the Secretary to enhance and supplement the capabilities of the districts of the Army Corps of Engineers.

(b) DUTIES.—A center of expertise shall have the following duties:

(1) Providing technical and managerial assistance to district engineers for project planning, development, and implementation.

(2) Providing peer reviews of new major scientific, engineering, or economic methods, models or analyses that will be used to support decisions of the Secretary with respect to feasibility studies.

(3) Providing support for external peer review panels convened by the Secretary.

(4) Performing such other duties as prescribed by the Secretary.

SEC. 2027. COORDINATION AND SCHEDULING OF FEDERAL, STATE, AND LOCAL ACTIONS.

(a) NOTICE OF INTENT.—Upon request of the non-Federal interest in the form of a written notice of intent to construct or modify a non-Federal water supply, wastewater infrastructure, flood damage reduction, environmental restoration, or navigation project that requires the approval of the Secretary, the Secretary shall initiate, subject to subsection (g)(1), procedures to establish a schedule for consolidating Federal, State, and local agency and Indian tribe environmental assessments, project reviews, and issuance of all permits for the construction or modification of the project. The non-Federal interest shall submit to the Secretary, with the notice of intent, studies and documentation, including environmental reviews, that may be required by Federal law for decisionmaking on the proposed project. All States and Indian tribes having jurisdiction over the proposed project shall be invited by the Secretary, but shall not be required, to participate in carrying out this section with respect to the project.

(b) PROCEDURAL REQUIREMENTS.—Within 15 days after receipt of notice under subsection (a), the Secretary shall publish such notice in the Federal Register. The Secretary also shall provide written notification of the receipt of a notice under subsection (a) to all State and local agencies and Indian tribes that may be required to issue permits for the construction of the project or related activities. The Secretary shall solicit the cooperation of those agencies and request their entry into a memorandum of agreement described in subsection (c) with respect to the project. Within 30 days after publication of the notice in the Federal Register, State and local agencies and Indian tribes that intend to enter into the memorandum of agreement with respect to the project shall notify the Secretary of their intent in writing.

(c) SCHEDULING AGREEMENT.—Within 90 days after the date of receipt of notice under subsection (a) with respect to a project, the Secretary of the Interior, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency, as necessary, and any State or local agencies that have notified the Secretary under subsection (b) shall enter into an agreement with the Secretary establishing a schedule of decisionmaking for approval of the project and permits associated with the project and with related activities.

(d) CONTENTS OF AGREEMENT.—An agreement entered into under subsection (c) with respect to a project, to the extent practicable, shall consolidate hearing and comment periods, procedures for data collection and report preparation, and the environmental review and permitting processes associated with the project and related activities. The agreement shall detail, to the extent possible, the non-Federal interest's responsibilities for data development and information that may be necessary to process each permit required for the project, including a schedule when the information and data will be provided to the appropriate Federal, State, or local agency or Indian tribe.

(e) REVISION OF AGREEMENT.—The Secretary may revise an agreement entered into under subsection (c) with respect to a project once to extend the schedule to allow the non-Federal interest the minimum amount of additional time necessary to revise its original application to meet the objections of a Federal, State, or local agency or Indian tribe that is a party to the agreement.

(f) FINAL DECISION.—Not later than the final day of a schedule established by an agreement entered into under subsection (c) with respect to a project, the Secretary shall notify the non-Federal interest of the final decision on the project and whether the permit or permits have been issued.

(g) REIMBURSEMENT.—

(1) COSTS OF COORDINATION.—The costs incurred by the Secretary to establish and carry out a schedule to consolidate Federal, State, and local agency and Indian tribe environmental assessments, project reviews, and permit issuance for a project under this section shall be paid by the non-Federal interest.

(2) COSTS INCURRED TO EXPEDITE PERMITS AND REVIEWS.—

(A) ACCEPTANCE OF NON-FEDERAL FUNDS.—The Secretary may accept funds from the non-Federal interest to hire additional staff or obtain the services of consultants, or to provide financial, technical, and administrative support to agencies that have entered into an agreement with the Secretary under subsection (c) with respect to a project in order to facilitate the timely processing, review, and completion of applicable Federal, State, and local agency and Indian tribe environmental assessments, project reviews, and permits for the project.

(B) USE OF FUNDS.—Funds accepted under this paragraph shall be used to supplement existing resources of the Secretary or a participating agency.

(C) ASSURANCE OF LEVEL OF SERVICE AND IMPARTIALITY.—The Secretary shall ensure that the Department of the Army and any participating agency that accepts funds under this paragraph shall continue to provide the same level of service to other projects and other responsibilities not covered by this section as it would provide notwithstanding any activities carried out under this section and that acceptance of such funds will not impact impartial decisionmaking either substantively or procedurally.

(h) REPORT ON TIMESAVINGS METHODS.—Not later than 3 years after the date of enactment of this section, the Secretary shall prepare and transmit to Congress a report estimating the time required for the issuance of all Federal, State, local, and tribal permits for the construction of non-Federal projects for water supply, wastewater infrastructure, flood damage reduction, environmental restoration, and navigation. The Secretary shall include in that report recommendations for further reducing the amount of time required for the issuance of those permits, including any proposed changes in existing law.

SEC. 2028. PROJECT STREAMLINING.

(a) POLICY.—The benefits of water resources projects are important to the Nation's economy and environment, and recommendations to Congress regarding such projects should not be delayed due to uncoordinated and sequential environmental reviews or the failure to timely resolve disputes during the development of water resources projects.

(b) SCOPE.—This section shall apply to each study initiated after the date of enactment of this Act to develop a feasibility report under section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282), or a reevaluation report, for a water resources project if the Secretary determines that such study requires an environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(c) WATER RESOURCES PROJECT REVIEW PROCESS.—The Secretary shall develop and implement a coordinated review process for water resources projects.

(d) COORDINATED REVIEWS.—

(1) IN GENERAL.—The coordinated review process under this section shall provide that all environmental reviews, analyses, opinions, permits, licenses, and approvals that must be issued or made by a Federal, State, or local government agency or Indian tribe for a water resources project will be conducted concurrently, to the maximum extent practicable, and completed within a time period established by the Secretary, in cooperation with the agencies identified under subsection (e) with respect to the project.

(2) AGENCY PARTICIPATION.—Each Federal agency identified under subsection (e) shall formulate and implement administrative, policy,

and procedural mechanisms to enable the agency to ensure completion of environmental reviews, analyses, opinions, permits, licenses, and approvals described in paragraph (1) in a timely and environmentally responsible manner.

(e) IDENTIFICATION OF JURISDICTIONAL AGENCIES.—With respect to each water resources project, the Secretary shall identify, as soon as practicable, all Federal, State, and local government agencies and Indian tribes that may have jurisdiction over environmental-related matters that may be affected by the project or may be required by law to conduct an environmental-related review or analysis of the project or determine whether to issue an environmental-related permit, license, or approval for the project.

(f) STATE AUTHORITY.—If a coordinated review process is being implemented under this section by the Secretary with respect to a water resources project within the boundaries of a State, the State, consistent with State law, may choose to participate in such process and provide that all State agencies that have jurisdiction over environmental-related matters that may be affected by the project or may be required by law to conduct an environmental-related review or analysis of the project or determine whether to issue an environmental-related permit, license, or approval for the project, be subject to the process.

(g) MEMORANDUM OF UNDERSTANDING.—The coordinated review process developed under this section may be incorporated into a memorandum of understanding for a project between the Secretary and the heads of other Federal, State, and local government agencies and Indian tribes identified under subsection (e) with respect to the project and the non-Federal interest for the project.

(h) EFFECT OF FAILURE TO MEET DEADLINE.—

(1) NOTIFICATION OF CONGRESS AND CEQ.—If the Secretary determines that a Federal, State, or local government agency, Indian tribe, or non-Federal interest that is participating in a coordinated review process under this section with respect to a project has not met a deadline established under subsection (d) for the project, the Secretary shall notify, within 30 days of the date of such determination, the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Environment and Public Works of the Senate, the Council on Environmental Quality, and the agency, Indian tribe, or non-Federal interest involved about the failure to meet the deadline.

(2) AGENCY REPORT.—Not later than 30 days after the date of receipt of a notice under paragraph (1), the Federal, State, or local government agency, Indian tribe, or non-Federal interest involved shall submit a report to the Secretary, the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Environment and Public Works of the Senate, and the Council on Environmental Quality explaining why the agency, Indian tribe, or non-Federal interest did not meet the deadline and what actions it intends to take to complete or issue the required review, analysis, opinion, permit, license, or approval.

(i) PURPOSE AND NEED AND DETERMINATION OF REASONABLE ALTERNATIVES.—

(1) IN GENERAL.—As an official of the lead Federal agency that is responsible for carrying out a study to which this section applies and its associated process for meeting the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and as the Federal agency with expertise in water resources development, the Secretary, in carrying out such study and process, shall—

(A) define the purpose and need for the proposed water resources project; and

(B) determine which alternatives are reasonable and may be reasonably anticipated to meet project purposes and needs.

(2) STREAMLINING STUDY.—To streamline a study to which this section applies and its associated process for meeting the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Secretary may eliminate from consideration any alternatives the Secretary determines are not reasonable or are not reasonably anticipated to meet project purposes and needs.

(j) SOLICITATION AND CONSIDERATION OF COMMENTS.—In applying subsection (i), the Secretary shall solicit, consider, and respond to comments from interested persons and governmental entities.

(k) CATEGORICAL EXCLUSIONS.—Not later than 120 days after the date of enactment of this Act, the Secretary shall develop and publish a list of categorical exclusions from the requirement that an environmental assessment or an environmental impact statement be prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for water resources projects.

(l) LIMITATIONS.—Nothing in this section shall preempt or interfere with—

(1) any practice of seeking public comment;

(2) any power, jurisdiction, or authority that a Federal, State, or local government agency, Indian tribe, or non-Federal interest has with respect to carrying out a water resources project; or

(3) any obligation to comply with the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4371 et seq.) and the regulations issued by the Council on Environmental Quality to carry out such Act.

(m) BENCHMARKS.—Within 12 months of the date of enactment of this Act, the Chief of Engineers shall establish benchmarks for determining the length of time it should take to conduct a feasibility study for a water resources development project and its associated review process under the National Environmental Policy Act of 1969 (42 U.S.C. 4371 et seq.). Benchmarks may be established for activities based on project type, size, cost, and complexity. The Chief of Engineers shall use such benchmarks as a management tool to make the feasibility study process more efficient in all districts of the Army Corps of Engineers.

SEC. 2029. LAKES PROGRAM.

Section 602(a) of the Water Resources Development Act of 1986 (100 Stat. 4148; 110 Stat. 3758; 113 Stat. 295) is amended—

(1) by striking ''and'' at end of paragraph (18);

(2) by striking the period at the end of paragraph (19) and inserting a semicolon; and

(3) by adding at the end the following:

''(20) Kinkaid Lake, Jackson County, Illinois, removal of silt and aquatic growth and measures to address excessive sedimentation;

''(21) Rogers Pond, Franklin Township, New Jersey, removal of silt and restoration of structural integrity;

''(22) Greenwood Lake, Greenwood Lake, New York, removal of silt and aquatic growth; and

''(23) Lake Rodgers, Creedmoor, North Carolina, removal of silt and excessive nutrients and restoration of structural integrity.''.

SEC. 2030. MITIGATION FOR FISH AND WILDLIFE LOSSES.

(a) COMPLETION OF MITIGATION.—Section 906(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(a)) is amended by adding at the following:

''(3) COMPLETION OF MITIGATION.—In those instances in which it is not technically practicable to complete mitigation concurrent with the last day of project construction because of the nature of the mitigation to be undertaken, the Secretary shall complete the required mitigation as expeditiously as practicable, but in no case later than the last day of the first fiscal year beginning after the last day of construction of the project or separable element of the project.''.

(b) MITIGATION PLAN CONTENTS.—Section 906(d) of such Act (33 U.S.C. 2283(d)) is amended by adding at the end the following:

''(3) CONTENTS.—A mitigation plan shall include—

''(A) a description of the physical action to be undertaken to achieve the mitigation objectives within the watershed in which such losses occur and, in any case in which mitigation must take place outside the watershed, a justification detailing the rationale for undertaking the mitigation outside of the watershed;

''(B) a description of the lands or interests in lands to be acquired for mitigation and the basis for a determination that such lands are available for acquisition;

''(C) the type, amount, and characteristics of the habitat being restored;

''(D) success criteria for mitigation based on replacement of lost functions and values of the habitat, including hydrologic and vegetative characteristics; and

''(E) a plan for any necessary monitoring to determine the success of the mitigation, including the cost and duration of any monitoring, and to the extent practicable, the entities responsible for any monitoring.

''(4) RESPONSIBILITY FOR MONITORING.—In any case in which it is not practicable to identify in a mitigation plan for a water resources project, the entity responsible for monitoring at the time of a final report of the Chief of Engineers or other final decision document for the project, such entity shall be identified in the partnership agreement entered into with the non-Federal interest.''.

(c) STATUS REPORT.—

(1) IN GENERAL.—Concurrent with the President's submission to Congress of the President's request for appropriations for the Civil Works Program for a fiscal year, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on the Environment and Public Works of the Senate a report on the status of construction of projects that require mitigation under section 906 of Water Resources Development Act 1986 (33 U.S.C. 2283; 100 Stat. 4186) and the status of such mitigation.

(2) PROJECTS INCLUDED.—The status report shall include the status of all projects that are under construction, all projects for which the President requests funding for the next fiscal year, and all projects that have completed construction, but have not completed the mitigation required under section 906 of the Water Resources Development Act of 1986.

SEC. 2031. COOPERATIVE AGREEMENTS.

(a) IN GENERAL.—For the purpose of expediting the cost-effective design and construction of wetlands restoration that is part of an authorized water resources project, the Secretary may enter into cooperative agreements under section 6305 of title 31, United States Code, with nonprofit organizations with expertise in wetlands restoration to carry out such design and construction on behalf of the Secretary.

(b) LIMITATIONS.—

(1) PER PROJECT LIMIT.—A cooperative agreement under this section shall not obligate the Secretary to pay the nonprofit organization more than $1,000,000 for any single wetlands restoration project.

(2) ANNUAL LIMIT.—The total value of work carried out under cooperative agreements under this section may not exceed $5,000,000 in any fiscal year.

SEC. 2032. PROJECT PLANNING.

(a) OBJECTIVES.—

(1) FLOOD CONTROL, NAVIGATION, AND HURRICANE AND STORM DAMAGE REDUCTION PROJECTS.—The Federal objective of any study of the feasibility of a water resources project carried out by the Secretary for flood damage reduction, navigation, or hurricane and storm damage reduction shall be to maximize the net national economic development benefits associated with the project, consistent with protecting the Nation's environment.

(2) ECOSYSTEM RESTORATION PROJECTS.—The Federal objective of any study of the feasibility of a water resources project for ecosystem restoration carried out by the Secretary shall be to

maximize the net national ecosystem restoration benefits associated with the project, consistent with national economic development.

(3) PROJECTS WITH MULTIPLE PURPOSES.—In the case of a study that includes multiple project purposes, the primary and other project purposes shall be evaluated, based on the relevant Federal objective identified under paragraphs (1) and (2).

(4) SELECTION OF PROJECT ALTERNATIVES.—

(A) IN GENERAL.—Notwithstanding the Federal objectives identified in this subsection, the Secretary may select a project alternative that does not maximize net benefits if there is an overriding reason based upon other Federal, State, local, or international concerns.

(B) FLOOD DAMAGE REDUCTION, NAVIGATION, AND HURRICANE STORM DAMAGE REDUCTION PROJECTS.—With respect to a water resources project described in paragraph (1), an overriding reason for selecting a plan other than the plan that maximizes national economic development benefits may be if the Secretary determines, and the non-Federal interest concurs, that an alternative plan is feasible and achieves the project purposes while providing greater ecosystem restoration benefits.

(C) ECOSYSTEM RESTORATION PROJECTS.—With respect to a water resources project described in paragraph (2), an overriding reason for selecting a plan other than the plan that maximizes national ecosystem restoration benefits may be if the Secretary determines, and the non-Federal interest concurs, that an alternative is feasible and achieves the project purpose while providing greater economic development benefits.

(b) IDENTIFYING ADDITIONAL BENEFITS AND PROJECTS.—

(1) PRIMARILY ECONOMIC BENEFITS.—In conducting a study of the feasibility of a project where the primary benefits are expected to be economic, the Secretary may identify ecosystem restoration benefits that may be achieved in the study area and, after obtaining the participation of a non-Federal interest, may study and recommend construction of a separate project or separable project element to achieve those benefits.

(2) PRIMARILY ECOSYSTEM RESTORATION BENEFITS.—In conducting a study of the feasibility of a project where the primary benefits are expected to be associated with ecosystem restoration, the Secretary may identify economic benefits that may be achieved in the study area and, after obtaining the participation of a non-Federal interest, may study and recommend construction of a separate project or separable project element to achieve those benefits.

(3) RULES APPLICABLE TO IDENTIFIED SEPARATE PROJECTS AND ELEMENTS.—Any separate project or separable element identified under paragraph (1) or (2) and recommended for construction shall not be considered integral to the underlying project under study and, if authorized, shall be subject to a separate partnership agreement, unless a non-Federal interest agrees to share in the cost of both projects or separable elements.

(c) CALCULATION OF BENEFITS AND COSTS FOR FLOOD DAMAGE REDUCTION PROJECTS.—A feasibility study for a project for flood damage reduction shall include, as part of the calculation of benefits and costs—

(1) a calculation of the residual risk of flooding following completion of the proposed project;

(2) a calculation of any upstream or downstream impacts of the proposed project; and

(3) calculations to ensure that the benefits and costs associated with structural and nonstructural alternatives are evaluated in an equitable manner.

SEC. 2033. INDEPENDENT PEER REVIEW.

(a) PROJECT STUDIES SUBJECT TO INDEPENDENT PEER REVIEW.—

(1) IN GENERAL.—Project studies shall be subject to a peer review by an independent panel of experts as determined under this section.

(2) SCOPE.—The peer review may include a review of the economic and environmental assumptions and projections, project evaluation data, economic analyses, environmental analyses, engineering analyses, formulation of alternative plans, methods for integrating risk and uncertainty, models used in evaluation of economic or environmental impacts of proposed projects, and any biological opinions of the project study.

(3) PROJECT STUDIES SUBJECT TO PEER REVIEW.—

(A) MANDATORY.—A project study shall be subject to peer review under paragraph (1) if the project has an estimated total cost of more than $50,000,000, including mitigation costs, and is not determined by the Chief of Engineers to be exempt from peer review under paragraph (6).

(B) DISCRETIONARY.—A project study may be subject to peer review if—

(i) the Governor of an affected State requests a peer review by an independent panel of experts;

(ii) the head of a Federal or State agency charged with reviewing the project study determines that the project is likely to have a significant adverse impact on environmental, cultural, or other resources under the jurisdiction of the agency after implementation of proposed mitigation plans and requests a peer review by an independent panel of experts; or

(iii) the Chief of Engineers determines that the project study is controversial.

(4) CONTROVERSIAL PROJECTS.—Upon receipt of a written request under paragraph (3)(B) or on the initiative of the Chief of Engineers, the Chief of Engineers shall determine whether a project study is controversial.

(5) FACTORS TO CONSIDER.—In determining whether a project study is controversial, the Chief of Engineers shall consider if—

(A) there is a significant public dispute as to the size, nature, or effects of the project; or

(B) there is a significant public dispute as to the economic or environmental costs or benefits of the project.

(6) PROJECT STUDIES EXCLUDED FROM PEER REVIEW.—Project studies that may be excluded from peer review under paragraph (1) are—

(A) a study for a project the Chief of Engineers determines—

(i) is not controversial;

(ii) has no more than negligible adverse impacts on scarce or unique cultural, historic, or tribal resources;

(iii) has no substantial adverse impacts on fish and wildlife species and their habitat prior to the implementation of mitigation measures; and

(iv) has, before implementation of mitigation measures, no more than a negligible adverse impact on a species listed as endangered or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1539 et seq.) or the critical habitat of such species designated under such Act; and

(B) a study for a project pursued under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), section 2 of the Flood Control Act of August 28, 1937 (33 U.S.C. 701g), section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r), section 107(a) of the River and Harbor Act of 1960 (33 U.S.C. 577(a)), section 3 of the Act entitled ''An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property'', approved August 13, 1946 (33 U.S.C. 426g), section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i), section 3 of the Act entitled ''An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved March 2, 1945 (33 U.S.C. 603a), section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), or section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326).

(7) APPEAL.—The decision of the Chief of Engineers whether to peer review a project study shall be published in the Federal Register and shall be subject to appeal by a person referred to in paragraph (3)(B)(i) or (3)(B)(ii) to the Secretary of the Army if such appeal is made within the 30-day period following the date of such publication.

(8) DETERMINATION OF PROJECT COST.—For purposes of determining the estimated total cost of a project under paragraph (3)(A), the project cost shall be based upon the reasonable estimates of the Chief of Engineers at the completion of the reconnaissance study for the project. If the reasonable estimate of project costs is subsequently determined to be in excess of the amount in paragraph (3)(A), the Chief of Engineers shall make a determination whether a project study should be reviewed under this section.

(b) TIMING OF PEER REVIEW.—The Chief of Engineers shall determine the timing of a peer review of a project study under subsection (a). In all cases, the peer review shall occur during the period beginning on the date of the completion of the reconnaissance study for the project and ending on the date the draft report of the Chief of Engineers for the project is made available for public comment. Where the Chief of Engineers has not initiated a peer review of a project study, the Chief of Engineers shall consider, at a minimum, whether to initiate a peer review at the time that—

(1) the without project conditions are identified;

(2) the array of alternatives to be considered are identified; and

(3) the preferred alternative is identified.

Nothing in this subsection shall be construed to require the Chief of Engineers to conduct multiple peer reviews for a project study.

(c) ESTABLISHMENT OF PANELS.—

(1) IN GENERAL.—For each project study subject to peer review under subsection (a), as soon as practicable after the Chief of Engineers determines that a project study will be subject to peer review, the Chief of Engineers shall contract with the National Academy of Sciences (or a similar independent scientific and technical advisory organization), or an eligible organization, to establish a panel of experts to peer review the project study for technical and scientific sufficiency.

(2) MEMBERSHIP.—A panel of experts established for a project study under this section shall be composed of independent experts who represent a balance of areas of expertise suitable for the review being conducted.

(3) LIMITATION ON APPOINTMENTS.—An individual may not be selected to serve on a panel of experts established for a project study under this section if the individual has a financial or close professional association with any organization or group with a strong financial or organizational interest in the project.

(4) CONGRESSIONAL NOTIFICATION.—Upon identification of a project study for peer review under this section, but prior to initiation of any review, the Chief of Engineers shall notify the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of such review.

(d) DUTIES OF PANELS.—A panel of experts established for a peer review for a project study under this section shall, consistent with the scope of the referral for review—

(1) conduct a peer review for the project study submitted to the panel for review;

(2) assess the adequacy and acceptability of the economic and environmental methods, models, and analyses used by the Chief of Engineers;

(3) provide timely written and oral comments to the Chief of Engineers throughout the development of the project study, as requested; and

(4) submit to the Chief of Engineers a final report containing the panel's economic, engineering, and environmental analysis of the project

study, including the panel's assessment of the adequacy and acceptability of the economic and environmental methods, models, and analyses used by the Chief of Engineers, to accompany the publication of the project study.

(e) DURATION OF PROJECT STUDY PEER REVIEWS.—

(1) DEADLINE.—A panel of experts shall—

(A) complete its peer review under this section for a project study and submit a report to the Chief of Engineers under subsection (d)(4) within 180 days after the date of establishment of the panel, or, if the Chief of Engineers determines that a longer period of time is necessary, such period of time established by the Chief of Engineers, but in no event later than 90 days after the date a draft project study is made available for public review; and

(B) terminate on the date of submission of the report.

(2) FAILURE TO MEET DEADLINE.—If a panel does not complete its peer review of a project study under this section and submit a report to the Chief of Engineers under subsection (d)(4) on or before the deadline established by paragraph (1) for the project study, the Chief of Engineers shall continue the project study for the project that is subject to peer review by the panel without delay.

(f) RECOMMENDATIONS OF PANEL.—

(1) CONSIDERATION BY THE CHIEF OF ENGINEERS.—After receiving a report on a project study from a panel of experts under this section and before entering a final record of decision for the project, the Chief of Engineers shall consider any recommendations contained in the report and prepare a written response for any recommendations adopted or not adopted.

(2) PUBLIC AVAILABILITY AND TRANSMITTAL TO CONGRESS.—After receiving a report on a project study from a panel of experts under this section, the Chief of Engineers shall—

(A) make a copy of the report and any written response of the Chief of Engineers on recommendations contained in the report available to the public; and

(B) transmit to Congress a copy of the report, together with any such written response, on the date of a final report of the Chief of Engineers or other final decision document for a project study that is subject to peer review by the panel.

(g) COSTS.—

(1) IN GENERAL.—The costs of a panel of experts established for a peer review under this section—

(A) shall be a Federal expense; and

(B) shall not exceed $500,000.

(2) WAIVER.—The Chief of Engineers may waive the $500,000 limitation contained in paragraph (1)(B) in cases that the Chief of Engineers determines appropriate.

(h) APPLICABILITY.—This section shall apply to—

(1) project studies initiated during the 2-year period preceding the date of enactment of this Act and for which the array of alternatives to be considered has not been identified; and

(2) project studies initiated during the period beginning on such date of enactment and ending 4 years after such date of enactment.

(i) REPORT.—Within 4 1/2 years of the date of enactment of this section, the Chief of Engineers shall submit a report to Congress on the implementation of this section.

(j) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any peer review panel established under this section.

(k) SAVINGS CLAUSE.—Nothing in this section shall be construed to affect any authority of the Chief of Engineers to cause or conduct a peer review of a water resources project existing on the date of enactment of this section.

(l) DEFINITIONS.—In this section, the following definitions apply:

(1) PROJECT STUDY.—The term ''project study'' means a feasibility study or reevaluation study for a project. The term also includes any other study associated with a modification or update of a project that includes an environmental impact statement, including the environmental impact statement.

(2) AFFECTED STATE.—The term ''affected State'', as used with respect to a project, means a State all or a portion of which is within the drainage basin in which the project is or would be located and would be economically or environmentally affected as a consequence of the project.

(3) ELIGIBLE ORGANIZATION.—The term ''eligible organization'' means an organization that—

(A) is described in section 501(c)(3), and exempt from Federal tax under section 501(a), of the Internal Revenue Code of 1986;

(B) is independent;

(C) is free from conflicts of interest;

(D) does not carry out or advocate for or against Federal water resources projects; and

(E) has experience in establishing and administering peer review panels.

TITLE III—PROJECT-RELATED PROVISIONS

SEC. 3001. COOK INLET, ALASKA.

(a) ANCHORAGE HARBOR.—The project for navigation improvements, Cook Inlet, Alaska (Anchorage Harbor, Alaska), authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 299) and modified by section 199 of the Water Resources Development Act of 1976 (90 Stat. 2944), is further modified to direct the Secretary to establish a harbor depth of minus 45 feet mean lower low water for a length of 5,200 feet at the modified Port of Anchorage intermodal marine facility at each phase as such phases are completed and thereafter as the entire project is completed, at a total cost of $8,175,000. Federal maintenance shall continue for the existing facility until the modified facility is completed. Federal maintenance of the modified project shall be in accordance with such section 101; except that the project shall be maintained at a depth of minus 45 feet mean lower low water for such 5,200 feet, at an estimated annual cost of $6,000,000.

(b) NAVIGATION CHANNEL.—The Secretary shall modify the channel depth to run the entire length of Fire Island Range and Point Woronzof Range maintaining the same width and modifying the depth to minus 45 feet mean lower low water in the existing Cook Inlet Navigation Channel approach to Anchorage Harbor, Alaska, at a total cost of $21,525,000. The project shall be maintained at a depth of minus 45 mean lower low water, at an estimated annual cost of $3,000,000.

SEC. 3002. KING COVE HARBOR, ALASKA.

The maximum amount of Federal funds that may be expended for the project for navigation, King Cove Harbor, Alaska, being carried out under section 107 of the River Harbor Act of 1960 (33 U.S.C. 577), shall be $8,000,000.

SEC. 3003. SITKA, ALASKA.

The Thompson Harbor, Sitka, Alaska, element of the project for navigation Southeast Alaska Harbors of Refuge, Alaska, authorized by section 101 of the Water Resources Development Act of 1992 (106 Stat. 4801), is modified to direct the Secretary to take such action as may be necessary to correct design deficiencies in such element, at a Federal expense of $6,300,000.

SEC. 3004. TATILEK, ALASKA.

The maximum amount of Federal funds that may be expended for the project for navigation, Tatilek, Alaska, being carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), shall be $10,000,000.

SEC. 3005. NOGALES WASH AND TRIBUTARIES, ARIZONA.

The project for flood control, Nogales Wash and tributaries, Arizona, authorized by section 101(a)(4) of the Water Resources Development Act of 1990 (104 Stat. 4606) and modified by section 303 of the Water Resources Development Act of 1996 (110 Stat. 3711) and section 302 of the Water Resources Development Act of 2000 (114 Stat. 2600), is further modified to direct the Secretary to use the Mexico Plan-1st Added Increment, as described in the limited reevaluation report dated September 13, 2002, to determine the cost allocation and cost apportionment for the project.

SEC. 3006. GRAND PRAIRIE REGION AND BAYOU METO BASIN, ARKANSAS.

The Secretary shall review the general reevaluation report for the Bayou Meto basin element of the project for Grand Prairie Region and Bayou Meto Basin, Arkansas, reauthorized by section 363(a) of the Water Resources Development Act of 1996 (110 Stat. 3730), and make a determination of whether the element is feasible, regardless of mission priorities.

SEC. 3007. SAINT FRANCIS BASIN, ARKANSAS.

The project for flood control, Saint Francis Basin, Missouri and Arkansas, authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 172), is modified to authorize the Secretary to construct improvements along Ditch No. 1 that consist of a gated culvert through the Saint Francis Levee and related channel improvements.

SEC. 3008. AMERICAN AND SACRAMENTO RIVERS, CALIFORNIA.

The project for flood damage reduction, American and Sacramento Rivers, California, authorized by section 101(a)(1) of the Water Resources Development Act of 1996 (110 Stat. 3662–3663) and modified by section 366 of the Water Resources Development Act of 1999 (113 Stat. 319–320), is further modified to direct the Secretary to carry out the project, at a total cost of $205,000,000.

SEC. 3009. CACHE CREEK BASIN, CALIFORNIA.

The project for flood control, Cache Creek Basin, California, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4112), is modified to direct the Secretary to mitigate the impacts of the new south levee of the Cache Creek settling basin on the city of Woodland's storm drainage system, including all appurtenant features, erosion control measures, and environmental protection features. Such mitigation shall restore the city's preproject capacity (1,360 cubic feet per second) to release water to the Yolo Bypass, including channel improvements, an outlet work through the west levee of the Yolo Bypass, and a new low-flow cross channel to handle city and county storm drainage and settling basin flows (1,760 cubic feet per second) when the Yolo Bypass is in a low flow condition.

SEC. 3010. GRAYSON CREEK/MURDERER'S CREEK, CALIFORNIA.

The project for aquatic ecosystem restoration, Grayson Creek/Murderer's Creek, California, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project and to authorize the Secretary to consider national ecosystem restoration benefits in determining the Federal interest in the project.

SEC. 3011. JOHN F. BALDWIN SHIP CHANNEL AND STOCKTON SHIP CHANNEL, CALIFORNIA.

The project for navigation, San Francisco to Stockton, California, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1091) is modified—

(1) to provide that the non-Federal share of the cost of the John F. Baldwin Ship Channel and Stockton Ship Channel element of the project may be provided in the form of in-kind services and materials; and

(2) to direct the Secretary to credit toward the non-Federal share of the cost of such element the cost of planning and design work carried

out by the non-Federal interest before the date of an agreement for such planning and design if the Secretary determines that such work is integral to such element.

SEC. 3012. LOS ANGELES HARBOR, LOS ANGELES, CALIFORNIA.

The project for navigation, Los Angeles Harbor, Los Angeles, California, authorized by section 101(b)(5) of the Water Resources Development Act of 2000 (114 Stat. 2577), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of the planning, design, and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines the work is integral to the project.

SEC. 3013. LARKSPUR FERRY CHANNEL, LARKSPUR, CALIFORNIA.

The project for navigation, Larkspur Ferry Channel, Larkspur, California, authorized by section 601(d) of the Water Resources Development Act of 1986 (100 Stat. 4148), is modified to direct the Secretary to prepare a limited reevaluation report to determine whether maintenance of the project is feasible. If the Secretary determines that maintenance of the project is feasible, the Secretary shall carry out the maintenance.

SEC. 3014. NAPA RIVER SALT MARSH RESTORATION, NAPA RIVER, CALIFORNIA.

In carrying out the feasibility study for the project for aquatic ecosystem restoration, Napa River Salt Marsh Restoration, Napa and Sonoma Counties, California, the Secretary shall determine whether work carried out by the non-Federal interest is integral to the project. In any case in which the work is determined to be integral to the project before completion of the final report of the Chief of Engineers on the project, such work shall be included as part of the project, and the cost of such work shall be recommended in the final report for credit toward the non-Federal share of the cost of the project. Work carried out after submission of the final report and before the date of the partnership agreement for the project that is determined to be integral to the project shall be considered as part of the project, and the cost of such work shall be credited toward the non-Federal share of the cost of the project.

SEC. 3015. PACIFIC FLYWAY CENTER, SACRAMENTO, CALIFORNIA.

The project for aquatic ecosystem restoration, Pacific Flyway Center, Sacramento, California, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), is modified to authorize the Secretary to expend $2,000,000 to enhance public access to the project.

SEC. 3016. PINOLE CREEK, CALIFORNIA.

The project for improvement of the quality of the environment, Pinole Creek Phase I, California, being carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3017. PRADO DAM, CALIFORNIA.

Upon completion of the modifications to the Prado Dam element of the project for flood control, Santa Ana River Mainstem, California, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4113), the Memorandum of Agreement for the Operation for Prado Dam for Seasonal Additional Water Conservation between the Department of the Army and the Orange County Water District (including all the conditions and stipulations in the memorandum) shall remain in effect for volumes of water made available prior to such modifications.

SEC. 3018. SACRAMENTO DEEP WATER SHIP CHANNEL, CALIFORNIA.

The project for navigation, Sacramento Deep Water Ship Channel, California, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4092), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of planning and design work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3019. SACRAMENTO RIVER, GLENN-COLUSA, CALIFORNIA.

The project for flood control, Sacramento River, California, authorized by section 2 of the Act entitled ''An Act to provide for the control of the floods of the Mississippi River and of the Sacramento River, California, and for other purposes'', approved March 1, 1917 (39 Stat. 949), and modified by section 102 of the Energy and Water Development Appropriations Act, 1990 (103 Stat. 649), section 301(b)(3) of the Water Resources Development Act of 1996 (110 Stat. 3110), title I of the Energy and Water Development Appropriations Act, 1999 (112 Stat. 1841), and section 305 of the Water Resources Development Act of 1999 (113 Stat. 299), is further modified to direct the Secretary to credit the non-Federal interest up to $4,000,000 toward the non-Federal share of the cost of the project for costs incurred by the non-Federal interest in carrying out activities (including the provision of lands, easements, rights-of-way, relocations, and dredged material disposal areas) associated with environmental compliance for the project if the Secretary determines that the activities are integral to the project.

SEC. 3020. SAN LORENZO RIVER, CALIFORNIA.

The project for flood control, San Lorenzo River, California, authorized by section 101(a)(5) of the Water Resources Development Act of 1996 (110 Stat. 3663), is modified to direct the Secretary to credit not more than $2,000,000 toward the non-Federal share of the cost of the project for the cost of the work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines the work is integral to the project.

SEC. 3021. UPPER GUADALUPE RIVER, CALIFORNIA.

The project for flood damage reduction and recreation, Upper Guadalupe River, California, described as the Bypass Channel Plan of the Chief of Engineers dated August 19, 1998, authorized by section 101(a)(9) of the Water Resources Development Act of 1999 (113 Stat. 275), is modified to authorize the Secretary to construct the project, at a total cost of $140,328,000, with an estimated Federal cost of $70,164,000, and an estimated non-Federal cost of $70,164,000. The non-Federal share of the cost of the project shall be subject to section 103(a)(3) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(a)(3)).

SEC. 3022. WALNUT CREEK CHANNEL, CALIFORNIA.

The project for aquatic ecosystem restoration, Walnut Creek Channel, California, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project and to authorize the Secretary to consider national ecosystem restoration benefits in determining the Federal interest in the project.

SEC. 3023. WILDCAT/SAN PABLO CREEK PHASE I, CALIFORNIA.

The project for improvement of the quality of the environment, Wildcat/San Pablo Creek Phase I, California, being carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3024. WILDCAT/SAN PABLO CREEK PHASE II, CALIFORNIA.

The project for aquatic ecosystem restoration, Wildcat/San Pablo Creek Phase II, California, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project and to authorize the Secretary to consider national ecosystem restoration benefits in determining the Federal interest in the project.

SEC. 3025. BREVARD COUNTY, FLORIDA.

Section 310 of the Water Resources Development Act of 1999 (113 Stat. 301) is amended by adding at the end the following:

''(d) CREDIT.—After completion of the study, the Secretary shall credit toward the non-Federal share of the cost of the project the cost of nourishment and renourishment associated with the shore protection project incurred by the non-Federal interest to respond to damages to Brevard County beaches that are the result of a Federal navigation project, as determined in the final report for the study.''.

SEC. 3026. BROWARD COUNTY AND HILLSBORO INLET, FLORIDA.

The project for shore protection, Broward County and Hillsboro Inlet, Florida, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1090), and modified by section 311 of the Water Resources Development Act of 1999 (113 Stat. 301), is further modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of mitigation construction and derelict erosion control structure removal carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3027. GASPARILLA AND ESTERO ISLANDS, FLORIDA.

The project for shore protection, Gasparilla and Estero Island segments, Lee County, Florida, authorized under section 201 of the Flood Control Act of 1965 (79 Stat. 1073) by Senate Resolution dated December 17, 1970, and by House Resolution dated December 15, 1970, and modified by section 309 of the Water Resources Development Act of 2000 (114 Stat. 2602), is further modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3028. LIDO KEY BEACH, SARASOTA, FLORIDA.

The project for shore protection, Lido Key Beach, Sarasota, Florida, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1819), deauthorized under section 1001(b) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)), and reauthorized by section 364(2)(A) of the Water Resources Development Act of 1999 (113 Stat. 313), is modified to direct the Secretary to construct the project, at a total cost of $12,926,000, with an estimated Federal cost of $6,547,000 and an estimated non-Federal cost of $6,379,000, and at an estimated average annual cost of $925,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of $468,500 and an estimated annual non-Federal cost of $456,500.

SEC. 3029. MANATEE HARBOR, FLORIDA.

The project for navigation, Manatee Harbor, Florida, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4093) and modified by section 102(j) of the Water Resources Development Act of 1990 (104 Stat. 4612), is further modified—

(1) to include the construction of an extension of the south channel a distance of approximately 1584 feet consistent with the general reevaluation report, dated April 2002, prepared by the Jacksonville District Corps of Engineers, at a total cost of $11,300,000, with an estimated Federal cost of $8,475,000 and an estimated non-Federal cost of $2,825,000;

(2) to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of in-kind services and materials provided for the project by the non-Federal interest;

(3) to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project; and

(4) to authorize the Secretary to carry out the project as modified at a total cost of $61,500,000.

SEC. 3030. TAMPA HARBOR, FLORIDA.

The project for navigation, Tampa Harbor, Florida, referred to in section 4 of the Rivers and Harbors Act of September 22, 1922 (42 Stat. 1042), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3031. TAMPA HARBOR-BIG BEND CHANNEL, FLORIDA.

The project for navigation, Tampa Harbor-Big Bend Channel, Florida, authorized by section 101(a)(18) of the Water Resources Development Act of 1999 (113 Stat. 276) is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3032. MIAMI HARBOR, FLORIDA.

The project for navigation, Miami Harbor Channel, Florida, authorized by section 101(a)(9) of the Water Resources Development Act of 1990 (104 Stat. 4606) and modified by section 315 of the Water Resources Development Act of 1999 (113 Stat. 302), is further modified to include as a project purpose environmental mitigation required before July 18, 2003, by Federal, State, and local environmental agencies for unauthorized or unanticipated environmental impacts within, or in the vicinity of, the authorized project.

SEC. 3033. LITTLE WOOD RIVER, GOODING, IDAHO.

The project for flood damage reduction, Little Wood River, Gooding, Idaho, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), is modified—

(1) to authorize the non-Federal interest to provide any portion of the non-Federal share of the cost of the project in the form of services, materials, supplies, or other in-kind contributions;

(2) to authorize the non-Federal interest to use funds made available under any other Federal program toward the non-Federal share of the cost of the project if such use of the funds is permitted under the other Federal program; and

(3) to direct the Secretary, in calculating the non-Federal share of the cost of the project, to make a determination under section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)) on the non-Federal interest's ability to pay.

SEC. 3034. HENNEPIN-HOPPER LAKES, ILLINOIS.

(a) PROJECT PURPOSE.—The project for flood control, Hennepin levees, Illinois, authorized by the Flood Control Act of June 26, 1936 (35 Stat. 1583), is modified to add environmental restoration as a project purpose.

(b) MAXIMUM AMOUNT.—The maximum amount of Federal funds that may be expended for the project for improvement of the quality of the environment, Hennepin-Hopper Lakes, Illinois, being carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), shall be $7,500,000.

(c) LIMITATION.—Nothing in this section shall affect the eligibility of the project for emergency repair assistance under section 5(a) of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved August 18, 1941 (33 U.S.C. 701n).

SEC. 3035. MISSISSIPPI RIVER AND BIG MUDDY RIVER, ILLINOIS.

(a) IN GENERAL.—The project for flood control, Mississippi River and Big Muddy River, Illinois, authorized by the Flood Control Act of 1938, is modified to authorize the Secretary to carry out repair and rehabilitation of the project at a total cost of $22,600,000, with an estimated Federal cost of $16,950,000 and an estimated non-Federal cost of $5,650,000, and to perform operation and maintenance of the project thereafter.

(b) OTHER ASSISTANCE.—Federal assistance made available through the Department of Agriculture may be used toward payment of the non-Federal share of the costs of the repair and rehabilitation under this section.

(c) UNITED STATES LANDS.—Costs under this section for the repair and rehabilitation allocable to the protection of lands owned by the United States shall be a Federal responsibility. The Secretary shall seek reimbursement from the Secretary of Agriculture for the costs allocated to protecting lands owned by the Department of Agriculture.

(d) OPERATION AND MAINTENANCE OF NON-FEDERAL LANDS.—The cost of operation and maintenance under this section allocated to protecting non-Federal lands shall be a non-Federal responsibility.

SEC. 3036. SPUNKY BOTTOMS, ILLINOIS.

(a) PROJECT PURPOSE.—The project for flood control at Spunky Bottoms, Illinois, authorized by section 5 of the Flood Control Act of June 26, 1936 (35 Stat. 1584), is modified to add environmental restoration as a project purpose.

(b) MAXIMUM AMOUNT.—The maximum amount of Federal funds that may be expended for the project for improvement of the quality of the environment, Spunky Bottoms, Illinois, being carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), shall be $7,500,000.

(c) LIMITATION.—Nothing in this section shall affect the eligibility of the project for emergency repair assistance under section 5(a) of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved August 18, 1941 (33 U.S.C. 701n).

SEC. 3037. EMIQUON, ILLINOIS.

(a) MAXIMUM AMOUNT.—The maximum amount of Federal funds that may be expended for the project for aquatic ecosystem restoration, Emiquon, Illinois, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), shall be $7,500,000.

(b) LIMITATION.—Nothing in this section shall affect the eligibility of the project for emergency repair assistance under section 5(a) of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved August 18, 1941 (33 U.S.C. 701n).

SEC. 3038. LITTLE CALUMET RIVER, INDIANA.

The project for flood control, Little Calumet River, Indiana, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4115), is modified to authorize the Secretary to carry out the project in accordance with the postauthorization change report dated August 2000, at a total cost of $186,300,000, with an estimated Federal cost of $136,600,000 and an estimated non-Federal cost of $49,700,000.

SEC. 3039. WHITE RIVER, INDIANA.

The project for flood control, Indianapolis on West Fork of White River, Indiana, authorized by section 5 of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and other purposes'', approved June 22, 1936 (49 Stat. 1586), and modified by section 323 of the Water Resources Development Act of 1996 (110 Stat. 3716) and section 322 of the Water Resources Development Act of 1999 (113 Stat. 303–304), is further modified to authorize the Secretary to undertake the riverfront alterations described in the Central Indianapolis Waterfront Concept Plan, dated February 1994, for the Fall Creek Reach feature, at a total cost of $28,545,000 and to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3040. WOLF LAKE, INDIANA.

The project for aquatic ecosystem restoration, Wolf Lake, Indiana, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3041. PRESTONSBURG, KENTUCKY.

The Prestonsburg, Kentucky, element of the project for flood control, Levisa and Tug Fork of the Big Sandy and Cumberland Rivers, West Virginia, Virginia, and Kentucky, authorized by section 202(a) of the Energy and Water Development Appropriations Act, 1981 (94 Stat. 1339), is modified to direct the Secretary to take measures to provide a 100-year level of flood protection for the city of Prestonsburg.

SEC. 3042. AMITE RIVER AND TRIBUTARIES, LOUISIANA, EAST BATON ROUGE PARISH WATERSHED.

The project for flood damage reduction and recreation, Amite River and Tributaries, Louisiana, East Baton Rouge Parish Watershed, authorized by section 101(a)(21) of the Water Resources Development Act of 1999 (113 Stat. 277) and modified by section 116 of Division D of Public Law 108–7 (117 Stat. 140), is further modified to direct the Secretary to carry out the project with the cost sharing for the project determined in accordance with section 103(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(a)), as in effect on October 11, 1996.

SEC. 3043. ATCHAFALAYA BASIN, LOUISIANA.

(a) IN GENERAL.—Section 315(a)(1) of the Water Resources Development Act of 2000 (114 Stat. 2603–2604) is amended to read as follows:

''(1) is authorized to study, design, construct, operate, and maintain, at Federal expense, a Type A Regional Visitor Center in the vicinity of Morgan City, Louisiana, in consultation with the State of Louisiana, to provide information to the public on the Atchafalaya River system and other associated waterways that have influenced surrounding communities, and national and local water resources development of the Army Corps of Engineers in South Central Louisiana; and''.

(b) TECHNICAL CORRECTION.—Section 315(b) of such Act is amended by striking ''(a)'' and inserting ''(a)(2)''.

(c) DONATIONS.—Section 315 of such Act is amended by adding at the end the following:

''(c) DONATIONS.—In carrying out subsection (a)(1), the Mississippi River Commission is authorized to accept the donation of cash, funds, lands, materials, and services from non-Federal governmental entities and nonprofit corporations.''.

SEC. 3044. PUBLIC ACCESS, ATCHAFALAYA BASIN FLOODWAY SYSTEM, LOUISIANA.

The public access feature of the Atchafalaya Basin Floodway System, Louisiana, project, authorized by the Water Resources Development Act 1986 (100 Stat. 4142), is modified to authorize the Secretary to acquire from willing sellers the fee interest, exclusive of oil, gas, and minerals, of an additional 20,000 acres of land within the Lower Atchafalaya Basin Floodway for the public access feature of the Atchafalaya Basin Floodway System, to enhance fish and wildlife resources, at a total cost of $4,000,000.

SEC. 3045. J. BENNETT JOHNSTON WATERWAY, MISSISSIPPI RIVER TO SHREVEPORT, LOUISIANA.

The project for mitigation of fish and wildlife losses, J. Bennett Johnston Waterway, Mississippi River to Shreveport, Louisiana, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142) and modified by section 4(h) of the Water Resources Development Act of 1988 (102 Stat. 4016), section 102(p) of the Water Resources Development Act of 1990 (104 Stat. 4613), section 301(b)(7) of the Water Resources Development Act of 1996 (110 Stat. 3710), and section 316 of the Water Resources Development Act of 2000 (114 Stat. 2572), is further modified to authorize the purchase and reforesting of lands which have been cleared or converted to agricultural uses.

SEC. 3046. MISSISSIPPI DELTA REGION, LOUISIANA.

The Mississippi Delta Region project, Louisiana, authorized as part of the project for hurricane-flood protection on Lake Pontchartrain, Louisiana, by section 204 of the Flood Control Act of 1965 (79 Stat. 1077) and modified by section 365 of the Water Resources Development Act of 1996 (110 Stat. 3739), is further modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the costs of relocating oyster beds in the Davis Pond project area if the Secretary determines that the work is integral to the Mississippi Delta Region project.

SEC. 3047. NEW ORLEANS TO VENICE, LOUISIANA.

The New Orleans to Venice, Louisiana, project for hurricane protection, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1184), is modified to authorize the Secretary to carry out the work on the St. Jude to City Price, Upper Reach A back levee. The Federal share of the cost of such work shall be 70 percent.

SEC. 3048. WEST BANK OF THE MISSISSIPPI RIVER (EAST OF HARVEY CANAL), LOUISIANA.

Section 328 of the Water Resources Development Act of 1999 (113 Stat. 304–305) is amended—

(1) in subsection (a)—

(A) by striking ''operation and maintenance'' and inserting ''operation, maintenance, rehabilitation, repair, and replacement''; and

(B) by striking ''Algiers Channel'' and inserting ''Algiers Canal Levees''; and

(2) by adding at the end the following:

''(c) COST SHARING.—The non-Federal share of the cost of the project shall be 35 percent.''.

SEC. 3049. CAMP ELLIS, SACO, MAINE.

The maximum amount of Federal funds that may be expended for the project being carried out under section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i) for the mitigation of shore damages attributable to the project for navigation, Camp Ellis, Saco, Maine, shall be $10,000,000.

SEC. 3050. UNION RIVER, MAINE.

The project for navigation, Union River, Maine, authorized by the first section of the Act entitled ''An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved June 3, 1896 (29 Stat. 215), is modified by redesignating as an anchorage area that portion of the project consisting of a 6-foot turning basin and lying northerly of a line commencing at a point N315,975.13, E1,004,424.86 thence running north 61 degrees 27 minutes 20.71 seconds west about 132.34 feet to a point N316,038.37, E1,004,308.61.

SEC. 3051. CASS RIVER, SPAULDING TOWNSHIP, MICHIGAN.

(a) IN GENERAL.—The project for flood damage reduction, Cass River, Spaulding Township, Saginaw County, Michigan, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), is modified to incorporate flood control works constructed by the non-Federal interests between Sheridan Road and East Street (M–13) if the Secretary determines that the inclusion of such flood control works is feasible.

(b) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3052. DETROIT RIVER SHORELINE, DETROIT, MICHIGAN.

(a) IN GENERAL.—The project for emergency streambank and shoreline protection, Detroit River Shoreline, Detroit, Michigan, being carried out under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r), is modified to include measures to enhance public access.

(b) MAXIMUM FEDERAL EXPENDITURE.—The maximum amount of Federal funds that may be expended for the project shall be $3,000,000.

SEC. 3053. WATER RESOURCES INSTITUTE, MUSKEGON, MICHIGAN.

(a) IN GENERAL.—The project for emergency streambank and shoreline protection, Water Resources Institute, Muskegon, Michigan, being carried out under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r), is modified to provide for completion of shoreline protection measures in accordance with the approved plans and specifications for Grand Valley State University, Lake Michigan Center, dated August 6, 2001.

(b) MAXIMUM FEDERAL EXPENDITURE.—The maximum amount of Federal funds that may be expended for the project shall be $2,000,000.

(c) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project the cost of design and implementation of shoreline protection measures carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3054. SAGINAW RIVER, BAY CITY, MICHIGAN.

The maximum amount of Federal funds that may be expended for the project for emergency streambank protection, Saginaw River, Bay City, Michigan, being carried out under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r), shall be $2,000,000.

SEC. 3055. ADA, MINNESOTA.

(a) IN GENERAL.—The project for flood damage reduction, Wild Rice River, Ada, Minnesota, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), is modified to authorize the Secretary to consider national ecosystem restoration benefits in determining the Federal interest in the project.

(b) EVALUATION OF BENEFITS AND COSTS.—In evaluating the economic benefits and costs for the project, the Secretary shall not consider the emergency levee adjacent to Judicial Ditch No. 51 in the determination of conditions existing prior to construction of the project.

(c) SPECIAL RULE.—In evaluating and implementing the project, the Secretary shall allow the non-Federal interest to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184) to the extent that the Secretary's evaluation indicates that applying such section is necessary to implement the project.

SEC. 3056. DULUTH HARBOR, MCQUADE ROAD, MINNESOTA.

(a) IN GENERAL.—The project for navigation, Duluth Harbor, McQuade Road, Minnesota, being carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) and modified by section 321 of the Water Resources Development Act of 2000 (114 Stat. 2605), is further modified to authorize the Secretary to provide public access and recreational facilities as generally described in the Detailed Project Report and Environmental Assessment, McQuade Road Harbor of Refuge, Duluth, Minnesota, dated August 1999.

(b) CREDIT.—The Secretary shall provide credit toward the non-Federal share of the cost of the project for the costs of design work carried out before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

(c) MAXIMUM FEDERAL EXPENDITURE.—The maximum amount of Federal funds that may be expended for the project shall be $5,000,000.

SEC. 3057. GRAND PORTAGE HARBOR, MINNESOTA.

The Secretary shall provide credit toward the non-Federal share of the cost of the navigation project for Grand Portage Harbor, Minnesota, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) and modified by section 312 of the Water Resources Development Act of 2000 (114 Stat. 2605), for the costs of design work carried out before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3058. GRANITE FALLS, MINNESOTA.

(a) IN GENERAL.—The Secretary is directed to implement under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) the locally preferred plan for flood damage reduction, Granite Falls, Minnesota, substantially in accordance with the detailed project report dated 2002, at a total cost of $12,000,000, with an estimated Federal cost of $8,000,000 and an estimated non-Federal cost of $4,000,000.

(b) PROJECT FINANCING.—In evaluating and implementing the project under this section, the Secretary shall allow the non-Federal interests to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184), to the extent that the detailed project report evaluation indicates that applying such section is necessary to implement the project.

(c) CREDIT.—The Secretary shall credit toward the non-Federal share of the project the cost of design and construction work carried out by the non-Federal interest before date of execution of a partnership agreement for the project if the Secretary determines that the work is integral to the project.

(d) MAXIMUM FUNDING.—The maximum amount of Federal funds that may be expended for the flood damage reduction shall be $8,000,000.

SEC. 3059. MINNEAPOLIS, MINNESOTA.

Section 527 of the Water Resources Development Act of 2000 (114 Stat. 2657) is amended—

(1) in subsection (a) by inserting after ''June 30, 1999'' the following '', and including Hennepin Island and adjacent areas on the east side of the Mississippi River''; and

(2) in subsection (c) by striking ''$10,000,000'' and inserting ''$25,000,000''.

SEC. 3060. RED LAKE RIVER, MINNESOTA.

The project for flood control, Red Lake River at Crookston, Minnesota, authorized by section 101(a)(23) of the Water Resources Development Act of 1999 (113 Stat. 278), is modified to include

flood protection for the adjacent and interconnected areas generally known as the Sampson and Chase/Loring neighborhoods, in accordance with the Feasibility Report Supplement, Local Flood Protection, Crookston, Minnesota, at a total cost of $25,000,000, with an estimated Federal cost of $16,250,000 and an estimated non-Federal cost of $8,750,000.

SEC. 3061. SILVER BAY, MINNESOTA.

The project for navigation, Silver Bay, Minnesota, authorized by section 2 of the Rivers and Harbors Act of March 2, 1945 (59 Stat. 19), is modified to include operation and maintenance of the general navigation facilities as a Federal responsibility.

SEC. 3062. TACONITE HARBOR, MINNESOTA.

The project for navigation, Taconite Harbor, Minnesota, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is modified to include operation and maintenance of the general navigation facilities as a Federal responsibility.

SEC. 3063. TWO HARBORS, MINNESOTA.

(a) IN GENERAL.—The project for navigation, Two Harbors, Minnesota, being carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is modified to include construction of a dredged material disposal facility, including actions required to clear the site.

(b) LANDS, EASEMENTS, AND RIGHTS-OF-WAY.—Non-Federal interests shall be responsible for providing all lands, easements, rights-of-way, and relocations necessary for the construction of the dredged material disposal facility.

(c) MAXIMUM FEDERAL EXPENDITURE.—The maximum amount of Federal funds that may be expended for the project shall be $5,000,000.

SEC. 3064. DEER ISLAND, HARRISON COUNTY, MISSISSIPPI.

The project for ecosystem restoration, Deer Island, Harrison County, Mississippi, being carried out under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) is modified to authorize the non-Federal interest to provide any portion of the non-Federal share of the cost of the project in the form of services, materials, supplies, or other in-kind contributions.

SEC. 3065. BOIS BRULE DRAINAGE AND LEVEE DISTRICT, MISSOURI.

The maximum amount of Federal funds that may be expended for the project for flood damage reduction, Bois Brule Drainage and Levee District, Missouri, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), shall be $25,000,000.

SEC. 3066. SAND CREEK WATERSHED, WAHOO, NEBRASKA.

The project for ecosystem restoration and flood damage reduction, Sand Creek watershed, Wahoo, Nebraska, authorized by section 101(b)(20) of the Water Resources Development Act of 2000 (114 Stat. 2578), is modified—

(1) to direct the Secretary to provide credit toward the non-Federal share of the cost of the project or reimbursement for the costs of any work that has been or will be performed by the non-Federal interest before, on, or after the approval of the project partnership agreement, including work performed by the non-Federal interest in connection with the design and construction of 7 upstream detention storage structures, if the Secretary determines that the work is integral to the project;

(2) to require that in-kind work to be credited under paragraph (1) be subject to audit; and

(3) to direct the Secretary to accept advance funds from the non-Federal interest as needed to maintain the project schedule.

SEC. 3067. ALAMOGORDO, NEW MEXICO.

The Secretary shall review the general reevaluation report, dated March 1999, for the project for flood protection, Alamogordo, New Mexico, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 85), and determine if the locally preferred flood detention basin would provide the same level of flood protection for the north side of the city of Alamogordo at a cost that is not greater than the cost of authorized channel improvements. If the Secretary determines that the flood detention basin is feasible, would provide the same level of flood protection, and can be constructed at the no additional cost, the Secretary may construct the flood detention basin instead of the channel improvements. The Federal share of the cost of the flood detention basin alternative shall be calculated in the same manner as if the channel improvements project was being constructed.

SEC. 3068. ORCHARD BEACH, BRONX, NEW YORK.

The project for shoreline protection, Orchard Beach, Bronx, New York, authorized by section 554 of the Water Resources Development Act of 1996 (110 Stat. 3781), is modified to authorize the Secretary to construct the project, at a total cost of $18,000,000.

SEC. 3069. TIMES BEACH, BUFFALO, NEW YORK.

The project for improvement of the quality of the environment, Times Beach, Buffalo, New York, being carried out under section 1135 of the Water Resources Development Act of 1986 (100 Stat. 4251), is modified to direct the Secretary to credit not more than $750,000 toward the non-Federal share of the cost of the project for the cost of planning, design, and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines the work is integral to the project.

SEC. 3070. PORT OF NEW YORK AND NEW JERSEY, NEW YORK AND NEW JERSEY.

The navigation project, Port of New York and New Jersey, New York and New Jersey, authorized by section 101(a)(2) of the Water Resources Development Act of 2000 (114 Stat. 2576), is modified—

(1) to authorize the Secretary to allow the non-Federal interest to construct a temporary dredged material storage facility to receive dredged material from the project if—

(A) the non-Federal interest submits, in writing, a list of potential sites for the temporary storage facility to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Environment and Public Works of the Senate, and the Secretary at least 180 days before the selection of the final site; and

(B) at least 70 percent of the dredged material generated in connection with the project suitable for beneficial reuse will be used at sites in the State of New Jersey to the extent that there are sufficient sites available; and

(2) to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of construction of the temporary storage facility if the Secretary determines that the work is integral to the project.

SEC. 3071. NEW YORK STATE CANAL SYSTEM.

Section 553(c) of the Water Resources Development Act of 1996 (110 Stat. 3781) is amended to read as follows:

''(c) NEW YORK STATE CANAL SYSTEM DEFINED.—In this section, the term 'New York State Canal System' means the 524 miles of navigable canal that comprise the New York State Canal System, including the Erie, Cayuga-Seneca, Oswego, and Champlain Canals and the historic alignments of these canals, including the cities of Albany and Buffalo.''.

SEC. 3072. ARCADIA LAKE, OKLAHOMA.

Payments made by the city of Edmond, Oklahoma, to the Secretary in October 1999 of all costs associated with present and future water storage costs at Arcadia Lake, Oklahoma, under Arcadia Lake Water Storage Contract Number DACW56–79–C–002 shall satisfy the obligations of the city under that contract.

SEC. 3073. WILLAMETTE RIVER TEMPERATURE CONTROL, MCKENZIE SUBBASIN, OREGON.

(a) IN GENERAL.—The project for environmental restoration, Willamette River Temperature Control, McKenzie Subbasin, Oregon, authorized by section 101(a)(25) of the Water Resources Development Act of 1996 (110 Stat. 3665) and modified by section 344 of the Water Resources Development Act of 1999 (113 Stat. 308), is further modified to direct the Secretary to pay, subject to the availability of appropriations, compensation for losses to small business attributable to the implementation of the drawdown conducted as a part of project implementation in 2002.

(b) ESTABLISHMENT OF PROGRAM.—Not later than 120 days after the date of enactment of this Act, the Secretary shall establish, and provide public notice of, a program—

(1) to receive claims for compensation for losses to small business attributable to the implementation of the drawdown conducted as a part of project implementation in 2002;

(2) to evaluate claims for such losses; and

(3) to pay claims for such losses.

(c) IMPLEMENTATION OF PROGRAM.—In carrying out the program established under subsection (b), the Secretary shall provide—

(1) public notice of the existence of the program sufficient to reach those in the area that may have suffered losses to small businesses;

(2) a period for the submission of claims of not fewer than 45 days and not greater than 75 days from the date of the first public notice of the existence of the program;

(3) for the evaluation of each claim submitted to the Secretary under the program and a determination of whether the claim constitutes a loss to a small business on or before the last day of the 30-day period beginning on the date of submission of the claim; and

(4) for the payment of each claim that the Secretary determines constitutes a loss to a small business on or before the last day of the 30-day period beginning on the date of the Secretary's determination.

(d) LOSS TO A SMALL BUSINESS DEFINED.—In this section, the term ''loss to a small business'' means documented financial losses associated with commercial activity of a small business that can be attributed to the turbidity levels in the McKenzie River being higher than those anticipated in the original planning documents and public announcements existing before the initiation of the drawdown in 2002. Commercial losses include decline in sales, loss of revenue (including loss of revenue from canceled or delayed reservations at lodging establishments), and any other financial losses that can be shown to be associated with the elevated turbidity levels in the McKenzie River in 2002.

(e) PAYMENT OF CLAIMS.—The payment of claims for losses to small businesses shall be a Federal responsibility.

SEC. 3074. FRENCH CREEK, UNION CITY DAM, PENNSYLVANIA.

The project for flood control French Creek, Union City Dam, Pennsylvania, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1189), is modified to include recreation as a project purpose.

SEC. 3075. LACKAWANNA RIVER AT OLYPHANT, PENNSYLVANIA.

The project for flood control, Lackawanna River at Olyphant, Pennsylvania, authorized by section 101(16) of the Water Resources Development Act of 1992 (106 Stat. 4803), is modified to authorize the Secretary to construct the project, at a total cost of $20,000,000.

SEC. 3076. LACKAWANNA RIVER AT SCRANTON, PENNSYLVANIA.

The project for flood control, Lackawanna River at Scranton, Pennsylvania, authorized by section 101(17) of the Water Resources Development Act of 1992 (106 Stat. 4803), is modified to authorize the Secretary to construct the project, at a total cost of $23,000,000.

SEC. 3077. RAYSTOWN LAKE, PENNSYLVANIA.

The Secretary may take such action as may be necessary, including construction of a breakwater, to prevent shoreline erosion between .07

and 2.7 miles south of Pennsylvania State Route 994 on the east shore of Raystown Lake, Pennsylvania.

SEC. 3078. SHERADEN PARK STREAM AND CHARTIERS CREEK, ALLEGHENY COUNTY, PENNSYLVANIA.

The project for aquatic ecosystem restoration, Sheraden Park Stream and Chartiers Creek, Allegheny County, Pennsylvania, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), is modified to direct the Secretary to credit up to $400,000 toward the non-Federal share of the cost of the project for planning and design work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3079. SOLOMON'S CREEK, WILKES-BARRE, PENNSYLVANIA.

The project for flood control, Wyoming Valley, Pennsylvania, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124), is modified to include as a project element the project for flood control for Solomon's Creek, Wilkes-Barre, Pennsylvania.

SEC. 3080. SOUTH CENTRAL PENNSYLVANIA.

Section 313(h)(2) of the Water Resources Development Act of 1992 (106 Stat. 4847; 109 Stat. 407; 117 Stat. 142) is amended by striking ''Allegheny, Armstrong, Beford, Blair, Cambria, Clearfield, Fayette, Franklin, Fulton, Greene, Huntingdon, Indiana, Juniata, Mifflin, Somerset, Snyder, Washington, and Westmoreland Counties'' and inserting ''Allegheny, Armstrong, Bedford, Blair, Cambria, Fayette, Franklin, Fulton, Greene, Huntingdon, Indiana, Juniata, Somerset, Washington, and Westmoreland Counties''.

SEC. 3081. WYOMING VALLEY, PENNSYLVANIA.

In carrying out the project for flood control, Wyoming Valley, Pennsylvania, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124), the Secretary shall coordinate with non-Federal interests to review opportunities for increased public access.

SEC. 3082. LITTLE LIMESTONE CREEK, JONESBOROUGH, TENNESSEE.

In evaluating and implementing the project for flood damage reduction, Little Limestone Creek, Jonesborough, Tennessee, under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), the Secretary shall allow the non-Federal interest to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184), to the extent that the Secretary's evaluation indicates that applying such section is necessary to implement the project.

SEC. 3083. CEDAR BAYOU, TEXAS.

(a) IN GENERAL.—The project for navigation, Cedar Bayou, Texas, reauthorized by section 349(a)(2) of the Water Resources Development Act of 2000 (114 Stat. 2632), is modified—

(1) to authorize the Secretary to carry out the project to a depth of 10 feet by 100 feet wide from mile 2.5 to mile 11 on Cedar Bayou if the Secretary determines that the project is feasible; and

(2) to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of planning and design work carried out by the non-Federal interest for the project if the Secretary determines that such work is integral to the project.

(b) COST SHARING.—Cost sharing for construction and operation and maintenance of the project shall be determined in accordance with section 101 of the Water Resources Development Act of 1986 (33 U.S.C. 2211).

SEC. 3084. LAKE KEMP, TEXAS.

(a) IN GENERAL.—The Secretary may not take any legal or administrative action seeking to remove a Lake Kemp improvement before the earlier of January 1, 2020, or the date of any transfer of ownership of the improvement occurring after the date of enactment of this Act.

(b) LIMITATION ON LIABILITY.—The United States, or any of its officers, agents, or assignees, shall not be liable for any injury, loss, or damage accruing to the owners of a Lake Kemp improvement, their lessees, or occupants as a result of any flooding or inundation of such improvements by the waters of the Lake Kemp reservoir, or for such injury, loss, or damage as may occur through the operation and maintenance of the Lake Kemp dam and reservoir in any manner.

(c) LAKE KEMP IMPROVEMENT DEFINED.—In this section, the term ''Lake Kemp improvement'' means an improvement (including dwellings) located within the flowage easement of Lake Kemp, Texas, below elevation 1159 feet mean sea level.

SEC. 3085. LOWER RIO GRANDE BASIN, TEXAS.

The project for flood control, Lower Rio Grande Basin, Texas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4125), is modified—

(1) to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project; and

(2) to direct the Secretary, in calculating the non-Federal share of the cost of the project, to make a determination under section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)) on the non-Federal interest's ability to pay.

SEC. 3086. NORTH PADRE ISLAND, CORPUS CHRISTI BAY, TEXAS.

The project for ecosystem restoration and storm damage reduction, North Padre Island, Corpus Christi Bay, Texas, authorized by section 556 of the Water Resources Development Act of 1999 (113 Stat. 353), is modified to include recreation as a project purpose.

SEC. 3087. PROCTOR LAKE, TEXAS.

The Secretary is authorized to convert flowage easements to fee simple title in the subdivisions of Buffalo Springs and Frees Lakeview, and adjacent areas, located within the boundaries necessary for the operation of the Proctor Lake project, Texas, authorized by section 203 of the Flood Control Act of 1954 (68 Stat. 1259), and to purchase all improved and unimproved properties within such boundaries and to pay relocation assistance benefits to qualified landowners as applicable under the provisions of the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (42 U.S.C. 4601 et seq.).

SEC. 3088. SAN ANTONIO CHANNEL, SAN ANTONIO, TEXAS.

The project for flood control, San Antonio Channel, Texas, authorized by section 203 of the Flood Control Act of 1954 (68 Stat. 1259) as part of the comprehensive plan for flood protection on the Guadalupe and San Antonio Rivers in Texas and modified by section 103 of the Water Resources Development Act of 1976 (90 Stat. 2921) and section 335 of the Water Resources Development Act of 2000 (114 Stat. 2611), is further modified to authorize the Secretary to credit toward the non-Federal share of the cost of the project the cost of construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3089. ELIZABETH RIVER, CHESAPEAKE, VIRGINIA.

Section 358 of the Water Resources Development Act of 1999 (113 Stat. 312) is amended by striking ''September 30, 1999'' and inserting ''May 4, 1997''.

SEC. 3090. ROANOKE RIVER UPPER BASIN, VIRGINIA.

The project for flood control, Roanoke River Upper Basin, Virginia, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4126) and modified by section 110 of the Energy and Water Development Appropriations Act, 1990 (103 Stat. 650), is further modified to authorize the Secretary to construct the project, at a total cost of $64,300,000, with an estimated Federal cost of $42,100,000 and an estimated non-Federal cost of $22,200,000. In carrying out the project, the Secretary shall award contracts based on invitation-for-bids procedures.

SEC. 3091. BLAIR AND SITCUM WATERWAYS, TACOMA HARBOR, WASHINGTON.

(a) IN GENERAL.—The project for navigation, Blair and Sitcum Waterways, Tacoma Harbor, Washington, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4096) and deepened to 51 feet under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is modified to direct the Secretary to review the locally prepared plan for the Blair and Sitcum Waterways, Washington, and, if the Secretary determines that the plan meets the evaluation and design standards of the Corps of Engineers and that the plan is feasible, to authorize the Secretary to carry out the plan, at a Federal cost of $4,240,000.

(b) NON-FEDERAL WORK.—The Secretary shall provide credit toward the non-Federal share of the cost of the project, or reimbursement for, the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3092. GREENBRIER RIVER BASIN, WEST VIRGINIA.

Section 579(c) of the Water Resources Development Act of 1996 (110 Stat. 3790; 113 Stat. 312) is amended by striking ''$47,000,000'' and inserting ''$89,000,000''.

SEC. 3093. MANITOWOC HARBOR, WISCONSIN.

The project for navigation, Manitowoc Harbor, Wisconsin, authorized by the River and Harbor Act of August 30, 1852, is modified to direct the Secretary to deepen the upstream reach of the navigation channel from 12 feet to 18 feet, at a total cost of $300,000.

SEC. 3094. MISSISSIPPI RIVER HEADWATERS RESERVOIRS.

Section 21 of the Water Resources Development Act of 1988 (102 Stat. 4027) is amended—

(1) in subsection (a)—

(A) by striking ''1276.42'' and inserting ''1278.42'';

(B) by striking ''1218.31'' and inserting ''1221.31''; and

(C) by striking ''1234.82'' and inserting ''1235.30''; and

(2) by striking subsection (b) and inserting the following:

''(b) EXCEPTION.—The Secretary may operate the headwaters reservoirs below the minimum or above the maximum water levels established in subsection (a) in accordance with water control regulation manuals (or revisions thereto) developed by the Secretary, after consultation with the Governor of Minnesota and affected tribal governments, landowners, and commercial and recreational users. The water control regulation manuals (and any revisions thereto) shall be effective when the Secretary transmits them to Congress. The Secretary shall report to Congress at least 14 days before operating any such headwaters reservoir below the minimum or above the maximum water level limits specified in subsection (a); except that notification is not required for operations necessary to prevent the loss of life or to ensure the safety of the dam or where the drawdown of lake levels is in anticipation of flood control operations.''.

SEC. 3095. CONTINUATION OF PROJECT AUTHORIZATIONS.

(a) IN GENERAL.—Notwithstanding section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)), the following projects shall remain authorized to be carried out by the Secretary:

(1) The project for navigation, Fall River Harbor, Massachusetts, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731).

(2) The project for flood control, Agana River, Guam, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4127).

(b) LIMITATION.—A project described in subsection (a) shall not be authorized for construction after the last day of the 5-year period beginning on the date of enactment of this Act, unless, during such period, funds have been obligated for the construction (including planning and design) of the project.

SEC. 3096. PROJECT REAUTHORIZATIONS.

Each of the following projects may be carried out by the Secretary and no construction on any such project may be initiated until the Secretary determines that the project is feasible:

(1) MENOMINEE HARBOR AND RIVER, MICHIGAN AND WISCONSIN.—The project for navigation, Menominee Harbor and River, Michigan and Wisconsin, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 482) and deauthorized on April 15, 2002, in accordance with section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)).

(2) MANITOWOC HARBOR, WISCONSIN.—That portion of the project for navigation, Manitowoc Harbor, Wisconsin, consisting of the channel in the south part of the outer harbor, deauthorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1176).

SEC. 3097. PROJECT DEAUTHORIZATIONS.

(a) IN GENERAL.—The following projects are not authorized after the date of enactment of this Act:

(1) BRIDGEPORT HARBOR, CONNECTICUT.—The portion of the project for navigation, Bridgeport Harbor, Connecticut, authorized by the River and Harbor Act of July 3, 1930 (46 Stat. 919), consisting of an 18-foot channel in Yellow Mill River and described as follows: Beginning at a point along the eastern limit of the existing project, N123,649.75, E481,920.54, thence running northwesterly about 52.64 feet to a point N123,683.03, E481,879.75, thence running northeasterly about 1,442.21 feet to a point N125,030.08, E482,394.96, thence running northeasterly about 139.52 feet to a point along the east limit of the existing channel, N125,133.87, E482,488.19, thence running southwesterly about 1,588.98 feet to the point of origin.

(2) NORWALK HARBOR, CONNECTICUT.—The following portions a 10-foot channel of the project for navigation, Norwalk Harbor, Connecticut, authorized by the first section of the Rivers and Harbors Appropriations Act of March 2, 1919 (40 Stat. 1276):

(A) An approximate rectangular shaped section along the northwesterly terminus of the channel. The section is 35-feet wide and about 460-feet long and is further described as follows: Commencing at a point N104,165.85, E417,662.71, thence running south 24 degrees 06 minutes 55 seconds east 395.00 feet to a point N103,805.32, E417,824.10, thence running south 00 degrees 38 minutes 06 seconds east 87.84 feet to a point N103,717.49, E417,825.07, thence running north 24 degrees 06 minutes 55 seconds west 480.00 feet, to a point N104,155.59, E417.628.96, thence running north 73 degrees 05 minutes 25 seconds east 35.28 feet to the point of origin.

(B) An area having the approximate shape of a parallelogram along the northeasterly portion of the channel, southeast of the area described in subparagraph (A). This area is 20-feet wide and about 260-feet long and is further described as follows: Commencing at a point N103,855.48, E417,849.99, thence running south 33 degrees 07 minutes 30 seconds east 133.40 feet to a point N103,743.76, E417,922.89, thence running south 24 degrees 07 minutes 04 seconds east 127.75 feet to a point N103,627.16, E417,975.09, thence running north 33 degrees 07 minutes 30 seconds west 190.00 feet to a point N103,786.28, E417,871.26, thence running north 17 degrees 05 minutes 15 seconds west 72.39 feet to the point of origin.

(3) CHICAGO RIVER AND HARBOR, CHICAGO, ILLINOIS.—Those portions of the projects for navigation, Chicago River and Chicago Harbor, Chicago, Illinois, authorized by the River and Harbor Act of March 3, 1899 (30 Stat. 1129), extending 50 feet riverward of the existing dock wall on the south side of the channel from Lake Street to Franklin Street and 25 feet riverward of the existing dock wall on the south side of the channel from Franklin Street to Wabash Avenue, and those areas within 20 feet of the bridge abutments on the south side of the channel for the length of the protection bridge piers from the Franklin Street Bridge to the Michigan Avenue Bridge.

(4) ISLAND END RIVER, MASSACHUSETTS.—The portion of the project for navigation, Island End River, Massachusetts, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), described as follows: Beginning at a point along the eastern limit of the existing project, N507,348.98, E721,180.01, thence running northeast about 35 feet to a point N507,384.17, E721,183.36, thence running northeast about 324 feet to a point N507,590.51, E721,433.17, thence running northeast about 345 feet to a point along the northern limit of the existing project, N507,927.29, E721,510.29, thence running southeast about 25 feet to a point N507,921.71, E721,534.66, thence running southwest about 354 feet to a point N507,576.65, E721,455.64, thence running southwest about 357 feet to the point of origin.

(5) CITY WATERWAY, TACOMA, WASHINGTON.—The portion of the project for navigation, City Waterway, Tacoma, Washington, authorized by the first section of the River and Harbor Appropriations Act of June 13, 1902 (32 Stat. 347), consisting of the last 1,000 linear feet of the inner portion of the waterway beginning at Station 70+00 and ending at Station 80+00.

(b) ANCHORAGE AREA, NEW LONDON HARBOR, CONNECTICUT.—The portion of the project for navigation, New London Harbor, Connecticut, authorized by the River and Harbor Appropriations Act of June 13, 1902 (32 Stat. 333), that consists of a 23-foot waterfront channel and that is further described as beginning at a point along the western limit of the existing project, N188, 802.75, E779, 462.81, thence running northeasterly about 1,373.88 feet to a point N189, 554.87, E780, 612.53, thence running southeasterly about 439.54 feet to a point N189, 319.88, E780, 983.98, thence running southwesterly about 831.58 feet to a point N188, 864.63, E780, 288.08, thence running southeasterly about 567.39 feet to a point N188, 301.88, E780, 360.49, thence running northwesterly about 1,027.96 feet to the point of origin, shall be redesignated as an anchorage area.

(c) NORWALK HARBOR, CONNECTICUT.—The 10-foot channel portion of the Norwalk Harbor, Connecticut, navigation project described in subsection (a)(2) is modified to authorize the Secretary to realign the channel to include a new section immediately north of the area described in subsection (a)(2)(B). The new triangular shaped section is described as follows: Commencing at a point N103,968.35, E417,815.29, thence running south 17 degrees 05 minutes 15 seconds east 118.09 feet to a point N103,855.48, E417,849.99, thence running north 33 degrees 07 minutes 30 seconds west 36.76 feet to a point N103,886.27, E417.829.90, thence running north 10 degrees 05 minutes 26 seconds west 83.37 feet to the point of origin.

(d) CHICAGO RIVER AND HARBOR, CHICAGO, ILLINOIS.—The projects for navigation, Chicago River and Chicago Harbor referred to in subsection (a)(3) are modified to direct the Secretary to redefine the Federal navigation channel for the North Branch Canal portion extending from 100 feet downstream of the Halsted Street Bridge to 100 feet upstream of the Division Street Bridge to be no wider than 66 feet.

(e) ADDITIONAL DEAUTHORIZATIONS.—The following projects are not authorized after the date of enactment of this Act, except with respect to any portion of such a project which portion has been completed before such date or is under construction on such date:

(1) The project for flood damage reduction, Cache Creek Basin, Clear Lake Outlet Channel, California, authorized by the Water Resources Development Act of 1986 (Public Law 99–662).

(2) The project for flood control, Goleta and Vicinity, California, authorized by the Flood Control Act of 1970.

(3) The project to modify the Central and Southern Florida project to improve water supply to the Everglades National Park, Florida, authorized by the Flood Control Act of 1954 (Public Law 83–780) and the Flood Control Act of 1968 (Public Law 90–483).

(4) The project for flood control, Central and Southern Florida Project, Shingle Creek Basin, Florida, authorized by the Flood Control Act of 1962.

(5) The project for flood control, Middle Wabash, Greenfield Bayou, Indiana, authorized by section 10 of the Flood Control Act of 1946.

(6) The project for flood damage reduction, Lake George, Hobart, Indiana, authorized by section 602 of the Water Resources Development Act of 1986 (Public Law 99–662).

(7) The project for flood damage reduction, Green Bay Levee and Drainage District No. 2, Iowa, authorized by the Water Resources Development Act of 1986, deauthorized in fiscal year 1991, and reauthorized by the Water Resources Development Act of 1992 (Public Law 102–580).

(8) The project for flood damage reduction, Hazard, Kentucky, authorized by section 3 of the Water Resources Development Act of 1988 (Public Law 100–676) and section 108 of the Water Resources Development Act of 1990 (Public Law 101–640).

(9) The recreation portion of the project for flood control, Taylorsville Lake, Kentucky, authorized by section 203 of the Flood Control Act of 1966.

(10) The project for flood control, West Kentucky Tributaries, Kentucky, authorized by the Flood Control Acts of 1965 and 1970 and the Water Resources Development Act of 1986.

(11) The project for flood damage reduction, Bayou Cocodrie and Tributaries, Louisiana, authorized by the Flood Control Act of 1941 and the Water Resources Development Act of 1974.

(12) The project for flood control, Eastern Rapides and South-Central Avoyelles Parishes, Louisiana, authorized by the Flood Control Act of 1970 (Public Law–611).

(13) The project for Red River Waterway, Shreveport, Louisiana to Daingerfield, Texas, authorized by the River and Harbor Act of 1968 (Public Law 90–483).

(14) The project for flood damage reduction Brockton, Massachusetts, authorized by section 401(c) of the Water Resources Development Act of 1986 (Public Law 99–662).

(15) The project for navigation, Grand Haven Harbor, Michigan, authorized by section 202 of the Water Resources Development Act of 1986 (Public Law 99–662).

(16) The project for navigation, Greenville Harbor, Mississippi, authorized by section 601 of the Water Resources Development Act of 1986 (Public Law 99–662).

(17) The project for hydropower, Libby Dam, Montana, (Units 6–8), authorized by section 549 of the Water Resources Development Act of 1996 (Public Law 104–303).

(18) The project for flood damage reduction, Platte River Flood and Related Streambank Erosion Control, Nebraska, authorized by section 603 of the Water Resources Development Act of 1986 (Public Law 99–662).

(19) The project for navigation, Outer Harbor, Buffalo, New York, authorized by section 110 of the Water Resources Development Act of 1992.

(20) The project for flood damage reduction, Sugar Creek Basin, North Carolina and South Carolina, authorized by section 401 of the Water Resources Development Act of 1986 (Public Law 99–662).

(21) The project for flood control and recreation, Fairfield, Ohio, authorized by section

401(a) of the Water Resources Development Act of 1986 (Public Law 99–662).

(22) The project for shoreline protection, Maumee Bay, Lake Erie, Ohio, authorized by section 501(a) of the Water Resources Development Act of 1986.

(23) The project for flood control and water supply, Parker Lake, Muddy Boggy Creek, Oklahoma, authorized by the Water Resources Development Act of 1986 (Public Law 99–662).

(24) The project for the Columbia River, Seafarers Memorial, Hammond, Oregon, authorized by the Energy and Water Development Appropriations Act of 1991.

(25) The project for bulkhead repairs, Quonset Point-Davisville, Rhode Island, authorized by section 571 of the Water Resources Development Act of 1996.

(26) The project for flood damage reduction, Harris Fork Creek, Tennessee and Kentucky, authorized by section 102 of the Water Resources Development Acts of 1976 and 1986.

(27) The project for flood damage reduction, Arroyo Colorado, Texas, authorized by the Water Resources Development Act of 1986 (Public Law 99–662).

(28) The project for flood damage reduction, Cypress Creek-Structural, Texas, authorized by the Water Resources Development Act of 1988.

(29) The project for flood damage reduction, East Fork Channel Improvement, Increment 2, East Fork of the Trinity River, Texas, authorized by the Flood Control Act of 1962.

(30) The project for flood damage reduction, Falfurrias, Texas, authorized by the Water Resources Development Act of 1988.

(31) The project for bank erosion, Kanawha River, Charleston, West Virginia, authorized by section 603(f)(13) of the Water Resources Development Act of 1986 (Public Law 99–662).

(f) CONDITIONS.—The first sentence of section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)) is amended—

(1) by striking ''two years'' and inserting ''year''; and

(2) by striking ''7'' and inserting ''5''.

SEC. 3098. LAND CONVEYANCES.

(a) MILFORD, KANSAS.—

(1) IN GENERAL.—Subject to the provisions of this section, the Secretary shall convey by quitclaim deed without consideration to the Geary County Fire Department, Milford, Kansas, all right, title, and interest of the United States in and to a parcel of land consisting of approximately 7.4 acres located in Geary County, Kansas, for construction, operation, and maintenance of a fire station.

(2) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and the description of the real property referred to in paragraph (1) shall be determined by a survey that is satisfactory to the Secretary.

(3) REVERSION.—If the Secretary determines that the property conveyed under paragraph (1) ceases to be held in public ownership or to be used for any purpose other than a fire station, all right, title, and interest in and to the property shall revert to the United States, at the option of the United States.

(b) BOARDMAN, OREGON.—Section 501(g)(1) of the Water Resources Development Act of 1996 (110 Stat. 3751) is amended—

(1) by striking ''city of Boardman,'' and inserting ''the Boardman Park and Recreation District, Boardman,''; and

(2) by striking ''such city'' and inserting ''the city of Boardman''.

(c) GENERALLY APPLICABLE PROVISIONS.—

(1) APPLICABILITY OF PROPERTY SCREENING PROVISIONS.—Section 2696 of title 10, United States Code, shall not apply to any conveyance under this section.

(2) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require that any conveyance under this section be subject to such additional terms and conditions as the Secretary considers appropriate and necessary to protect the interests of the United States.

(3) COSTS OF CONVEYANCE.—An entity to which a conveyance is made under this section shall be responsible for all reasonable and necessary costs, including real estate transaction and environmental compliance costs, associated with the conveyance.

(4) LIABILITY.—An entity to which a conveyance is made under this section shall hold the United States harmless from any liability with respect to activities carried out, on or after the date of the conveyance, on the real property conveyed. The United States shall remain responsible for any liability with respect to activities carried out, before such date, on the real property conveyed.

SEC. 3099. EXTINGUISHMENT OF REVERSIONARY INTERESTS AND USE RESTRICTIONS.

(a) IDAHO.—

(1) IN GENERAL.—With respect to each deed listed in paragraph (2), the reversionary interests and use restrictions relating to industrial use purposes are extinguished.

(2) AFFECTED DEEDS.—The deeds with the following county auditor's file numbers are referred to in paragraph (1):

(A) Auditor's Instrument No. 399218 of Nez Perce County, Idaho—2.07 acres.

(B) Auditor's Instrument No. 487437 of Nez Perce County, Idaho—7.32 acres.

(b) OLD HICKORY LOCK AND DAM, CUMBERLAND RIVER, TENNESSEE.—

(1) RELEASE OF RETAINED RIGHTS, INTERESTS, RESERVATIONS.—With respect to land conveyed by the Secretary to the Tennessee Society of Crippled Children and Adults, Incorporated (now known as ''Easter Seals Tennessee''), at Old Hickory Lock and Dam, Cumberland River, Tennessee, under section 211 of the Flood Control Act of 1965 (79 Stat. 1087), the reversionary interests and the use restrictions relating to recreation and camping purposes are extinguished.

(2) INSTRUMENT OF RELEASE.—As soon as possible after the date of enactment of this Act, the Secretary shall execute and file in the appropriate office a deed of release, amended deed, or other appropriate instrument effectuating the release of interests required by paragraph (1).

(c) NO EFFECT OF OTHER RIGHTS.—Nothing in this section affects the remaining rights and interests of the Corps of Engineers for authorized project purposes.

SEC. 3100. LAND EXCHANGE, DISPOSAL AND ACQUISITION OF LANDS, ALLATOONA LAKE, GEORGIA.

(a) LAND EXCHANGE.—

(1) IN GENERAL.—The Secretary may exchange lands above 863 feet in elevation at Allatoona Lake, Georgia, identified in the Real Estate Design Memorandum prepared by the Mobile district engineer, April 5, 1996, and approved October 8, 1996, for lands on the north side of Allatoona Lake that are needed for wildlife management and for protection of the water quality and overall environment of Allatoona Lake.

(2) TERMS AND CONDITIONS.—The basis for all land exchanges under this subsection shall be a fair market appraisal so that lands exchanged are of equal value.

(b) DISPOSAL AND ACQUISITION OF LANDS, ALLATOONA LAKE, GEORGIA.—

(1) IN GENERAL.—The Secretary may also sell lands above 863 feet in elevation at Allatoona Lake, Georgia, identified in the memorandum referred to in subsection (a)(1) and may use the proceeds to pay costs associated with the purchase of lands needed for wildlife management and for protection of the water quality and overall environment of Allatoona Lake.

(2) TERMS AND CONDITIONS.—Land sales and purchases to be conducted under this subsection shall be subject to the following terms and conditions:

(A) Lands acquired under this subsection shall be by negotiated purchase from willing sellers only.

(B) The basis for all transactions under the program shall be a fair market appraisal acceptable to the Secretary.

(C) The purchasers shall share in the associated environmental and real estate costs, to include surveys and associated fees in accordance with the memorandum referred to in subsection (a)(1).

(D) Any other conditions that the Secretary may impose.

(c) REPEAL.—Section 325 of the Water Resources Development Act of 1992 (106 Stat. 4849) is repealed.

TITLE IV—STUDIES

SEC. 4001. JOHN GLENN GREAT LAKES BASIN PROGRAM.

Section 455 of the Water Resources Development Act of 1999 (113 Stat. 330–332) is amended by adding at the end the following:

''(g) IN-KIND CONTRIBUTIONS FOR STUDY.—The non-Federal interest may provide up to 100 percent of the non-Federal share required under subsection (f) in the form of services, materials, supplies, or other in-kind contributions.''.

SEC. 4002. ST. GEORGE HARBOR, ALASKA.

The Secretary shall conduct, at Federal expense, a study to determine the feasibility of providing navigation improvements at St. George, Alaska.

SEC. 4003. SUSITNA RIVER, ALASKA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for hydropower, recreation, and related purposes on the Susitna River, Alaska.

SEC. 4004. SEARCY COUNTY, ARKANSAS.

The Secretary shall conduct a study to determine the feasibility of using Greers Ferry Lake as a water supply source for Searcy County, Arkansas.

SEC. 4005. UPPER MISSISSIPPI RIVER AND ILLINOIS WATERWAY, ILLINOIS, IOWA, MINNESOTA, MISSOURI, AND WISCONSIN.

The Secretary shall transmit to Congress a report on the results of the Upper Mississippi River and Illinois Waterway Restructured System Navigation Feasibility Study, Illinois, Iowa, Minnesota, Missouri, and Wisconsin, no later than July 1, 2004.

SEC. 4006. HAMILTON, CALIFORNIA.

The Secretary is directed to continue planning, preconstruction, engineering, and design efforts on the Sacramento-San Joaquin River Basins Comprehensive Study-Hamilton City Flood Damage Reduction and Ecosystem Restoration Initial Project and shall include in the study an area 2 miles north and 4 miles south of State Highway 32.

SEC. 4007. OCEANSIDE, CALIFORNIA.

Section 414 of the Water Resources Development Act of 2000 (114 Stat. 2636) is amended by striking ''32 months'' and inserting ''44 months''.

SEC. 4008. SACRAMENTO RIVER, CALIFORNIA.

The Secretary shall conduct a comprehensive study to determine the feasibility of, and alternatives for, measures to protect water diversion facilities and fish protective screen facilities in the vicinity of river mile 178 on the Sacramento River, California.

SEC. 4009. SAN FRANCISCO BAY, SACRAMENTO-SAN JOAQUIN DELTA, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of the beneficial use of dredged material from the San Francisco Bay in the Sacramento-San Joaquin Delta, California, including the benefits and impacts of salinity in the Delta and the benefits to navigation, flood damage reduction, ecosystem restoration, water quality, salinity control, water supply reliability, and recreation.

(b) COOPERATION.—In conducting the study, the Secretary shall cooperate with the California Department of Water Resources and appropriate Federal and State entities in developing options for the beneficial use of dredged

material from San Francisco Bay for the Sacramento-San Joaquin Delta area.

(c) REVIEW.—The study shall include a review of the feasibility of using Sherman Island as a rehandling site for levee maintenance material, as well as for ecosystem restoration. The review may include monitoring a pilot project using up to 150,000 cubic yards of dredged material and being carried out at the Sherman Island site, examining larger scale use of dredged materials from the San Francisco Bay and Suisun Bay Channel, and analyzing the feasibility of the potential use of saline materials from the San Francisco Bay for both rehandling and ecosystem restoration purposes.

SEC. 4010. TYBEE ISLAND, GEORGIA.

The Secretary shall conduct a study to determine the feasibility of including the northern end of Tybee Island extending from the north terminal groin to the mouth of Lazaretto Creek as a part of the project for beach erosion control, Tybee Island, Georgia, carried out under section 201 of the Flood Control Act of 1965 (42 U.S.C. 1962d–5).

SEC. 4011. CALUMET HARBOR, ILLINOIS.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for navigation at Calumet Harbor, Illinois.

SEC. 4012. PADUCAH, KENTUCKY.

The Secretary is authorized to complete a rehabilitation evaluation report for the project for flood damage reduction, Paducah, Kentucky, and, if the Secretary determines that the project is feasible, proceed to preconstruction engineering and design for rehabilitation of the project.

SEC. 4013. BASTROP-MOREHOUSE PARISH, LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply, Bastrop-Morehouse Parish, Louisiana.

SEC. 4014. WEST FELICIANA PARISH, LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for riverfront development, including enhanced public access, recreation, and environmental restoration, on the Mississippi River in West Feliciana Parish, Louisiana.

SEC. 4015. CITY OF MACKINAC ISLAND, MICHIGAN.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for navigation at the city of Mackinac Island, Michigan.

SEC. 4016. CHICAGO, ILLINOIS.

Section 425(a) of the Water Resources Development Act of 2000 (114 Stat. 2638) is amended by inserting ''Lake Michigan and'' before ''the Chicago River''.

SEC. 4017. SOUTH BRANCH, CHICAGO RIVER, CHICAGO, ILLINOIS.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for ecosystem restoration at the South Fork of the South Branch of the Chicago River, Chicago, Illinois.

SEC. 4018. NORTHEAST MISSISSIPPI.

The Secretary shall conduct a study to determine the feasibility of modifying the project for navigation, Tennessee-Tombigbee Waterway, Alabama and Mississippi, to provide water supply for northeast Mississippi.

SEC. 4019. PUEBLO OF ZUNI, NEW MEXICO.

The Secretary shall conduct a study to determine the feasibility of carrying out projects for water resources development, environmental restoration, and natural resources protection for the Pueblo of Zuni, New Mexico, under section 203 of the Water Resources Development Act of 2000 (33 U.S.C. 2269).

SEC. 4020. HUDSON-RARITAN ESTUARY, NEW YORK AND NEW JERSEY.

In carrying out the study for environmental restoration, Hudson-Raritan Estuary, New York and New Jersey, the Secretary shall establish and utilize watershed restoration teams composed of estuary restoration experts from the Corps of Engineers, the New Jersey Department of Environmental Protection, and the Port Authority of New York and New Jersey and other experts designated by the Secretary for the purpose of developing habitat restoration and water quality enhancement.

SEC. 4021. SAC AND FOX NATION, OKLAHOMA.

The Secretary shall complete a water and related land resource conservation and management plan for the Sac and Fox Nation, Oklahoma, under section 203 of the Water Resources Development Act of 2000 (33 U.S.C. 2269).

SEC. 4022. SUTHERLIN, OREGON.

(a) STUDY.—The Secretary shall conduct a study of water resources along Sutherlin Creek in the vicinity of Sutherlin, Oregon, to determine the feasibility of carrying out a project to restore and enhance aquatic resources using a combination of structural and bioengineering techniques and, if the Secretary determines that the project is feasible, may carry out the project.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,500,000.

SEC. 4023. TILLAMOOK BAY AND BAR, OREGON.

The Secretary shall conduct under section 216 of the Flood Control Act of 1970 (84 Stat. 1830) a study of the project for navigation, Tillamook Bay and Bar, Oregon, authorized by the first section of the River and Harbor Appropriations Act of July 25, 1912 (37 Stat. 220), to investigate measures to address dangerous and hazardous wave and ocean conditions.

SEC. 4024. ECOSYSTEM RESTORATION AND FISH PASSAGE IMPROVEMENTS, OREGON.

(a) STUDY.—The Secretary shall conduct a study to determine the feasibility of undertaking ecosystem restoration and fish passage improvements on rivers throughout the State of Oregon.

(b) REQUIREMENTS.—In carrying out the study, the Secretary shall—

(1) work in coordination with the State of Oregon, local governments, and other Federal agencies; and

(2) place emphasis on—

(A) fish passage and conservation and restoration strategies to benefit species that are listed or proposed for listing as threatened or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(B) other watershed restoration objectives.

(c) PILOT PROGRAM.—

(1) IN GENERAL.—In conjunction with conducting the study under subsection (a), the Secretary may carry out pilot projects to demonstrate the effectiveness of ecosystem restoration and fish passages.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 to carry out this subsection.

SEC. 4025. NORTHEASTERN PENNSYLVANIA AQUATIC ECOSYSTEM RESTORATION AND PROTECTION.

The Secretary shall conduct a study to determine the feasibility of carrying out aquatic ecosystem restoration and protection projects in the counties of Lackawanna, Lycoming, Susquehanna, Wyoming, Pike, Wayne, Sullivan, Bradford, Northumberland, Union, Snyder, and Montour, Pennsylvania, particularly as related to abandoned mine drainage abatement and reestablishment of stream and river channels.

SEC. 4026. GEORGETOWN AND WILLIAMSBURG COUNTIES, SOUTH CAROLINA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply for Georgetown and Williamsburg Counties, South Carolina, including the viability and practicality of constructing a desalinization water treatment facility to meet such water supply needs.

SEC. 4027. SABINE PASS TO GALVESTON BAY, TEXAS.

In conducting a feasibility study for shore protection and related improvements between Sabine Pass and the entrance to Galveston Bay, Texas, the Secretary may include any benefits related to the use of State Highway 87 as an emergency evacuation route in the determination of national economic development benefits of the project.

SEC. 4028. GRAND COUNTY AND MOAB, UTAH.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply for Grand County and the city of Moab, Utah, including a review of the impact of current and future demands on the Spanish Valley Aquifer.

SEC. 4029. CHEHALIS RIVER BASIN, WASHINGTON.

The Secretary shall conduct a river basin study for the Chehalis River basin, Washington, including a study of the uses of the basin's water resources to assist users in developing a fair and equitable distribution of such resources.

SEC. 4030. SPRAGUE, LINCOLN COUNTY, WASHINGTON.

The Secretary may accept from the non-Federal interest to pay all or a part of the non-Federal share of the cost of feasibility study for the project for flood control in the vicinity of Sprague, Lincoln County, Washington, funds made available under any other Federal program if such use of the funds is permitted under the Federal program.

SEC. 4031. MONONGAHELA RIVER BASIN, NORTHERN WEST VIRGINIA.

The Secretary shall conduct a study to determine the feasibility of carrying out aquatic ecosystem restoration and protection projects in the watersheds of the Monongahela River basin lying within the counties of Hancock, Ohio, Marshall, Wetzel, Tyler, Pleasants, Wood, Doddridge, Monongalia, Marion, Harrison, Taylor, Barbour, Preston, Tucker, Mineral, Grant, Gilmer, Brooke, and Rithchie, West Virginia, particularly as related to abandoned mine drainage abatement.

SEC. 4032. WAUWATOSA, WISCONSIN.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction and environmental restoration, Menomonee River and Underwood Creek, Wauwatosa, Wisconsin.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 5001. MAINTENANCE OF NAVIGATION CHANNELS.

(a) IN GENERAL.—Upon request of a non-Federal interest, the Secretary shall be responsible for maintenance of the following navigation channels and breakwaters constructed or improved by the non-Federal interest if the Secretary determines that such maintenance is economically justified and environmentally acceptable and that the channel or breakwater was constructed in accordance with applicable permits and appropriate engineering and design standards:

(1) Pix Bayou navigation channel, Chambers County, Texas.

(2) Pidgeon Industrial Harbor, Pidgeon Industrial Park, Memphis Harbor, Tennessee.

(3) Racine Harbor, Wisconsin.

(b) COMPLETION OF ASSESSMENT.—Not later than 6 months after the date of receipt of a request from a non-Federal interest for Federal assumption of maintenance of a channel listed in subsection (a), the Secretary shall make a determination as provided in subsection (a) and advise the non-Federal interest of the Secretary's determination.

(c) SABINE-NECHES WATERWAY, TEXAS.—The Secretary shall remove sunken vessels and debris between miles 35 and 43 of the Channel to Orange, Sabine-Neches Waterway, Texas, for the purpose of improving navigation safety and reducing the risk to the public.

SEC. 5002. WATERSHED MANAGEMENT.

(a) IN GENERAL.—The Secretary may provide technical, planning, and design assistance to non-Federal interests for carrying out watershed management, restoration, and development projects at the locations described in subsection (d).

(b) SPECIFIC MEASURES.—Assistance provided under subsection (a) may be in support of non-Federal projects for the following purposes:

(1) Management and restoration of water quality.

(2) Control and remediation of toxic sediments.

(3) Restoration of degraded streams, rivers, wetlands, and other waterbodies to their natural condition as a means to control flooding, excessive erosion, and sedimentation.

(4) Protection and restoration of watersheds, including urban watersheds.

(5) Demonstration of technologies for non-structural measures to reduce destructive impacts of flooding.

(c) NON-FEDERAL SHARE.—The non-Federal share of the cost of assistance provided under subsection (a) shall be 50 percent.

(d) PROJECT LOCATIONS.—The locations referred to in subsection (a) are the following:

(1) Spring Branch watershed, Huntsville, Alabama.

(2) Tuolumne County, California.

(3) Cucamonga basin, Upland, California.

(4) Kinkaid Lake, Jackson County, Illinois.

(5) Those portions of the watersheds of the Concord, Charles, Blackstone, Neponset, Taunton, Nashua, Shawsheen, and Merrimack Rivers, Massachusetts, lying within the Interstate Route 495 corridor.

(6) Jackson Brook watershed, New Jersey.

(7) Those portions of the watersheds of the Beaver, Upper Ohio, Connoquenessing, Lower Allegheny, Kiskiminetas, Lower Monongahela, Youghiogheny, Shenango, and Mahoning Rivers lying within the counties of Beaver, Butler, Lawrence, and Mercer, Pennsylvania.

(8) Southampton Creek watershed, Southampton, Pennsylvania.

(9) Unami Creek watershed, Milford Township, Pennsylvania.

(10) Amite River basin, Louisiana.

(11) Iberville Parish, East Atchafalaya River basin, Louisiana.

(12) Genesee River watershed, New York.

(13) Tonawanda Creek watershed, New York.

(14) Buffalo River watershed, New York.

(15) Eighteenmile Creek watershed, Niagara County, New York.

(16) Cattaragus Creek watershed, New York.

(17) Oswego River basin, New York.

(18) Red River watershed, Louisiana.

(19) Fountain Creek and tributaries, Colorado.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000.

SEC. 5003. DAM SAFETY.

(a) ASSISTANCE.—The Secretary may provide assistance to enhance dam safety at the following locations:

(1) Mountain Park Dam, Mountain Park, Georgia.

(2) Barber Dam, Ada County, Idaho.

(3) Fish Creek Dam, Blaine County, Idaho.

(4) Lost Valley Dam, Adams County, Idaho.

(5) Salmon Falls Dam, Twin Falls County, Idaho.

(6) Whaley Lake Dam, Pawling, New York.

(7) Lake Carl Blackwell Dam, Stillwater, Oklahoma.

(8) Dams in Mountain Lakes Park, Princeton Township, New Jersey.

(9) State Dam, Auburn, New York.

(10) Candor Dam, Candor, New York.

(b) SPECIAL RULE.—The assistance provided under subsection (a) for State Dam, Auburn, New York, shall be for a project for rehabilitation in accordance with the report on State Dam Rehabilitation, Owasco Lake Outlet, New York, dated March 1999, if the Secretary determines that the project is feasible.

(c) FERN RIDGE DAM, OREGON.—It is the sense of Congress that the Secretary should work to immediately remedy the situation at Fern Ridge Dam, Oregon, due to the rapid deterioration of the dam.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $6,000,000.

SEC. 5004. STRUCTURAL INTEGRITY EVALUATIONS.

(a) IN GENERAL.—Upon request of a non-Federal interest, the Secretary shall evaluate the structural integrity and effectiveness of a project for flood damage reduction and, if the Secretary determines that the project does not meet such minimum standards as the Secretary may establish and, absent action by the Secretary, the project will fail, the Secretary may take such action as may be necessary to restore the integrity and effectiveness of the project.

(b) PRIORITY.—The Secretary shall evaluate under subsection (a) the following projects:

(1) Project for flood damage reduction, Arkansas River Levees, river mile 205 to river mile 308.4, Arkansas.

(2) Project for flood damage reduction, Marianna Borough, Pennsylvania.

(3) Project for flood damage reduction, Nonconnah Creek, Tennessee.

SEC. 5005. FLOOD MITIGATION PRIORITY AREAS.

Section 212(e) of the Water Resources Development Act of 1999 (33 U.S.C. 2332(e); 114 Stat. 2599) is amended—

(1) by striking ''and'' at the end of paragraph (27);

(2) by striking the period at the end of paragraph (28) and inserting a semicolon; and

(3) by adding at the end the following:

''(29) La Crosse County, Wisconsin;

''(30) Crawford County, Wisconsin;

''(31) Buffalo County, Wisconsin;

''(32) Calhoun County, Illinois;

''(33) Saint Charles County, Missouri;

''(34) Saint Louis County, Missouri;

''(35) Dubuque County, Iowa;

''(36) Scott County, Iowa;

''(37) Rock Island County, Illinois;

''(38) Ascension Parish, Louisiana;

''(39) East Baton Rouge Parish, Louisiana;

''(40) Iberville Parish, Louisiana; and

''(41) Livingston Parish, Louisiana.''.

SEC. 5006. ADDITIONAL ASSISTANCE FOR AUTHORIZED PROJECTS.

Section 219(e) of the Water Resources Development Act of 1992 (106 Stat. 4835; 110 Stat. 3757; 113 Stat. 334) is amended—

(1) by striking ''and'' at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting a semicolon; and

(3) by adding at the end the following:

''(9) $20,000,000 for the project described in subsection (c)(20);

''(10) $20,000,000 for the project described in subsection (c)(25);

''(11) $15,000,000 for the project described in subsection (c)(26);

''(12) $7,800,000 for the project described in subsection (c)(27);

''(13) $18,000,000 for the project described in subsection (c)(31); and

''(14) $30,000,000 for the project described in subsection (c)(40).''.

SEC. 5007. EXPEDITED COMPLETION OF REPORTS AND CONSTRUCTION FOR CERTAIN PROJECTS.

The Secretary shall expedite completion of the reports and, if the Secretary determines the project is feasible, shall expedite completion of construction for the following projects:

(1) Welch Point, Elk River, Cecil County, Maryland, being carried out under section 535(a) of the Water Resources Development Act of 1999 (113 Stat. 348–349).

(2) West View Shores, Cecil County, Maryland, being carried out under section 521 of the Water Resources Development Act of 2000 (114. Stat. 2655).

(3) Sylvan Beach Breakwater, Verona, Oneida County, New York, being carried out under section 3 of the Act entitled ''An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property'', approved August 13, 1946 (33 U.S.C. 426g).

(4) Fulmer Creek, Village of Mohawk, New York, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

(5) Moyer Creek, Village of Frankfort, New York, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

(6) Steele Creek, Village of Ilion, New York, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

(7) Oriskany Wildlife Management Area, Rome, New York, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

(8) Whitney Point Lake, Otselic River, Whitney Point, New York, being carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a).

(9) Newton Creek, Bainbridge, New York, being carried out under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r).

(10) Chenango Lake, Chenango County, New York, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

(11) Lucas Berg Pit, Worth, Illinois, being carried out as part of the Calumet-Sag navigation project, authorized by section 2 of the River and Harbor Act of March 2, 1945 (59 Stat. 19), and modified by the first section of the River and Harbor Act of July 24, 1946 (60 Stat. 636), and section 109 of the River and Harbor Act of 1958 (72 Stat. 302).

SEC. 5008. EXPEDITED COMPLETION OF REPORTS FOR CERTAIN PROJECTS.

(a) IN GENERAL.—The Secretary shall expedite completion of the reports for the following projects and, if the Secretary determines that a project is justified in the completed report, proceed directly to project preconstruction, engineering, and design:

(1) Project for flood damage reduction and ecosystem restoration, Sacramento and San Joaquin River basins, Hamilton, California.

(2) Project for ecosystem restoration, University Lake, Baton Rouge, Louisiana.

(3) Project for shoreline protection, Detroit River Greenway Corridor, Detroit, Michigan.

(4) Project for shoreline stabilization at Egmont Key, Florida.

(b) SPECIAL RULE.—In carrying out the project for shoreline stabilization at Egmont Key, Florida, referred to in subsection (a)(4), the Secretary shall waive any cost share to be provided by non-Federal interests for any portion of the project that benefits federally owned property.

(c) CHESAPEAKE, MARYLAND.—The Secretary shall expedite completion of the study being carried out under section 535(b) of the Water Resources Development Act of 1999 (113 Stat. 349) with respect to additional compensation to the city of Chesapeake, Maryland.

SEC. 5009. SOUTHEASTERN WATER RESOURCES ASSESSMENT.

The Secretary may provide assistance to a coordinated effort by Federal, State, and local agencies, non-Federal and nonprofit entities, regional researchers, and other interested parties to assess the water resources and water resources needs of river basins and watersheds of the southeastern United States.

SEC. 5010. UPPER MISSISSIPPI RIVER ENVIRONMENTAL MANAGEMENT PROGRAM.

Section 1103(e)(7)(A) of the Water Resources Development Act of 1986 (33 U.S.C. 652(e)(7)(A)) is amended by adding at the end the following: ''The non-Federal interest may provide the non-Federal share of the cost of the project in the form of services, materials, supplies, or other in-kind contributions.''.

SEC. 5011. MISSOURI AND MIDDLE MISSISSIPPI RIVERS ENHANCEMENT PROJECT.

Section 514(g) of the Water Resources Development Act of 1999 (113 Stat. 343; 117 Stat. 142) is amended by striking ''and 2004'' and inserting ''through 2015''.

SEC. 5012. MEMBERSHIP OF MISSOURI RIVER TRUST.

Section 904(b)(1)(B) of the Water Resources Development Act of 2000 (114 Stat. 2708) is amended—

(1) by striking ''and'' at the end of clause (vii);

(2) by redesignating clause (viii) as clause (ix); and

(3) by inserting after clause (vii) the following:

''(viii) rural water systems; and''.

SEC. 5013. GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION.

Section 506(f)(3)(B) of the Water Resources Development Act of 2000 (42 U.S.C. 1962d–22; 114 Stat. 2646) is amended by striking ''50 percent'' and inserting ''100 percent''.

SEC. 5014. SUSQUEHANNA, DELAWARE, AND POTOMAC RIVER BASINS.

(a) EX OFFICIO MEMBER.—Notwithstanding section 3001(a) of the 1997 Emergency Supplemental Appropriations Act for Recovery From Natural Disasters, and for Overseas Peacekeeping Efforts, Including Those in Bosnia (111 Stat. 176) and section 2.2 of both the Susquehanna River Basin Compact (Public Law 91–575) and the Delaware River Basin Compact (Public Law 87–328), beginning in fiscal year 2002 and thereafter, the Division Engineer, North Atlantic Division, Corps of Engineers, shall be the ex officio United States member under the Susquehanna River Basin Compact and the Delaware River Basin Compact, who shall serve without additional compensation and who may designate an alternate member or members in accordance with the terms of those respective compacts.

(b) AUTHORIZATION TO ALLOCATE.—The Secretary may allocate funds to the Susquehanna River Basin Commission, Delaware River Basin Commission, and the Interstate Commission on the Potomac River Basin (Potomac River Basin Compact (Public Law 91–407)) to fulfill the equitable funding requirements of their respective interstate compacts.

(c) WATER SUPPLY AND CONSERVATION STORAGE.—The Secretary shall enter into an agreement with the Delaware River Basin Commission to provide temporary water supply and conservation storage at the Francis E. Walter Dam, Pennsylvania, during any period in which the Commission has determined that a drought warning or drought emergency exists. The agreement shall provide that the cost for any such water supply and conservation storage shall not exceed the incremental operating costs associated with providing the storage.

SEC. 5015. CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION PROGRAM.

Section 510(i) of the Water Resources Development Act of 1996 (110 Stat. 3761) is amended by striking ''$10,000,000'' and inserting ''$30,000,000''.

SEC. 5016. MONTGOMERY, ALABAMA.

The Secretary shall review the navigation and aquatic ecosystem restoration components of the Montgomery Riverfront and Downtown Master Plan, Montgomery, Alabama, dated May 2001, and prepared by the non-Federal interest and, if the Secretary determines that those components meet the evaluation and design standards of the Corps of Engineers and that the components are feasible, may carry out the components at a Federal cost not to exceed $5,000,000.

SEC. 5017. PINHOOK CREEK, HUNTSVILLE, ALABAMA.

The Secretary shall design and construct the locally preferred plan for flood protection at Pinhook Creek, Huntsville, Alabama, under the authority of section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s). The Secretary shall allow the non-Federal interest to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184) to the extent that the Secretary's evaluation indicates that applying such section is necessary to implement the project.

SEC. 5018. ALASKA.

Section 570 of the Water Resources Development Act of 1999 (113 Stat. 369) is amended—

(1) in subsection (e)(3)(B) by striking the last sentence;

(2) in subsection (h) by striking ''$25,000,000'' and inserting ''$40,000,000''; and

(3) by adding at the end the following:

''(i) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.

''(j) CORPS OF ENGINEERS EXPENSES.—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense.''.

SEC. 5019. AKUTAN SMALL BOAT HARBOR, ALASKA.

(a) IN GENERAL.—The Secretary shall expedite the study for the Akutan Small Boat Harbor, Alaska, and upon completion of the feasibility study, shall design and construct the project, if the Secretary determines that the project is feasible.

(b) TREATMENT OF CERTAIN DREDGING.—The headlands dredging for the mooring basin shall be considered general navigation feature for purposes of estimating the non-Federal share of the cost of the project.

SEC. 5020. LOWELL CREEK TUNNEL, SEWARD, ALASKA.

(a) LONG-TERM MAINTENANCE AND REPAIR.—The Secretary shall assume responsibility for the long-term maintenance and repair of the Lowell Creek Tunnel.

(b) STUDY.—The Secretary shall conduct a study to determine whether alternative methods of flood diversion in Lowell Canyon are feasible.

SEC. 5021. ST. HERMAN AND ST. PAUL HARBORS, KODIAK, ALASKA.

The Secretary shall carry out, on an emergency basis, necessary removal of rubble, sediment, and rock that are impeding the entrance to the St. Herman and St. Paul Harbors, Kodiak, Alaska, at a Federal cost of $2,000,000.

SEC. 5022. AUGUSTA AND CLARENDON, ARKANSAS.

(a) IN GENERAL.—The Secretary is authorized to perform operation, maintenance, and rehabilitation of authorized and completed levees on the White River between Augusta and Clarendon, Arkansas.

(b) REIMBURSEMENT.—After performing the operation, maintenance, and rehabilitation under subsection (a), the Secretary shall seek reimbursement from the Secretary of the Interior of an amount equal to the costs allocated to benefits to a Federal wildlife refuge of such operation, maintenance, and rehabilitation.

SEC. 5023. LOOMIS LANDING, ARKANSAS.

The Secretary shall conduct a study of shore damage in the vicinity of Loomis Landing, Arkansas, to determine if the damage is the result of a Federal navigation project, and, if the Secretary determines that the damage is the result of a Federal navigation project, the Secretary shall carry out a project to mitigate the damage under section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i).

SEC. 5024. MCCLELLAN-KERR ARKANSAS RIVER NAVIGATION PROJECT, ARKANSAS AND OKLAHOMA.

The McClellan-Kerr Arkansas River navigation and comprehensive development project, Arkansas and Oklahoma, authorized by the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved June 28, 1938 (52 Stat. 1215), and the first section of the River and Harbor Act of 1946 (60 Stat. 364) and modified by section 108 of the Energy and Water Development Appropriations Act, 1988 (101 Stat. 1329–112), is further modified to authorize a project depth of 12 feet in the States of Arkansas and Oklahoma.

SEC. 5025. ST. FRANCIS RIVER BASIN, ARKANSAS AND MISSOURI.

The Secretary shall conduct a study of increased siltation and streambank erosion in the St. Francis River basin, Arkansas and Missouri, to determine if the siltation or erosion, or both, are the result of a Federal flood control project and, if the Secretary determines that the siltation or erosion, or both, are the result of a Federal flood control project, the Secretary shall carry out a project to mitigate the siltation or erosion, or both.

SEC. 5026. CAMBRIA, CALIFORNIA.

Section 219(f)(48) of the Water Resources Development Act of 1992 (114 Stat. 2763A–220) is amended—

(1) by striking ''$10,300,000'' and inserting the following:

''(A) IN GENERAL.—$10,300,000'';

(2) by adding at the end the following:

''(B) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project not to exceed $3,000,000 for the cost of planning and design work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.''; and

(3) by aligning the remainder of the text of subparagraph (A) (as designated by paragraph (1) of this section) with subparagraph (B) (as added by paragraph (2) of this section).

SEC. 5027. CONTRA COSTA CANAL, OAKLEY AND KNIGHTSEN, CALIFORNIA; MALLARD SLOUGH, PITTSBURG, CALIFORNIA.

Sections 512 and 514 of the Water Resources Development Act of 2000 (114 Stat. 2650) are each amended by adding at the end the following: ''All planning, study, design, and construction on the project shall be carried out by the office of the district engineer, San Francisco, California.''.

SEC. 5028. EAST SAN JOAQUIN COUNTY, CALIFORNIA.

Section 219(f)(22) of the Water Resources Development Act of 1992 (106 Stat. 4835–4836; 113 Stat. 336) is amended—

(1) by striking ''$25,000,000'' and inserting the following:

''(A) IN GENERAL.—$25,000,000'';

(2) by adding at the end the following:

''(B) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project (i) the cost of design and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project; and (ii) the cost of in-kind services and materials provided for the project by the non-Federal interest.

''(C) IN-KIND CONTRIBUTIONS.—The non-Federal interest may provide any portion of the non-Federal share of the cost of the project in the form of services, materials, supplies, or other in-kind contributions.''; and

(3) by aligning the remainder of the text of subparagraph (A) (as designated by paragraph (1) of this section) with subparagraph (B) (as added by paragraph (2) of this section).

SEC. 5029. SACRAMENTO AREA, CALIFORNIA.

Section 219(f)(23) of the Water Resources Development Act of 1992 (106 Stat. 4835–4836; 113 Stat. 336) is amended—

(1) by striking ''$25,000,000'' and inserting ''$35,000,000'';

(2) by inserting ''water supply and'' before ''regional''; and

(3) by adding at the end the following: ''$_____ for wastewater and water supply infrastructure in the counties of Modoc, Lassen, Plumas, Butte, Sierra, Nevada, El Dorado, and Placer, California.''.

SEC. 5030. SACRAMENTO DEEP WATER SHIP CHANNEL, CALIFORNIA.

(a) IN GENERAL.—The Secretary is authorized to transfer title to the Bascule Bridge, deauthorized by section 347(a)(2) of the Water Resources Development Act of 2000 (114. Stat. 2618), to the city of West Sacramento, California, subject to the execution of an agreement by the Secretary and the city which specifies the terms and conditions for such transfer. The terms and conditions of the transfer shall include a provision authorizing the Secretary to participate in the construction of a replacement bridge following the removal of the Bascule Bridge.

(b) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated $5,000,000 for the Secretary to participate in the construction of a replacement bridge under this section.

SEC. 5031. SAN FRANCISCO, CALIFORNIA.

(a) PIER 70 WHARF 5 REMOVAL AND DREDGING PROJECT.—

(1) IN GENERAL.—The Secretary, in cooperation with the Port of San Francisco, shall carry out the project for removal of Wharf 5 and associated pilings and dredgings at Pier 70 in San Francisco, California, substantially in accordance with the Port's redevelopment plans.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,600,000 to carry out this subsection.

(b) PIERS 94–96 REPAIRS PROJECT.—

(1) IN GENERAL.—The Secretary, in cooperation with the Port of San Francisco, California, may carry out the project for repairs to Piers 94–96 in San Francisco, California, substantially in accordance with the Port's redevelopment plan.

(2) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated $5,000,000 to carry out this subsection.

(c) CAPITAL IMPROVEMENT PROJECT.—

(1) ESTABLISHMENT OF OFFICE.—The Secretary shall establish a centralized office at the office of the district engineer, San Francisco, California, for the use of all Federal and State agencies that are or will be involved in issuing permits and conducting environmental reviews for the capital improvement project to repair and upgrade the water supply and delivery system for the city of San Francisco.

(2) CONTRIBUTIONS.—The Secretary may use the authority under section 214 of the Water Resources Development Act of 2000 (33 U.S.C. 2201 note) for the project described in paragraph (1).

(3) PROTECTION OF IMPARTIAL DECISIONMAKING.—In carrying out this subsection, the Secretary and the heads of Federal agencies receiving funds under such section 214 for the project described in paragraph (1) shall ensure that the use of the funds accepted under such section for such project will not impact impartial decisionmaking with respect to the issuance of permits, either substantively or procedurally, or diminish, modify, or otherwise affect the statutory or regulatory authorities of such agencies.

SEC. 5032. SAN FRANCISCO, CALIFORNIA, WATERFRONT AREA.

(a) AREA TO BE DECLARED NONNAVIGABLE; PUBLIC INTEREST.—Unless the Secretary finds, after consultation with local and regional public officials (including local and regional public planning organizations), that the proposed projects to be undertaken within the boundaries of the portion of the San Francisco, California, waterfront area described in subsection (b) are not in the public interest, such portion is declared to be nonnavigable waters of the United States.

(b) NORTHERN EMBARCADERO SOUTH OF BRYANT STREET.—The portion of the San Francisco, California, waterfront area referred to in subsection (a) is as follows: Beginning at the intersection of the northwesterly line of Bryant Street with the southwesterly line of Spear Street, which intersection lies on the line of jurisdiction of the San Francisco Port Authority; following thence westerly and southerly along said line of jurisdiction as described in the State of California Harbor and Navigable Code Section 1770, as amended in 1961, to its intersection with the easterly line of Townsend Street produced southerly; thence northerly along said easterly line of Townsend Street produced to its intersection with the United States Government pier-head line; thence following said pier-head line westerly and northerly to its intersection with the existing boundary line of Piers 30/32, then northerly and easterly along the existing boundary of Piers 30/32 until its intersection with the United States Government pier-head line, thence following said pier-head line westerly and northerly to the northwesterly line of Bryant Street produced northwesterly; thence southwesterly along said northwesterly line of Bryant Street produced to the point of beginning.

(c) REQUIREMENT THAT AREA BE IMPROVED.—The declaration of nonnavigability under subsection (a) applies only to those parts of the area described in subsection (b) that are or will be bulkheaded, filled, or otherwise occupied by permanent structures and does not affect the applicability of any Federal statute or regulation applicable to such parts the day before the date of enactment of this Act, including sections 9 and 10 of the Act of March 3, 1899 (33 U.S.C. 401 and 403; 30 Stat. 1151), commonly known as the Rivers and Harbors Appropriation Act of 1899, section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344), and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(d) EXPIRATION DATE.—If, 20 years from the date of enactment of this Act, any area or part thereof described in subsection (b) is not bulkheaded or filled or occupied by permanent structures, including marina facilities, in accordance with the requirements set out in subsection (c), or if work in connection with any activity permitted in subsection (c) is not commenced within 5 years after issuance of such permits, then the declaration of nonnavigability for such area or part thereof shall expire.

SEC. 5033. STOCKTON, CALIFORNIA.

(a) REEVALUATION.—The Secretary shall reevaluate the feasibility of the Lower Mosher Slough element and the levee extensions on the Upper Calaveras River element of the project for flood control, Stockton Metropolitan Area, California, carried out under section 211(f)(3) of the Water Resources Development Act of 1996 (110 Stat. 3683), to determine the eligibility of such elements for reimbursement under section 211 of such Act (33 U.S.C. 701b–13).

(b) SPECIAL RULES FOR REEVALUATION.—In conducting the reevaluation under subsection (a), the Secretary shall not reject a feasibility determination based on policies of the Corps of Engineers concerning the frequency of flooding, the drainage area, and the amount of runoff.

(c) REIMBURSEMENT.—If the Secretary determines that the elements referred to subsection (a) are feasible, the Secretary shall reimburse, subject to appropriations, the non-Federal interest under section 211 of the Water Resources Development Act of 1996 for the Federal share of the cost of such elements.

SEC. 5034. CHARLES HERVEY TOWNSHEND BREAKWATER, CONNECTICUT.

The western breakwater for the project for navigation, New Haven Harbor, Connecticut, authorized by the 1st section of the Act entitled ''An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved September 19, 1890 (26 Stat. 426), shall be known and designated as the ''Charles Hervey Townshend Breakwater''.

SEC. 5035. EVERGLADES RESTORATION, FLORIDA.

(a) COMPREHENSIVE PLAN.—

(1) HILLSBORO AND OKEECHOBEE AQUIFER.—Section 601(b)(2)(A) of the Water Resources Development Act of 2000 (114 Stat. 2681) is amended—

(A) in clause (i) by adding at the end the following: ''The project for aquifer storage and recovery, Hillsboro and Okeechobee Aquifer, Florida, authorized by section 101(a)(16) of the Water Resources Development Act of 1999 (113 Stat. 276), shall be treated for purposes of this section as being in the Plan.''; and

(B) in clause (iii) by inserting after ''subparagraph (B)'' the following: ''and the project for aquifer storage and recovery, Hillsboro and Okeechobee Aquifer''.

(2) OUTREACH AND ASSISTANCE.—Section 601(k) of such Act (114 Stat. 2691–2692) is amended by adding at the end the following:

''(3) MAXIMUM EXPENDITURES.—The Secretary may expend up to $3,000,000 per fiscal year for fiscal years beginning after September 30, 2002, to carry out this subsection.''.

(b) CRITICAL RESTORATION PROJECTS.—Section 528(b)(3)(C) of the Water Resources Development Act of 1996 (110 Stat. 3769; 113 Stat. 286) is amended—

(1) in clause (i) by striking ''$75,000,000'' and all that follows through ''2003'' and inserting ''$95,000,000''; and

(2) in clause (ii) by striking ''$25,000,000'' and inserting ''$30,000,000''.

SEC. 5036. FLORIDA KEYS WATER QUALITY IMPROVEMENTS.

Section 109(e)(2) of Division B of the Miscellaneous Appropriations Act, 2001 (enacted into law by Public Law 106–554) (114 Stat. 2763A–222) is amended by adding at the end the following:

''(C) CREDIT FOR WORK PRIOR TO EXECUTION OF THE PARTNERSHIP AGREEMENT.—The Secretary shall credit toward the non-Federal share of the cost of the project (i) the cost of construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project; and (ii) the cost of land acquisition carried out by the non-Federal interest for projects to be carried out under this section.''.

SEC. 5037. LAKE WORTH, FLORIDA.

The Secretary may carry out necessary repairs for the Lake Worth bulkhead replacement project, West Palm Beach, Florida, at an estimated total cost of $9,000,000.

SEC. 5038. LAKE LANIER, GEORGIA.

The Secretary may assist local interests with planning, design, and construction of facilities at the Lake Lanier Olympic Center, Georgia, in support of the 2003 World Kayaking Championships, at a total cost of $5,300,000.

SEC. 5039. RILEY CREEK RECREATION AREA, IDAHO.

The Secretary is authorized to carry out the Riley Creek Recreation Area Operation Plan of the Albeni Falls Management Plan, dated October 2001, for the Riley Creek Recreation Area, Albeni Falls Dam, Bonner County, Idaho.

SEC. 5040. RECONSTRUCTION OF ILLINOIS FLOOD PROTECTION PROJECTS.

(a) IN GENERAL.—The Secretary may participate in the reconstruction of an eligible flood control project if the Secretary determines that such reconstruction is not required as a result of improper operation and maintenance of the project by the non-Federal interest.

(b) COST SHARING.—The non-Federal share of the costs for the reconstruction of a flood control project authorized by this section shall be the same Federal share that was applicable to construction of the project. The non-Federal interest shall be responsible for operation and maintenance and repair of a project for which reconstruction is undertaken under this section.

(c) RECONSTRUCTION DEFINED.—In this section, the term ''reconstruction'', as used with respect to a project, means addressing major project deficiencies caused by long-term degradation of the foundation, construction materials, or engineering systems or components of the project, the results of which render the project at risk of not performing in compliance with its authorized project purposes. In addressing such deficiencies, the Secretary may incorporate current design standards and efficiency

improvements, including the replacement of obsolete mechanical and electrical components at pumping stations, if such incorporation does not significantly change the scope, function, and purpose of the project as authorized.

(d) ELIGIBLE PROJECTS.—The following flood control projects are eligible for reconstruction under this section:

(1) Wood River Drainage and Levee District, Illinois, authorized as part of the navigation project of the Upper Mississippi River basin by section 2 of the Flood Control Act of June 28, 1938 (52 Stat. 1218).

(2) Clear Creek Drainage and Levee District, Illinois, authorized by section 5 of the Flood Control Act of June 22, 1936 (49 Stat. 1581).

(3) Fort Chartres and Ivy Landing Drainage District, Illinois, authorized as part of the navigation project of the Upper Mississippi River basin by section 2 of the Flood Control Act of June 22, 1938 (52 Stat. 1218).

(e) JUSTIFICATION.—The reconstruction of a project authorized by this section shall not be considered a separable element of the project.

(f) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated $15,000,000 to carry out this section. Such sums shall remain available until expended.

SEC. 5041. KASKASKIA RIVER BASIN, ILLINOIS, RESTORATION.

(a) KASKASKIA RIVER BASIN DEFINED.—In this section, the term ''Kaskaskia River basin'' means the Kaskaskia River, Illinois, its backwaters, its side channels, and all tributaries, including their watersheds, draining into the Kaskaskia River.

(b) COMPREHENSIVE PLAN.—

(1) DEVELOPMENT.—The Secretary shall develop, as expeditiously as practicable, a comprehensive plan for the purpose of restoring, preserving, and protecting the Kaskaskia River basin.

(2) TECHNOLOGIES AND INNOVATIVE APPROACHES.—The comprehensive plan shall provide for the development of new technologies and innovative approaches—

(A) to enhance the Kaskaskia River as a transportation corridor;

(B) to improve water quality within the entire Kaskaskia River basin;

(C) to restore, enhance, and preserve habitat for plants and wildlife;

(D) to increase economic opportunity for agriculture and business communities; and

(E) to reduce the impacts of flooding to communities and landowners.

(3) SPECIFIC COMPONENTS.—The comprehensive plan shall include such features as are necessary to provide for—

(A) the development and implementation of a program for sediment removal technology, sediment characterization, sediment transport, and beneficial uses of sediment;

(B) the development and implementation of a program for the planning, conservation, evaluation, and construction of measures for fish and wildlife habitat conservation and rehabilitation, and stabilization and enhancement of land and water resources in the basin;

(C) the development and implementation of a long-term resource monitoring program;

(D) the development and implementation of a computerized inventory and analysis system; and

(E) the development and implementation of a systemic plan to reduce flood impacts by means of ecosystem restoration projects.

(4) CONSULTATION.—The comprehensive plan shall be developed by the Secretary in consultation with appropriate Federal agencies, the State of Illinois, and the Kaskaskia River Coordinating Council.

(5) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing the comprehensive plan.

(6) ADDITIONAL STUDIES AND ANALYSES.—After transmission of a report under paragraph (5), the Secretary shall conduct studies and analyses of projects related to the comprehensive plan that are appropriate and consistent with this subsection.

(c) GENERAL PROVISIONS.—

(1) WATER QUALITY.—In carrying out activities under this section, the Secretary's recommendations shall be consistent with applicable State water quality standards.

(2) PUBLIC PARTICIPATION.—In developing the comprehensive plan under subsection (b), the Secretary shall implement procedures to facilitate public participation, including providing advance notice of meetings, providing adequate opportunity for public input and comment, maintaining appropriate records, and making a record of the proceedings of meetings available for public inspection.

(d) COORDINATION.—The Secretary shall integrate activities carried out under this section with ongoing Federal and State programs, projects, and activities, including the following:

(1) Farm programs of the Department of Agriculture.

(2) Conservation Reserve Enhancement Program (State of Illinois) and Conservation 2000 Ecosystem Program of the Illinois Department of Natural Resources.

(3) Conservation 2000 Conservation Practices Program and the Livestock Management Facilities Act administered by the Illinois Department of Agriculture.

(4) National Buffer Initiative of the Natural Resources Conservation Service.

(5) Nonpoint source grant program administered by the Illinois Environmental Protection Agency.

(e) COST SHARING.—

(1) IN GENERAL.—The non-Federal share of the cost of activities carried out under this section shall be 35 percent.

(2) IN-KIND SERVICES.—The Secretary may credit the cost of in-kind services provided by the non-Federal interest for an activity carried out under this section toward not more than 80 percent of the non-Federal share of the cost of the activity. In-kind services shall include all State funds expended on programs that accomplish the goals of this section, as determined by the Secretary. The programs may include the Kaskaskia River Conservation Reserve Program, the Illinois Conservation 2000 Program, the Open Lands Trust Fund, and other appropriate programs carried out in the Kaskaskia River basin.

SEC. 5042. NATALIE CREEK, MIDLOTHIAN AND OAK FOREST, ILLINOIS.

The Secretary shall carry out a project for flood damage reduction under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) Natalie Creek, Midlothian and Oak Forest, Illinois, if the Secretary determines that the project is feasible.

SEC. 5043. PEORIA RIVERFRONT DEVELOPMENT, PEORIA, ILLINOIS.

The Secretary may carry out the project for Peoria riverfront development, Peoria, Illinois, under section 519 of the Water Resources Development Act of 2000 (114 Stat. 2653–2655), at a total cost of $16,000,000, with an estimated Federal cost of $10,400,000 and an estimated non-Federal cost of $5,600,000.

SEC. 5044. ILLINOIS RIVER BASIN RESTORATION.

(a) EXTENSION OF AUTHORIZATION.—Section 519(c)(2) of the Water Resources Development Act of 2000 (114 Stat. 2654) is amended by striking ''2004'' and inserting ''2010''.

(b) IN-KIND SERVICES.—Section 519(g)(3) of such Act (114 Stat. 2655) is amended by inserting before the period at the end of the first sentence ''if such services are provided not more than 5 years before the date of initiation of the project or activity''.

SEC. 5045. CALUMET REGION, INDIANA.

Section 219(f)(12) of the Water Resources Development Act of 1992 (113 Stat. 335) is amended—

(1) by striking ''$10,000,000'' and inserting ''$30,000,000''; and

(2) by striking ''Lake and Porter'' and inserting ''Benton, Jasper, Lake, Newton, and Porter''.

SEC. 5046. RATHBUN LAKE, IOWA.

(a) CONVEYANCE.—The Secretary shall convey the remaining water supply storage allocation in Rathbun Lake, Iowa, to the Rathbun Regional Water Association (in this section referred to as the ''Water Association'').

(b) COST SHARING.—Notwithstanding the Water Supply Act of 1958 (43 U.S.C. 390b), the Water Association shall pay 100 percent of the cost of the water supply storage allocation to be conveyed under subsection (a). The Secretary shall credit toward such non-Federal share the cost of any structures and facilities constructed by the Water Association at the project.

(c) TERMS AND CONDITIONS.—Before conveying the water supply storage allocation under subsection (a), the Secretary shall enter into an agreement with the Water Association, under which the Water Association shall agree to—

(1) in accordance with designs approved by the Chief of Engineers, construct structures and facilities referred to in subsection (b) that have a value equal to or greater than the amount that otherwise would be paid to the Federal Government for the costs of the water supply storage under the Water Supply Act of 1958 (43 U.S.C. 390b);

(2) be responsible for operating and maintaining the structures and facilities;

(3) pay all operation and maintenance costs allocated to the water supply storage space;

(4) use any revenues generated at the structures and facilities that are above those required to operate and maintain or improve the complex to undertake, subject to the approval of the Chief of Engineers, activities that will improve the quality of the environment in the Rathbun Lake watershed area; and

(5) such other terms and conditions as the Secretary considers necessary to protect the interests of the United States.

SEC. 5047. CUMBERLAND RIVER BASIN, KENTUCKY.

At reservoirs managed by the Secretary within the Cumberland River basin, Kentucky, the Secretary shall continue to charge fees associated with storage and maintenance of water supply that were in effect on October 1, 2002.

SEC. 5048. MAYFIELD CREEK AND TRIBUTARIES, KENTUCKY.

The Secretary shall conduct a study of flood damage along Mayfield Creek and tributaries between Wickliffe and Mayfield, Kentucky, to determine if the damage is the result of a Federal flood damage reduction project, and, if the Secretary determines that the damage is the result of a Federal flood damage reduction project, the Secretary shall carry out a project to mitigate the damage at Federal expense.

SEC. 5049. NORTH FORK, KENTUCKY RIVER, BREATHITT COUNTY, KENTUCKY.

The Secretary shall rebuild the structure that is impeding high water flows on the North Fork of the Kentucky River in Breathitt County, Kentucky, in a manner that will reduce flood damages, at an estimated total cost of $1,800,000. The non-Federal interest shall provide lands, easements, rights-of-way, relocations, and disposal areas required for the project. Operation and maintenance of the rebuilt structure shall be a non-Federal expense.

SEC. 5050. SOUTHERN AND EASTERN KENTUCKY.

Section 531 of the Water Resources Development Act of 1996 (110 Stat. 3774; 113 Stat. 348; 117 Stat. 142) is amended by adding the following:

''(i) CORPS OF ENGINEERS EXPENSES.—Ten percent of the amounts appropriated to carry out this section for fiscal years 2004 and thereafter may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense.''.

SEC. 5051. COASTAL LOUISIANA ECOSYSTEM PROTECTION AND RESTORATION.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) COASTAL LOUISIANA ECOSYSTEM.—The term ''Coastal Louisiana Ecosystem'' means the coastal area of Louisiana from the Sabine River on the west to the Pearl River on the east and includes tidal waters, barrier islands, marshes, coastal wetlands, rivers and streams, and adjacent areas.

(2) GOVERNOR.—The term ''Governor'' means the Governor of Louisiana.

(3) TASK FORCE.—The term ''Task Force'' means the Coastal Louisiana Ecosystem Protection and Restoration Task Force established by subsection (e).

(b) COMPREHENSIVE PLAN.—

(1) IN GENERAL.—The Secretary shall develop a comprehensive plan for the purpose of protecting, preserving, and restoring the Coastal Louisiana Ecosystem. The comprehensive plan shall provide for the protection, conservation and restoration of the wetlands, barrier islands, shorelines, and related lands and features that protect critical resources, habitat, and infrastructure from the impacts of coastal storms, hurricanes, erosion, and subsidence.

(2) DEADLINE.—Not later than July 1, 2004, the Secretary shall transmit the plan to Congress.

(3) CONTENTS.—The plan shall include a comprehensive report and a programmatic environmental impact statement covering the proposed Federal action set forth in the plan.

(4) ADDITIONAL STUDIES AND ANALYSES.—After transmission of a report under this subsection, the Secretary may conduct studies and analyses of projects related to the comprehensive plan that are appropriate and consistent with this subsection.

(c) INTEGRATION OF OTHER ACTIVITIES.—

(1) IN GENERAL.—In developing the plan under subsection (b), the Secretary shall integrate ongoing Federal and State projects and activities, including projects implemented under the Coastal Wetlands Planning, Protection and Restoration Act (16 U.S.C. 3951 et seq.), the Louisiana Coastal Wetlands Conservation Plan, the Louisiana Coastal Zone Management Plan, and the plan of the State of Louisiana entitled ''Coast 2050: Toward a Sustainable Coastal Louisiana''.

(2) STATUTORY CONSTRUCTION.—

(A) EXISTING AUTHORITY.—Except as otherwise expressly provided for in this section, nothing in the section affects any authority in effect on the date of enactment of this Act, or any requirement relating to the participation in protection or restoration activities in the Coastal Louisiana Ecosystem, including projects and activities specified in paragraph (1) of—

(i) the Department of the Army;

(ii) the Department of the Interior;

(iii) the Department of Commerce;

(iv) the Environmental Protection Agency;

(v) the Department of Agriculture;

(vi) the Department of Transportation;

(vii) the Department of Energy; and

(viii) the State of Louisiana.

(B) NEW AUTHORITY.—Nothing in this section confers any new regulatory authority on any Federal or non-Federal entity that carries out any activity authorized by this section.

(d) COST SHARING.—The non-Federal share of the cost of developing the plan under subsection (b) shall be 50 percent.

(e) COASTAL LOUISIANA ECOSYSTEM PROTECTION AND RESTORATION TASK FORCE.—

(1) ESTABLISHMENT AND MEMBERSHIP.—There is established the Coastal Louisiana Ecosystem Protection and Restoration Task Force, which shall consist of the following members (or, in the case of the head of a Federal Agency, a designee at the level of Assistant Secretary or an equivalent level):

(A) The Secretary.

(B) The Secretary of the Interior.

(C) The Secretary of Commerce.

(D) The Administrator of the Environmental Protection Agency.

(E) The Secretary of Agriculture.

(F) The Secretary of Transportation.

(G) The Secretary of Energy.

(H) The Coastal Advisor to the Governor.

(I) The Secretary of the Louisiana Department of Natural Resources.

(J) A representative of the Governor's Advisory Commission on Coastal Restoration and Conservation, Louisiana.

(2) DUTIES OF TASK FORCE.—The Task Force—

(A) shall consult with, and provide recommendations to, the Secretary during development of the comprehensive plan under subsection (b)(1);

(B) shall coordinate the development of consistent policies, strategies, plans, programs, projects, activities, and priorities for addressing the protection, conservation, and restoration of the Coastal Louisiana Ecosystem;

(C) shall exchange information regarding programs, projects, and activities of the agencies and entities represented on the Task Force to promote ecosystem protection, restoration, and maintenance;

(D) shall establish a regional working group which shall include representatives of the agencies and entities represented on the Task Force as well as other governmental entities as appropriate for the purpose of formulating, recommending, coordinating, and implementing policies, strategies, plans, programs, projects, activities, and priorities of the Task Force;

(E) may allow the working group described in subparagraph (D) to—

(i) establish such advisory bodies as are necessary to assist the Task Force in its duties; and

(ii) select as an advisory body any entity that represents a broad variety of private and public interests;

(F) shall facilitate the resolution of interagency and intergovernmental conflicts associated with the protection, conservation, and restoration of the Coastal Louisiana Ecosystem;

(G) shall coordinate scientific research associated with the protection and restoration of the Coastal Louisiana Ecosystem;

(H) shall provide assistance and support to agencies and entities represented on the Task Force in their protection and restoration activities;

(I) shall prepare an integrated financial plan and recommendations for coordinated budget requests for the funds proposed to be expended by agencies and entities represented on the Task Force for the protection, conservation, and restoration of the Coastal Louisiana Ecosystem; and

(J) shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that summarizes the activities of the Task Force.

(3) PROCEDURES AND ADVICE.—

(A) PUBLIC PARTICIPATION.—

(i) IN GENERAL.—The Task Force shall implement procedures to facilitate public participation in the advisory process, including providing advance notice of meetings, providing adequate opportunity for public input and comment, maintaining appropriate records, and making a record of proceedings of meetings available for public inspection.

(ii) OVERSIGHT.—The Secretary shall ensure that the procedures described in clause (i) are adopted and implemented and that the records described in clause (i) are accurately maintained and available for public inspection.

(B) ADVISORS TO THE TASK FORCE AND WORKING GROUPS.—The Task Force or the working group described in paragraph (2)(D) may seek such advice and input from any interested, knowledgeable, or affected party as the Task Force or working group determines to be necessary to perform the duties described in paragraph (2).

(C) APPLICATION OF THE FEDERAL ADVISORY COMMITTEE ACT.—The Task Force, advisors to the Task Force, and any associated workgroups shall not be considered advisory committees under the Federal Advisory Committee Act (5 U.S.C. App).

(4) COMPENSATION.—A member of the Task Force shall receive no additional compensation for the services provided as a member of the Task Force.

(5) TRAVEL EXPENSES.—Travel expenses incurred by a member of the Task Force in the performance of services for the Task Force shall be paid by the agency or entity that the member represents.

SEC. 5052. BATON ROUGE, LOUISIANA.

Section 219(f)(21) of the Water Resources Development Act of 1992 (113 Stat. 336; 114 Stat. 2763A–220) is amended by striking ''$20,000,000'' and inserting ''$35,000,000''.

SEC. 5053. WEST BATON ROUGE PARISH, LOUISIANA.

Section 517(5) of the Water Resources Development Act of 1999 (113 Stat. 345) is amended to read as follows:

''(5) Mississippi River, West Baton Rouge Parish, Louisiana, project for waterfront and riverine preservation, restoration, enhancement modifications, and interpretive center development.''.

SEC. 5054. CHESAPEAKE BAY SHORELINE, MARYLAND, VIRGINIA, PENNSYLVANIA, AND DELAWARE.

(a) IN GENERAL.—In carrying out comprehensive study of the feasibility of a project to address shoreline erosion and related sediment management measures to protect water and land resources of the Chesapeake Bay, the Secretary may carry out pilot projects to demonstrate the feasibility of alternative measures to address sediment loads to the Chesapeake Bay from sediment behind dams on the lower Susquehanna River.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 to carry out this section.

SEC. 5055. DELMARVA CONSERVATION CORRIDOR, MARYLAND.

(a) ASSISTANCE.—The Secretary may provide technical assistance to the Secretary of Agriculture in carrying out the Conservation Corridor Demonstration Program authorized under subtitle G of title II of Public Law 107–171 (116 Stat. 275–278).

(b) COORDINATION AND INTEGRATION.—In carrying out water resources projects in the State of Maryland on land located on the east side of the Chesapeake Bay, the Secretary shall coordinate and integrate, to the extent practicable, such projects with any activities undertaken to implement a conservation corridor plan approved by the Secretary of Agriculture under section 2602 of Public Law 107–171 (116 Stat. 275–276).

SEC. 5056. DETROIT RIVER, MICHIGAN.

Section 568(c)(2) of the Water Resources Development Act of 1999 (113 Stat. 368) is amended by striking ''$1,000,000'' and inserting ''$25,000,000''.

SEC. 5057. OAKLAND COUNTY, MICHIGAN.

Section 219(f)(29) of the Water Resources Development Act of 1992 (113 Stat. 336) is amended by inserting ''sanitary sewer overflows and'' before ''combined sewer overflows''.

SEC. 5058. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN.

The Secretary shall carry out feasible aquatic ecosystem restoration projects identified in the comprehensive management plan for St. Clair River and Lake St. Clair, Michigan, developed under section 426 of the Water Resources Development Act of 1999 (113 Stat. 326), at a total Federal cost of not to exceed $5,000,000.

SEC. 5059. GARRISON AND KATHIO TOWNSHIP, MINNESOTA.

(a) PROJECT DESCRIPTION.—Section 219(f)(61) of the Water Resources Development Act of 1992 (114 Stat. 2763A–221) is amended—

(1) in the paragraph heading by striking ''TOWNSHIP'' and inserting ''AND CROW WING AND MILLE LACS COUNTIES'';

(2) by inserting '', Crow Wing County, Mille Lacs County,'' after ''Garrison''; and

(3) by adding at the end the following: ''Such assistance shall be provided directly to the Garrison-Kathio-West Mille Lacs Lake Sanitary District, Minnesota.''.

(b) PROCEDURES.—In carrying out the project for Garrison and Kathio Township, Minnesota, authorized by such section 219(f)(61), the Secretary may use the cost sharing and contracting procedures available to the Secretary under section 569 of the Water Resources Development Act of 1999 (113 Stat. 368).

SEC. 5060. NORTHEASTERN MINNESOTA.

(a) IN GENERAL.—Section 569 of the Water Resources Development Act of 1999 (113 Stat. 368) is amended—

(1) in subsection (a) by striking ''Benton, Sherburne,'' and inserting ''Beltrami, Hubbard, Wadena,'';

(2) by striking the last sentence of subsection (e)(3)(B);

(3) by striking subsection (g) and inserting the following:

''(g) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity.''; and

(4) by adding at the end the following:

''(i) CORPS OF ENGINEERS EXPENSES.—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense.''.

(b) BIWABIK, MINNESOTA.—The Secretary shall reimburse the non-Federal interest for the project for environmental infrastructure, Biwabik, Minnesota, carried out under section 569 of the Water Resources Development Act of 1999 (113 Stat. 368–369), for planning, design, and construction costs that were incurred by the non-Federal interest with respect to the project before the date of the partnership agreement for the project and that were in excess of the non-Federal share of the cost of the project if the Secretary determines that the costs are appropriate.

SEC. 5061. DESOTO COUNTY, MISSISSIPPI.

Section 219(f)(30) of the Water Resources Development Act of 1992 (113 Stat. 336; 114 Stat. 2763A–220) is amended by striking ''$20,000,000'' and inserting ''$30,000,000''.

SEC. 5062. HARRISON, HANCOCK, AND JACKSON COUNTIES, MISSISSIPPI.

In carrying out projects for the protection, restoration, and creation of aquatic and ecologically related habitats located in Harrison, Hancock, and Jackson Counties, Mississippi, under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326), the Secretary shall accept any portion of the non-Federal share of the cost of the project in the form of services, materials, supplies, and other in-kind contributions.

SEC. 5063. MISSISSIPPI RIVER, MISSOURI, AND ILLINOIS.

As a part of the operation and maintenance of the project for the Mississippi River (Regulating Works), between the Ohio and Missouri Rivers, Missouri and Illinois, authorized by the first section of an Act entitled ''Making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved June 25, 1910, the Secretary may carry out activities necessary to restore and protect fish and wildlife habitat in the middle Mississippi River system. Such activities may include modification of navigation training structures, modification and creation of side channels, modification and creation of islands, and studies and analysis necessary to apply adaptive management principles in design of future work.

SEC. 5064. ST. LOUIS, MISSOURI.

Section 219(f)(32) of the Water Resources Development Act of 1992 (106 Stat. 4835–4836; 113 Stat. 337) is amended by striking ''$15,000,000'' and inserting ''$35,000,000''.

SEC. 5065. HACKENSACK MEADOWLANDS AREA, NEW JERSEY.

Section 324 of the Water Resources Development Act of 1992 (106 Stat. 4849; 110 Stat. 3779) is amended—

(1) in subsection (a)—

(A) by striking ''design'' and inserting ''planning, design,''; and

(B) by striking ''Hackensack Meadowlands Development'' and all that follows through ''Plan for'' and inserting ''New Jersey Meadowlands Commission for the development of an environmental improvement program for'';

(2) in subsection (b)—

(A) in the subsection heading by striking ''REQUIRED'';

(B) by striking ''shall'' and inserting ''may'';

(C) by striking paragraph (1) and inserting the following:

''(1) Restoration and acquisitions of significant wetlands and aquatic habitat that contribute to the Meadowlands ecosystem.'';

(D) in paragraph (2) by inserting ''and aquatic habitat'' before the period at the end; and

(E) by striking paragraph (7) and inserting the following:

''(7) Research, development, and implementation for a water quality improvement program, including restoration of hydrology and tidal flows and remediation of hot spots and other sources of contaminants that degrade existing or planned sites.'';

(3) in subsection (c) by inserting before the last sentence the following: ''The non-Federal sponsor may also provide in-kind services, not to exceed 25 percent of the total project cost, and may also receive credit for reasonable cost of design work completed prior to entering into the partnership agreement with the Secretary for a project to be carried out under the program developed under subsection (a).''; and

(4) in subsection (d) by striking ''$5,000,000'' and inserting ''$35,000,000''.

SEC. 5066. ATLANTIC COAST OF NEW YORK.

(a) DEVELOPMENT OF PROGRAM.—Section 404(a) of the Water Resources Development Act of 1992 (106 Stat. 4863) is amended—

(1) by striking ''processes'' and inserting ''and related environmental processes'';

(2) by inserting after ''Atlantic Coast'' the following: ''(and associated back bays)'';

(3) by inserting after ''actions'' the following: '', environmental restoration or conservation measures for coastal and back bays,''; and

(4) by inserting at the end the following: ''The plan for collecting data and monitoring information included in such annual report shall be fully coordinated with and agreed to by appropriate agencies of the State of New York.''.

(b) ANNUAL REPORTS.—Section 404(b) of such Act is amended—

(1) by striking ''INITIAL PLAN.—Not later than 12 months after the date of the enactment of this Act, the'' and inserting ''ANNUAL REPORTS.—The'';

(2) by striking ''initial plan for data collection and monitoring'' and inserting ''annual report of data collection and monitoring activities''; and

(3) by striking the last sentence.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 404(c) of such Act (113 Stat. 341) is amended by striking ''and an additional total of $2,500,000 for fiscal years thereafter'' and inserting ''$2,500,000 for fiscal years 2000 through 2002, and $17,000,000 for fiscal years beginning after September 30, 2002,''.

SEC. 5067. COLLEGE POINT, NEW YORK CITY, NEW YORK.

In carrying out section 312 of the Water Resources Development Act of 1990 (104 Stat. 4639–4640), the Secretary shall give priority to work in College Point, New York City, New York.

SEC. 5068. FLUSHING BAY AND CREEK, NEW YORK CITY, NEW YORK.

The Secretary shall credit toward the non-Federal share of the cost of the project for ecosystem restoration, Flushing Bay and Creek, New York City, New York, the cost of design and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 5069. LITTLE NECK BAY, VILLAGE OF KINGS POINT, NEW YORK.

(a) IN GENERAL.—The Secretary may carry out a navigation project at Little Neck Bay (Hague Basin), Village of Kings Point, New York, sufficient to permit the safe operation of the vessel T/V Kings Pointer at all tide levels.

(b) REIMBURSEMENT.—The Secretary shall seek reimbursement from the United States Merchant Marine Academy for the cost of the project carried out under this section.

SEC. 5070. ONONDAGA LAKE, NEW YORK.

Section 573 of the Water Resources Development Act of 1999 (113 Stat. 372–373) is amended—

(1) in subsection (f) by striking ''$10,000,000'' and inserting ''$30,000,000'';

(2) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(3) by inserting after subsection (e) the following:

''(f) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project carried out under this section, a non-Federal sponsor may include a nonprofit entity, with the consent of the affected local government.''.

SEC. 5071. JOHN H. KERR DAM AND RESERVOIR, NORTH CAROLINA.

The Secretary shall expedite the completion of the calculations necessary to negotiate and execute a revised, permanent contract for water supply storage at John H. Kerr Dam and Reservoir, North Carolina, among the Secretary and the Kerr Lake Regional Water System and the city of Henderson, North Carolina.

SEC. 5072. STANLY COUNTY, NORTH CAROLINA.

Section 219(f)(64) of the Water Resources Development Act of 1992 (114 Stat. 2763A–221) is amended by inserting ''water and'' before ''wastewater''.

SEC. 5073. CENTRAL RIVERFRONT PARK, CINCINNATI, OHIO.

If the Secretary is authorized to carry out a downtown waterfront development project for the Central Riverfront Park, Cincinnati, Ohio, the Secretary shall credit toward the non-Federal share of the cost of the project the cost of—

(1) design and construction work undertaken by the non-Federal interest before entering into a partnership agreement for the project with the Secretary if the Secretary determines that the work is integral to the project; and

(2) land, easements, rights-of-way, and relocations provided by the non-Federal interest.

SEC. 5074. PIEDMONT LAKE DAM, OHIO.

In reconstructing the road on the Piedmont Lake Dam as part of the project for dam safety assurance, Piedmont Lake Dam, Ohio, being carried out under section 4 of the Flood Control Act of August 11, 1939 (53 Stat. 1414–1415), the Secretary shall upgrade the condition of the road to meet standards applicable to public use roads in the State of Ohio. The incremental cost of upgrading the road to meet such standards shall be a non-Federal expense.

SEC. 5075. OHIO.

Section 594(g) of the Water Resources Development Act of 1999 (113 Stat. 383) is amended by striking ''$60,000,000'' and inserting ''$90,000,000''.

SEC. 5076. WAURIKA LAKE, OKLAHOMA.

The remaining obligation of the Waurika Project Master Conservancy District payable to the United States Government in the amounts, rates of interest, and payment schedules is set at the amounts, rates of interest, and payment schedules that existed, and that both parties agreed to, on June 3, 1986, and may not be adjusted, altered, or changed without a specific,

separate, and written agreement between the District and the United States Government.

SEC. 5077. COLUMBIA RIVER, OREGON.

Section 401(b)(3) of Public Law 100–581 (102 Stat. 2944), is amended by inserting ''and Celilo Village, Oregon'' after ''existing sites''.

SEC. 5078. EUGENE, OREGON.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of restoring the millrace in Eugene, Oregon, and, if the Secretary determines that the restoration is feasible, shall carry out the restoration.

(b) CONSIDERATION OF NONECONOMIC BENEFITS.—In determining the feasibility of restoring the millrace, the Secretary shall include noneconomic benefits associated with the historical significance of the millrace and associated with preservation and enhancement of resources.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000.

SEC. 5079. JOHN DAY LOCK AND DAM, LAKE UMATILLA, OREGON AND WASHINGTON.

(a) IN GENERAL.—The Secretary shall pay up to $2,500,000 to the provider of research and curation support previously provided to the Federal Government as a result of the multipurpose project, John Day Lock and Dam, Lake Umatilla, Oregon and Washington, authorized by section 101 of the River and Harbor Act of 1950 (64 Stat. 167), and the several navigation and flood damage reduction projects constructed on the Columbia River and Lower Willamette River, Oregon and Washington.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,500,000.

SEC. 5080. LOWELL, OREGON.

(a) IN GENERAL.—The Secretary may convey without consideration to Lowell School District, by quitclaim deed, all right, title and interest of the United States in and to approximately 3.32 acres of land and buildings thereon, known as Tract A–82, located in Lowell, Oregon, and described in subsection (b).

(b) DESCRIPTION OF PROPERTY.—The parcel of land authorized to be conveyed under subsection (a) is as follows: Commencing at the point of intersection of the west line of Pioneer Street with the westerly extension of the north line of Summit Street, in Meadows Addition to Lowell, as platted and recorded at page 56 of Volume 4, Lane County Oregon Plat Records; thence north on the west line of Pioneer Street a distance of 176.0 feet to the true point of beginning of this description; thence north on the west line of Pioneer Street a distance of 170.0 feet; thence west at right angles to the west line of Pioneer Street a distance of 250.0 feet; thence south and parallel to the west line of Pioneer Street a distance of 170.0 feet; thence east 250.0 feet to the true point of beginning of this description in Section 14, Township 19 South, Range 1 West of the Willamette Meridian, Lane County, Oregon.

(c) TERMS AND CONDITIONS.—Before conveying the parcel to the school district, the Secretary shall ensure that the conditions of buildings and facilities meet the requirements of applicable Federal law.

(d) GENERALLY APPLICABLE PROVISIONS.—

(1) APPLICABILITY OF PROPERTY SCREENING PROVISIONS.—Section 2696 of title 10, United States Code, shall not apply to any conveyance under this section.

(2) LIABILITY.—An entity to which a conveyance is made under this section shall hold the United States harmless from any liability with respect to activities carried out, on or after the date of the conveyance, on the real property conveyed. The United States shall remain responsible for any liability with respect to activities carried out, before such date, on the real property conveyed.

SEC. 5081. HAGERMAN'S RUN, WILLIAMSPORT, PENNSYLVANIA.

The Secretary may rehabilitate the pumps at the project for flood damage reduction, Hagerman's Run, Williamsport, Pennsylvania, at a total Federal cost of $225,000.

SEC. 5082. NORTHEAST PENNSYLVANIA.

Section 219(f)(11) of the Water Resources Development Act of 1992 (113 Stat. 335) is amended by striking ''and Monroe'' and inserting ''Northumberland, Union, Snyder, and Montour''.

SEC. 5083. SUSQUEHANNOCK CAMPGROUND ACCESS ROAD, RAYSTOWN LAKE, PENNSYLVANIA.

(a) IMPROVEMENT OF ACCESS ROAD.—The Secretary may make improvements to the Susquehannock Campground access road at Raystown Lake, Pennsylvania.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000.

SEC. 5084. UPPER SUSQUEHANNA RIVER BASIN, PENNSYLVANIA AND NEW YORK.

Section 567 of the Water Resources Development Act of 1996 (110 Stat. 3787–3788; 114 Stat. 2662–2663) is amended—

(1) in subsection (a)(2) by striking ''$10,000,000.'' and inserting the following: ''$20,000,000, of which the Secretary may utilize not more than $5,000,000 to design and construct feasible pilot projects during the development of the strategy to demonstrate alternative approaches for the strategy. The total cost for any single pilot project may not exceed $500,000. The Secretary shall evaluate the results of the pilot projects and consider the results in the development of the strategy.'';

(2) in subsection (c)—

(A) in the subsection heading by striking ''COOPERATION'' and inserting ''COOPERATIVE''; and

(B) by striking ''cooperation'' and inserting ''cooperative''; and

(3) by adding at the end the following:

''(e) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project (i) the cost of design and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project; and (ii) the cost of in-kind services and materials provided for the project by the non-Federal interest.''.

SEC. 5085. WASHINGTON, GREENE, WESTMORELAND, AND FAYETTE COUNTIES, PENNSYLVANIA.

Section 219(f)(70) of the Water Resources Development Act of 1992 (114 Stat. 2763A–221) is amended by striking ''$8,000,000'' and inserting ''$13,300,000''.

SEC. 5086. CANO MARTIN PENA, SAN JUAN, PUERTO RICO.

The Secretary shall review a report prepared by the non-Federal interest concerning flood protection and environmental restoration for Cano Martin Pena, San Juan, Puerto Rico, and, if the Secretary determines that the report meets the evaluation and design standards of the Corps of Engineers and that the project is feasible, may carry out the project, at a total cost of $130,000,000, with an estimated Federal cost of $85,000,000 and an estimated non-Federal cost of $45,000,000.

SEC. 5087. BEAUFORT AND JASPER COUNTIES, SOUTH CAROLINA.

The Secretary may accept from the Department of the Navy, and may use, not to exceed $23,000,000 to assist the Beaufort Jasper Water and Sewage Authority, South Carolina, with its plan to consolidate civilian and military wastewater treatment facilities.

SEC. 5088. COOPER RIVER, SOUTH CAROLINA.

(a) IN GENERAL.—The Secretary is authorized to provide technical and financial assistance for the removal of the Grace and Pearman Bridges over the Cooper River, South Carolina.

(b) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated $5,000,000 to carry out this section.

SEC. 5089. LAKES MARION AND MOULTRIE, SOUTH CAROLINA.

Section 219(f)(25) of the Water Resources Development Act of 1992 (113 Stat. 336; 114 Stat. 2763A–220) is amended—

(1) by striking ''$15,000,000'' and inserting ''$35,000,000''; and

(2) by inserting ''wastewater treatment and'' before ''water supply''.

SEC. 5090. UPPER BIG SIOUX RIVER, WATERTOWN, SOUTH DAKOTA.

(a) IN GENERAL.—The Secretary shall review the project for flood damage reduction, Upper Big Sioux River basin, Watertown, South Dakota, as described in the report of the Chief of Engineers, dated August 31, 1994, and entitled ''Watertown and Vicinity, South Dakota'' and, if the Secretary determines that the project is feasible, may carry out the project, at a total cost of $25,000,000.

(b) NON-FEDERAL SHARE.—

(1) IN GENERAL.—The non-Federal share of the cost of the review may be provided in the form of in-kind services and materials.

(2) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the review the cost of planning and design work carried out by the non-Federal interest before the date of an agreement for the review if the Secretary determines that such work is integral to the review.

SEC. 5091. FRITZ LANDING, TENNESSEE.

The Secretary shall—

(1) conduct a study of the Fritz Landing Agricultural Spur Levee, Tennessee, to determine the extent of levee modifications that would be required to make the levee and associated drainage structures consistent with Federal standards;

(2) design and construct such modifications; and

(3) after completion of such modifications, incorporate the levee into the project for flood control, Mississippi River and Tributaries, authorized by the Act entitled ''An Act for the control of floods on the Mississippi River and its tributaries, and for other purposes'', approved May 15, 1928 (45 Stat. 534–539), commonly known as the ''Flood Control Act of 1928''.

SEC. 5092. MEMPHIS, TENNESSEE.

The Secretary shall review the aquatic ecosystem restoration component of the Memphis Riverfront Development Master Plan, Memphis, Tennessee, prepared by the non-Federal interest and, if the Secretary determines that the component meets the evaluation and design standards of the Corps of Engineers and that the component is feasible, may carry out the component at a total Federal cost not to exceed $5,000,000.

SEC. 5093. TOWN CREEK, LENOIR CITY, TENNESSEE.

The Secretary shall design and construct the project for flood damage reduction designated as Alternative 4 in the Town Creek, Lenoir City, Loudon City, Tennessee, feasibility report of the Nashville district engineer, dated November 2000, under the authority of section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), notwithstanding section 1 of the Flood Control Act of June 22, 1936 (33 U.S.C. 701a; 49 Stat. 1570). The non-Federal share of the cost of the project shall be subject to section 103(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(a)).

SEC. 5094. TENNESSEE RIVER PARTNERSHIP.

(a) IN GENERAL.—As part of the operation and maintenance of the project for navigation, Tennessee River, Tennessee, Alabama, Mississippi, and Kentucky, authorized by the first section of the Rivers and Harbors Act of July 3, 1930 (46 Stat. 927), the Secretary may enter into a partnership with a nonprofit entity to remove debris from the Tennessee River in the vicinity of Knoxville, Tennessee, by providing a vessel to such entity, at Federal expense, for such debris removal purposes.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000.

SEC. 5095. CLEAR CREEK AND TRIBUTARIES, HARRIS, GALVESTON, AND BRAZORIA COUNTIES, TEXAS.

The Secretary shall expedite completion of the report for the project for flood damage reduction, ecosystem restoration, and recreation, Clear Creek and tributaries, Harris, Galveston, and Brazoria Counties, Texas.

SEC. 5096. HARRIS COUNTY, TEXAS.

Section 575(a) of the Water Resources Development Act of 1996 (110 Stat. 3789; 113 Stat. 311) is amended by inserting before the period at the end the following: '', whether or not such works or actions are partially funded under the hazard mitigation grant program of the Federal Emergency Management Agency''.

SEC. 5097. HARRIS GULLY, HARRIS COUNTY, TEXAS.

(a) STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction in the Harris Gully watershed, Harris County, Texas, to provide flood protection for the Texas Medical Center, Houston, Texas.

(2) USE OF LOCAL STUDIES AND PLANS.—In conducting the study, the Secretary shall use, to the extent practicable, studies and plans developed by the non-Federal interest if the Secretary determines that such studies and plans meet the evaluation and design standards of the Corps of Engineers.

(3) COMPLETION DATE.—The Secretary shall complete the study by July 1, 2004.

(b) CRITICAL FLOOD DAMAGE REDUCTION MEASURES.—The Secretary may carry out critical flood damage reduction measures that the Secretary determines are feasible and that will provide immediate and substantial flood damage reduction benefits in the Harris Gully watershed, at a Federal cost of $7,000,000.

(c) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that such work is integral to the project.

(d) NONPROFIT ENTITY.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), a nonprofit entity may, with the consent of the local government, serve as a non-Federal interest for the project undertaken under this section.

SEC. 5098. ONION CREEK, TEXAS.

In carrying out the study for the project for flood damage, reduction, recreation, and ecosystem restoration, Onion Creek, Texas, the Secretary shall include the costs and benefits associated with the relocation of flood-prone residences in the study area for the project during the 2-year period before the initiation of the feasibility study to the extent the Secretary determines such relocations are compatible with the project. The Secretary shall credit toward the non-Federal share of the cost of the project the cost of relocation of such flood-prone residences incurred by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the relocation of such residences is integral to the project.

SEC. 5099. PELICAN ISLAND, TEXAS.

(a) IN GENERAL.—Section 108(a) of the Energy and Water Development Appropriations Act, 1994 (33 U.S.C. 59hh(a)) is amended—

(1) by striking ''The Secretary'' and inserting the following:

''(1) AUTHORITY TO CONVEY.—The Secretary'';

(2) by adding at the end the following:

''(2) LETTER OF INTENT.—

''(A) IN GENERAL.—The Secretary may provide a letter of intent to the city of Galveston for conveyance of less than 100 acres of the parcel described in subsection (a) for private development purposes if the Secretary receives and approves a proposal by the city designating the land which would be subject to such development.

''(B) DISPOSITION OF SPOIL.—If the Secretary issues a letter of intent under subparagraph (A), no additional spoil material may be placed on the land designated for private development for a period of at least 5 years from the date of issuance of the letter to provide the city of Galveston with an opportunity to secure private developers, perform appraisals, conduct environmental studies, and provide the compensation to the United States required for the conveyance.'';

(3) by aligning the remainder of the text of paragraph (1) (as designated by paragraph (1) of this subsection) with paragraph (2) (as added by paragraph (2) of this subsection).

(b) EXPIRATION DATE.—Section 108(e)(3) of such Act (33 U.S.C. 59hh(e)(3)) is amended by striking ''date of the enactment of this Act'' and inserting ''date of enactment of the Water Resources Development Act of 2003''.

SEC. 5100. FRONT ROYAL, VIRGINIA.

Section 591(a)(2) of the Water Resources Development Act of 1999 (113 Stat. 378) is amended by striking ''$12,000,000'' and inserting ''$22,000,000''.

SEC. 5101. RICHMOND NATIONAL BATTLEFIELD PARK, RICHMOND, VIRGINIA.

(a) IN GENERAL.—The Secretary is authorized to carry out bluff stabilization measures on the James River in the vicinity of Drewry's Bluff, Richmond National Battlefield Park, Richmond, Virginia.

(b) REIMBURSEMENT.—The Secretary shall seek reimbursement from the Secretary of the Interior of any costs incurred by the Secretary in carrying out subsection (a).

SEC. 5102. BAKER BAY AND ILWACO HARBOR, WASHINGTON.

The Secretary shall conduct a study of increased siltation in Baker Bay and Ilwaco Harbor, Washington, to determine if the siltation is the result of a Federal navigation project (including diverted flows from the Columbia River) and, if the Secretary determines that the siltation is the result of a Federal navigation project, the Secretary shall carry out a project to mitigate the siltation as part of maintenance of the Federal navigation project.

SEC. 5103. CHEHALIS RIVER, CENTRALIA, WASHINGTON.

The Secretary shall credit toward the non-Federal share of the cost of the project for flood damage reduction, Chehalis River, Centralia, Washington, the cost of planning, design, and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 5104. HAMILTON ISLAND CAMPGROUND, WASHINGTON.

The Secretary is authorized to plan, design, and construct a campground for Bonneville Lock and Dam at Hamilton Island (also know as ''Strawberry Island'') in Skamania County, Washington.

SEC. 5105. PUGET ISLAND, WASHINGTON.

The Secretary is directed to place dredged and other suitable material along portions of the Columbia River shoreline of Puget Island, Washington, between river miles 38 to 47 in order to protect economic and environmental resources in the area from further erosion, at a Federal cost of $1,000,000. This action shall be coordinated with appropriate resource agencies and comply with applicable Federal laws.

SEC. 5106. BLUESTONE, WEST VIRGINIA.

Section 547 of the Water Resources Development Act of 2000 (114 Stat. 2676–2678) is amended—

(1) in subsection (b)(1)(A) by striking ''4 years'' and inserting ''5 years'';

(2) in subsection (b)(1)(B)(iii) by striking ''if all'' and all that follows through ''facility'' and inserting ''assurance project'';

(3) in subsection (b)(1)(C) by striking ''and construction'' and inserting '', construction, and operation and maintenance'';

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

''(3) OPERATION AND OWNERSHIP.—The Tri-Cities Power Authority shall be the owner and operator of the hydropower facilities referred to in subsection (a).'';

(5) in subsection (c)(1)—

(A) by striking ''No'' and inserting ''Unless otherwise provided, no'';

(B) by inserting ''planning,'' before ''design''; and

(C) by striking ''prior to'' and all that follows through ''subsection (d)'';

(6) in subsection (c)(2) by striking ''design'' and inserting ''planning, design,'';

(7) in subsection (d)—

(A) by striking paragraphs (1) and (2) and inserting the following:

''(1) APPROVAL.—The Secretary shall review the design and construction activities for all features of the hydroelectric project that pertain to and affect stability of the dam and control the release of water from Bluestone Dam to ensure that the quality of construction of those features meets all standards established for similar facilities constructed by the Secretary.'';

(B) by redesignating paragraph (3) as paragraph (2);

(C) by striking the period at the end of paragraph (2) (as so redesignated) and inserting '', except that hydroelectric power is no longer a project purpose of the facility. Water flow releases from the hydropower facilities shall be determined and directed by the Corps of Engineers.''; and

(D) by adding at the end the following:

''(3) COORDINATION.—Construction of the hydroelectric generating facilities shall be coordinated with the dam safety assurance project currently in the design and construction phases.'';

(8) in subsection (e) by striking ''in accordance'' and all that follows through ''58 Stat. 890)'';

(9) in subsection (f)—

(A) by striking ''facility of the interconnected systems of reservoirs operated by the Secretary'' each place it appears and inserting ''facilities under construction under such agreements''; and

(B) by striking ''design'' and inserting ''planning, design'';

(10) in subsection (f)(2)—

(A) by ''Secretary'' each place it appears and inserting ''Tri-Cities Power Authority''; and

(B) by striking ''facilities referred to in subsection (a)'' and inserting ''such facilities'';

(11) by striking paragraph (1) of subsection (g) and inserting the following:

''(1) to arrange for the transmission of power to the market or to construct such transmission facilities as necessary to market the power produced at the facilities referred to in subsection (a) with funds contributed by the Tri-Cities Power Authority; and'';

(12) in subsection (g)(2) by striking ''such facilities'' and all that follows through ''the Secretary'' and inserting ''the generating facility''; and

(13) by adding at the end the following:

''(i) TRI-CITIES POWER AUTHORITY DEFINED.—In this section, the 'Tri-Cities Power Authority' refers to the entity established by the City of Hinton, West Virginia, the City of White Sulphur Springs, West Virginia, and the City of Philippi, West Virginia, pursuant to a document entitled 'Second Amended and Restated Intergovernmental Agreement' approved by the Attorney General of West Virginia on February 14, 2002.''.

SEC. 5107. WEST VIRGINIA AND PENNSYLVANIA FLOOD CONTROL.

(a) CHEAT AND TYGART RIVER BASINS, WEST VIRGINIA.—Section 581(a)(1) of the Water Resources Development Act of 1996 (110 Stat. 3790; 113 Stat. 313) is amended—

(1) by striking ''flood control measures'' and inserting ''structural and nonstructural flood control, streambank protection, stormwater management, and channel clearing and modification measures''; and

(2) by inserting ''with respect to measures that incorporate levees or floodwalls'' before the semicolon.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 581(c) of the Water Resources Development Act of 1996 (110 Stat. 3791) is amended by striking ''$12,000,000'' and inserting ''$90,000,000''.

SEC. 5108. LOWER KANAWHA RIVER BASIN, WEST VIRGINIA.

The Secretary shall conduct a watershed and river basin assessment under section 729 of the Water Resources Development Act of 1986 (33 U.S.C. 2267a) for the Lower Kanawha River Basin, in the counties of Mason, Putnam, Kanawha, Jackson, and Roane, West Virginia.

SEC. 5109. CENTRAL WEST VIRGINIA.

Section 571 of the Water Resources Development Act of 1999 (113 Stat. 371) is amended—

(1) in subsection (a)—

(A) by striking ''Nicholas,''; and

(B) by striking ''Gilmer,''; and

(2) by adding at the end the following:

''(i) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity with the consent of the affected local government.

''(j) CORPS OF ENGINEERS EXPENSES.—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense.''.

SEC. 5110. SOUTHERN WEST VIRGINIA.

(a) CORPS OF ENGINEERS.—Section 340 of the Water Resources Development Act of 1992 (106 Stat. 4856; 113 Stat. 320) is amended by adding at the end the following:

''(h) CORPS OF ENGINEERS.—Ten percent of the amounts appropriated to carry out this section for fiscal years 2003 and thereafter may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense.''.

(b) SOUTHERN WEST VIRGINIA DEFINED.—Section 340(f) of such Act is amended by inserting ''Nicholas,'' after ''Greenbrier,''.

(c) NONPROFIT ENTITIES.—Section 340 of the Water Resources Development Act of 1992 (106 Stat. 4856) is further amended by adding at the end the following:

''(i) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity with the consent of the affected local government.''.

SEC. 5111. CONSTRUCTION OF FLOOD CONTROL PROJECTS BY NON-FEDERAL INTERESTS.

Section 211(f) of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13) is amended by adding at the end the following:

''(9) BUFFALO BAYOU, TEXAS.—The project for flood control, Buffalo Bayou, Texas.

''(10) HALLS BAYOU, TEXAS.—The project for flood control, Halls Bayou, Texas.

''(11) ST. PAUL DOWNTOWN AIRPORT (HOLMAN FIELD), ST. PAUL, MINNESOTA.—The project for flood damage reduction, St. Paul Downtown Holman Field), St. Paul, Minnesota.''.

SEC. 5112. BRIDGE AUTHORIZATION.

There is authorized to be appropriated $20,000,000 for the construction of the bridge referred to in section 1001(1).

SEC. 5113. ADDITIONAL ASSISTANCE FOR CRITICAL PROJECTS.

Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 335–337; 114 Stat. 2763A–220–221) is amended by adding at the end the following:

''(71) PLAQUEMINE, LOUISIANA.—$7,000,000 for sanitary sewer and wastewater infrastructure, Plaquemine, Louisiana.

''(72) CHARLESTON, SOUTH CAROLINA.—$20,000,000 for wastewater infrastructure, including wastewater collection systems, Charleston, South Carolina.

''(73) CROSS, SOUTH CAROLINA.—$2,000,000 for water-related environmental infrastructure, Cross, South Carolina.

''(74) SURFSIDE, SOUTH CAROLINA.—$8,000,000 for environmental infrastructure, including stormwater system improvements and ocean outfalls, Surfside, South Carolina.

''(75) NORTH MYRTLE BEACH, SOUTH CAROLINA.—$3,000,000 for environmental infrastructure, including ocean outfalls, North Myrtle Beach, South Carolina.

''(76) TIA JUANA VALLEY, CALIFORNIA.—$1,400,000 for water-related environmental infrastructure, Tia Juana Valley, California.

''(77) CABARRUS COUNTY, NORTH CAROLINA.—$4,500,000 for water-related infrastructure, Cabarrus County, North Carolina.

''(78) RICHMOND COUNTY, NORTH CAROLINA.—$8,000,000 for water-related infrastructure, Richmond County, North Carolina.

''(79) UNION COUNTY, NORTH CAROLINA.—$9,000,000 for wastewater infrastructure, Union County, North Carolina.

''(80) WASHINGTON, DISTRICT OF COLUMBIA.—$35,000,000 for implementation of a combined sewer overflow long term control plan, Washington, District of Columbia.

''(81) SOUTHERN LOS ANGELES COUNTY, CALIFORNIA.—$15,000,000 for environmental infrastructure for the groundwater basin optimization pipeline, Southern Los Angeles County, California.

''(82) INDIANAPOLIS, INDIANA.—$6,430,000 for environmental infrastructure for Indianapolis, Indiana.

''(83) HENDERSON, NEVADA.—$5,000,000 for wastewater infrastructure, Henderson, Nevada.

''(84) SENNETT, NEW YORK.—$1,500,000 for water infrastructure, Town of Sennett, New York.

''(85) LEDYARD AND MONTVILLE, CONNECTICUT.—$7,113,000 for water infrastructure, Ledyard and Montville, Connecticut.

''(86) AWENDAW, SOUTH CAROLINA.—$2,000,000 for water-related infrastructure, Awendaw, South Carolina.

''(87) ST. CLAIR COUNTY, ALABAMA.—$5,000,000 for water-related infrastructure, St. Clair County, Alabama.

''(88) EAST BAY, SAN FRANCISCO, AND SANTA CLARA AREAS, CALIFORNIA.—$4,000,000 for a desalination project to serve the East Bay, San Francisco, and Santa Clara areas, California.

''(89) ATHENS, TENNESSEE.—$16,000,000 for wastewater infrastructure, Athens, Tennessee.

''(90) WARWICK, NEW YORK.—$1,200,000 for water storage capacity restoration, Warwick, New York.

''(91) KIRYAS JOEL, NEW YORK.—$20,000,000 for water-related infrastructure, Kiryas Joel, New York.

''(92) WHITTIER, CALIFORNIA.—$8,000,000 for wastewater and water-related infrastructure, Whittier, California.

''(93) ANACOSTIA RIVER, DISTRICT OF COLUMBIA AND MARYLAND.—$20,000,000 for environmental infrastructure and resource protection and development to enhance water quality and living resources in the Anacostia River watershed, District of Columbia and Maryland.

''(94) DUCHESNE, IRON, AND UINTAH COUNTIES, UTAH.—$10,000,000 for water-related infrastructure, Duchesne, Iron, and Uintah Counties, Utah.

''(95) HANCOCK, HARRISON, JACKSON, AND PEARL RIVER COUNTIES, MISSISSIPPI.—$5,824,300 for water and wastewater-related infrastructure, Hancock, Harrison, Jackson, and Pearl River Counties, Mississippi.''.

SEC. 5114. USE OF FEDERAL HOPPER DREDGE FLEET.

(a) STUDY.—The Secretary shall conduct a study on the appropriate use of the Federal hopper dredge fleet.

(b) CONTENTS.—In conducting the study, the Secretary shall—

(1) obtain and analyze baseline data to determine the appropriate use of the Federal hopper dredge fleet;

(2) prepare a comprehensive analysis of the costs and benefits of existing and proposed restrictions on the use of the Federal hopper dredge fleet; and

(3) assess the data and procedure used by the Secretary to prepare the Government cost estimate for worked performed by the Federal hopper dredge fleet.

(c) CONSULTATION.—The Secretary shall conduct the study in consultation with ports, pilots, and representatives of the private dredge industry.

(d) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study.

The CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 108–282. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

□ 1700

It is now in order to consider amendment No. 1 printed in House Report 108–282.

AMENDMENT NO. 1 OFFERED BY MR. DUNCAN

Mr. DUNCAN. Mr. Chairman, I offer an amendment as the designee of the gentleman from Alaska (Mr. YOUNG).

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. DUNCAN:

Page 8, line 7, before ''Except'' insert ''(a) PROJECTS WITH CHIEF'S REPORTS.—''.

Page 8, before line 13, insert the following (and redesignate subsequent paragraphs accordingly):

(1) TANQUE VERDE CREEK, ARIZONA.—The project for environmental restoration, Tanque Verde Creek, Arizona: Report of the Chief of Engineers, dated July 22, 2003, at a total cost of $4,878,000, with an estimated Federal cost of $3,170,700 and an estimated non-Federal cost of $1,707,300.

Page 8, line 14, before ''The'' insert the following:

(A) IN GENERAL.—

Page 9, after line 2, insert the following:

(B) EXPEDITING BRIDGE DESIGN AND CONSTRUCTION.—The Secretary, in cooperation with appropriate non-Federal interests, shall immediately commence appropriate studies for, and the design of, a permanent bridge (including an evaluation of potential impacts of bridge construction on traffic patterns and identification of alternatives for mitigating such impacts) and, upon execution of a cost-sharing agreement with such non-Federal interests, shall proceed to construction of the bridge as soon as practicable; except that such studies, design, and construction shall not adversely affect the schedule of design or construction of authorized projects for flood damage reduction.

Page 9, after line 16, insert the following (and redesignate subsequent paragraphs accordingly):

(4) PEORIA RIVERFRONT, ILLINOIS.—The project for environmental restoration, Peoria Riverfront, Illinois: Report of the Chief of Engineers, dated July 28, 2003, at a total cost of $15,182,000, with an estimated Federal cost of $9,868,000 and an estimated non-Federal cost of $5,314,000.

Page 9, line 21, strike ''Report'' and insert ''Reports''.

Page 9, line 22, before ''at'' insert ''and July 22, 2003,''.

Page 10, after line 12, insert the following (and redesignate subsequent paragraphs accordingly):

(6) SOUTH RIVER, NEW JERSEY.—The project for hurricane and storm damage reduction and environmental restoration, South River, New Jersey: Report of the Chief of Engineers, dated July 22, 2003, at a total cost of $103,268,000, with an estimated Federal cost of $67,124,000 and an estimated non-Federal cost of $36,144,000.

Page 11, after line 25, insert the following:

(b) PROJECTS SUBJECT TO FINAL REPORT.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in a final report of the Chief of Engineers if a favorable report of the Chief is completed not later than December 31, 2003:

(1) BEL MARIN KEYS UNIT V, CALIFORNIA.—The project for environmental restoration, Bel Marin Keys Unit V, California, at a total cost of $133,600,000, with an estimated Federal cost of $100,200,000 and an estimated non-Federal cost of $33,400,000.

(2) IMPERIAL BEACH, CALIFORNIA.—The project for storm damage reduction, Imperial Beach, California, at a total cost of $11,922,000, with an estimated Federal cost of $7,630,000 and an estimated non-Federal cost of $4,292,000.

(3) GWYNNS FALLS, MARYLAND.—The project for environmental restoration, Gwynns Falls, Maryland, at a total cost of $14,660,000.

(4) MANASQUAN TO BARNEGAT INLETS, NEW JERSEY.—The project for hurricane and storm damage reduction, Manasquan to Barnegat Inlets, New Jersey, at a total cost of $60,649,000, with an estimated Federal cost of $39,422,000 and an estimated non-Federal cost of $21,227,000.

(5) CENTRALIA, CHEHALIAS RIVER, WASHINGTON.—The project for flood damage reduction, Centralia, Chehalias River, Washington, at a total cost of $86,872,000, with an estimated Federal cost of $56,467,000 and an estimated non-Federal cost of $30,405,000.

Page 15, after line 10, insert the following (and redesignate subsequent paragraphs accordingly):

(3) RED LAKE FALLS, MINNESOTA.—Project for emergency streambank protection, Red Lake River, Red Lake Falls, Minnesota.

Page 16, after line 5, insert the following (and redesignate subsequent paragraphs accordingly):

(2) PALM BEACH HARBOR, FLORIDA.—Project for navigation, Palm Beach Harbor, Florida.

Page 16, after line 7, insert the following (and redesignate subsequent paragraphs accordingly):

(3) MISSISSIPPI RIVER SHIP CHANNEL, LOUISIANA.—Project for navigation, Mississippi River Ship Channel, Louisiana.

(4) AU SABLE RIVER, MICHIGAN.—Project for navigation, Au Sable River in the vicinity of Oscoda, Michigan.

Page 23, strike lines 10 and 11.

Page 23, line 12, strike ''(C)'' and insert ''(B)''.

Page 23, line 12, strike ''Secretary of the Army''.

Page 23, line 14, strike ''district engineer'' and all that follows through ''out'' on line 15.

Page 23, line 19, strike ''(D)'' and insert ''(C)''.

Page 23, line 21, strike ''liquidated''.

Page 24, lines 3 and 5, strike ''partnership''.

Page 24, line 3, after ''agreement'' insert ''under this section''.

Page 24, line 15, strike ''liquidated''.

Page 25, strike line 7, and insert the following:

(d) PARTNERSHIP AND COOPERATIVE ARRANGEMENTS.—

(1) IN GENERAL.—Agreements entered into under section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5(b)) shall further partnership and cooperative arrangements with non-Federal interests and shall be referred to as ''partnership agreements''.

Page 25, line 8, strike ''(1) TO'' and insert ''(2) REFERENCES TO''.

Page 25, line 14, strike ''(2) TO'' and insert ''(3) REFERENCES TO''.

Page 25, after line 18, insert the following:

(e) ENTRY OF AGREEMENT WITH DISTRICT ENGINEER.—After January 1, 2005, the agreement required to be entered into under section 221(a) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(a)) shall be entered into with the district engineer for the district in which the project will be carried out, unless, before that date, the Secretary issues policies and guidelines for partnership agreements and delegates to the district engineers, at a minimum—

(1) the authority to approve any policy in a partnership agreement that has appeared in an agreement previously approved by the Secretary;

(2) the authority to approve any policy in a partnership agreement the specific terms of which are dictated by law, or by a final feasibility study, final environmental impact statement, or other final decision document for a water resources development project;

(3) the authority to approve any partnership agreement that complies with the policies and guidelines issued by the Secretary; and

(4) the authority to sign any partnership agreement for any water resources development project unless, within 30 days of the date of authorization of the project, the Secretary notifies the district engineer in which the project will be carried out that the Secretary wishes to retain the prerogative to sign the partnership agreement for that project.

(f) PUBLIC AVAILABILITY.—Not later than the 120th day following the date of enactment of this Act, the Chief of Engineers shall ensure that each district engineer has made available on the Internet all partnership agreements entered into under section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5(b)) within the preceding 10 years and all partnership agreements for water resources development projects currently being carried out in that district and shall make any partnership agreements entered into after such date of enactment available on the Internet within 7 days of the date on which such agreement is entered into.

Page 36, line 19, strike ''conveyed to'' and all that follows through the closing parenthesis mark on line 21 and insert ''owned by an Alaska Native Regional Corporation or an Alaska Native Village Corporation (as those terms are defined in the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)) or the Metlakatla Indian community.''

Page 74, after line 11, insert the following (and conform the table of contents of the bill accordingly):

SEC. 2034. SUPPORT OF ARMY CIVIL WORKS PROGRAM.

(a) IN GENERAL.—Notwithstanding section 2361 of title 10, United States Code, the Secretary is authorized to provide assistance through contracts, cooperative agreements, and grants to—

(1) the University of Tennessee, Knoxville, Tennessee, for establishment and operation of the Southeastern Water Resources Institute to study sustainable development and utilization of water resources in the Southeastern United States; and

(2) Lewis and Clark Community College, Illinois, for the Great Rivers National Research and Education Center (including facilities that have been or will be constructed at one or more locations in the vicinity of the confluence of the Illinois River, the Missouri River, and the Mississippi River), a collaborative effort of Lewis and Clark Community College, the University of Illinois, the Illinois Department of Natural Resources and Environmental Sciences, and other entities, for the study of river ecology, developing watershed and river management strategies, and educating students and the public on river issues.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out subsection (a)(1) $5,000,000 and to carry out subsection (a)(2) $5,000,000. Such sums shall remain available until expended.

Page 76, line 4, strike ''TATILEK'' and insert ''TATITLEK''. Conform the table of contents of the bill accordingly.

Page 76, line 6, strike ''Tatilek'' and insert ''Tatitlek''.

Pages 79 and 80, move section 3012 (relating to Los Angeles Harbor, Los Angeles, California) after section 3013 (relating to Larkspur Ferry Channel, Larkspur, California). Redesignate subsequent sections, and conform the table of contents of the bill, accordingly.

Page 87, after line 15, insert the following (and redesignate subsequent sections, and conform the table of contents of the bill, accordingly):

SEC. 3028. JACKSONVILLE HARBOR, FLORIDA.

The project for navigation, Jacksonville Harbor, Florida, authorized by section 101(a)(17) of the Water Resources Development Act of 1999 (113 Stat. 276), is modified to authorize the Secretary to extend the navigation features in accordance with the Report of the Chief of Engineers, dated July 22, 2003, at a total cost of $14,658,000, with an estimated Federal cost of $9,636,000 and an estimated non-Federal cost of $5,022,000.

Page 87, line 24, after ''project'' insert ''in accordance with the feasibility report of October 2002''.

Page 87, line 24, strike ''$12,926,000'' and insert ''$12,632,200''.

Page 87, line 25, strike ''$6,547,000'' and insert ''$7,882,493''.

Page 88, line 1, strike ''$6,379,000'' and insert ''$4,749,707''.

Page 88, line 2, strike ''$925,000'' and insert ''$1,044,400''.

Page 88, line 4, strike ''$468,500'' and insert ''$651,706''.

Page 88, line 5, strike ''$456,500'' and insert ''$392,694''.

Pages 89 and 90, move section 3032 (relating to Miami Harbor, Florida) after section 3029 (relating to Manatee Harbor, Florida). Redesignate subsequent sections, and conform the table of contents of the bill, accordingly.

Page 89, after line 25, insert the following (and redesignate subsequent sections, and conform the table of contents of the bill, accordingly):

SEC. 3032. TAMPA HARBOR-CUT B, FLORIDA.

The project for navigation, Tampa Harbor, Florida, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1818), is modified to authorize the Secretary to construct passing lanes in an area approximately 3.5 miles long and centered on Tampa Bay Cut B if the Secretary determines that such improvements are necessary for navigation safety.

Page 90, line 8, before ''Federal'' insert ''a''.

Page 90, line 8, strike ''and'' and insert ''or''.

Page 90, line 9, strike ''agencies'' and insert ''agency''.

Page 91, after line 5, insert the following (and redesignate subsequent sections, and conform the table of contents of the bill, accordingly):

SEC. 3034. CHICAGO SANITARY AND SHIP CANAL, ILLINOIS.

(a) ONGOING PROJECT.—The project for improvement of the quality of the environment, Chicago Sanitary and Ship Canal, Illinois, being carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) to provide for a dispersal barrier for invasive species, is modified to allow that Federal assistance made available through other Federal agencies may be used toward payment of the non-Federal share of the costs of the project.

(b) NEW WORK.—The Secretary shall conduct a study of a project for the improvement of the quality of the environment, Chicago Sanitary and Ship Canal, Illinois, and if the Secretary determines that the project is appropriate, shall carry out a project under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), including upgrades or improvements to the existing barrier for aquatic invasive species. Federal assistance made available by other Federal agencies may be used toward payment of the non-Federal share of the cost of the project.

Page 100, line 23, before the period insert the following:

and to authorize the Secretary to carry out the project in accordance with the report prepared by the non-Federal interest if the Secretary determines that the report meets the evaluation and design standards of the Corps of Engineers and that the project is feasible

Page 109, line 4, after ''would'' insert ''not''.

Page 109, line 5, strike ''the same'' and insert ''a lesser''.

Page 109, line 17, strike ''$18,000,000'' and insert ''$18,200,000''.

Page 118, after line 20, insert the following:

(1) to include as part of the project flood protection works to reroute drainage to Raymondville Drain constructed by the non-Federal interests in Hidalgo County in the vicinity Edinburg, Texas, if the Secretary determines that such work meets feasibility requirements;

Page 118, line 21, strike ''(1)'' and insert ''(2)''.

Page 119, line 3, strike ''(2)'' and insert ''(3)''.

Page 119, line 5, after ''determination'' insert '', within 180 days after the date of enactment of this Act,''.

Page 120, line 13, before ''construction'' insert ''design and''.

Page 120, lines 14 and 15, strike ''before the date of the partnership agreement''.

Page 123, line 25, insert before the period the following:

; except that the authorized depth of that portion of the project extending riverward of the Charles M. Braga, Jr. Memorial Bridge, Fall River and Somerset, Massachusetts, shall not exceed 35 feet

Page 127, after line 19, insert the following (and redesignate subsequent paragraphs accordingly):

(4) MUSCATINE, IOWA.—The Mississippi River at Muscatine, Iowa project, authorized by section 101 of the River and Harbor Act of 1950 (64 Stat. 164).

(5) FALMOUTH HARBOR, MASSACHUSETTS.—The portion of the project for navigation, Falmouth Harbor, Massachusetts, authorized by section 101 of the River and Harbor Act of 1948 (62 Stat. 1172), beginning at a point along the eastern side of the inner harbor N200,415.05, E845,307.98, thence running north 25 degrees 48 minutes 54.3 seconds east 160.24 feet to a point N200,559.20, E845,377.76, thence running north 22 degrees 7 minutes 52.4 seconds east 596.82 feet to a point N201,112.15, E845,602.60, thence running north 60 degrees 1 minute 0.3 seconds east 83.18 feet to a point N201,153.72, E845,674.65, thence running south 24 degrees 56 minutes 43.4 seconds west 665.01 feet to a point N200,550.75, E845,394.18 thence running south 32 degrees 25 minutes 29.0 seconds west 160.76 feet to the point of origin.

Page 141, after line 3, insert the following (and redesignate subsequent sections, and conform the table of contents of the bill, accordingly):

SEC. 4002. CHOCTAWHATCHEE, PEA, AND YELLOW RIVERS WATERSHED, ALABAMA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, environmental restoration, recreation, and water supply in the Chactawhatchee, Pea, and Yellow Rivers watershed, Alabama.

Page 142, after line 8, insert the following (and redesignate subsequent sections, and conform the table of contents of the bill, accordingly):

SEC. 4007. NAPA RIVER, ST. HELENA, CALIFORNIA.

The Secretary shall conduct a comprehensive study of the Napa River in the vicinity of St. Helena, California, for the purposes of improving flood management through reconnecting the river to its floodplain; restoring habitat, including riparian and aquatic habitat; improving fish passage and water quality; and restoring native plant communities. In conducting the study, the Secretary shall review plans and designs developed by non-Federal interests and shall incorporate such plans and designs into the Federal study where the Secretary determines that such plans and designs are consistent with the Federal interest.

Page 144, after line 22, insert the following (and redesignate subsequent sections, and conform the table of contents of the bill, accordingly):

SEC. 4015. FALL RIVER HARBOR, MASSACHUSETTS.

The Secretary shall conduct a study to determine the feasibility of deepening that portion of the navigation channel of the navigation project for Fall River Harbor, Massachusetts and Rhode Island, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731), seaward of the Charles M. Braga, Jr. Memorial Bridge, Fall River and Somerset, Massachusetts.

Pages 144 and 145, move sections 4016 (relating to Chicago, Illinois) and 4017 (relating to South Branch, Chicago River, Chicago, Illinois) after section 4011 (relating to Calumet Harbor, Illinois). Redesignate subsequent sections, and conform the table of contents of the bill, accordingly.

Page 150, after line 25, insert the following (and redesignate subsequent sections, and conform the table of contents of the bill, accordingly):

SEC. 4033. LAKE ERIE DREDGED MATERIAL DISPOSAL SITES.

The Secretary shall conduct a study to determine the nature and frequency of avian botulism problems in the vicinity of Lake Erie associated with dredged material disposal sites and shall make recommendations to eliminate the conditions that result in such problems.

Page 154, after line 12, insert the following:

(20) Schuylkill River watershed, Pennsylvania.

Page 157, after line 22, insert the following (and redesignate subsequent paragraphs accordingly):

''(10) $25,000,000 for the project described in subsection (c)(23);

Page 160, after line 25, insert the following:

(5) Project for environmental restoration, Gwynns Falls, Maryland.

Page 161, line 1, after ''SPECIAL RULE'' insert ''FOR EGMONT KEY, FLORIDA''.

Page 161, after line 10, insert the following:

(d) SPECIAL RULE FOR GWYNNS FALLS, MARYLAND.—The report on the project for environmental restoration at Gwynns Falls, Maryland, referred to in subsection (a)(5), shall be treated as being consistent and in compliance with the consent decree entered into between the United States and the Mayor and City Council of Baltimore, Maryland, filed with the United States District Court for the District of Maryland on April 26, 2002, and no policy of the Secretary with respect to work performed under a consent decree shall delay completion of this report and its submission to Congress.

Page 166, after line 7, insert the following (and redesignate subsequent sections, and conform the table of contents of the bill, accordingly):

SEC. 5020. FORT YUKON, ALASKA.

The Secretary shall make repairs to the dike at Fort Yukon, Alaska, so that the dike meets Corps of Engineers standards.

Page 167, after line 6, insert the following (and redesignate subsequent sections, and conform the table of contents of the bill, accordingly):

SEC. 5023. HELENA AND VICINITY, ARKANSAS.

The Secretary shall accept as fulfilling the non-Federal cost sharing responsibilities for the project for flood control, Helena and Vicinity, Arkansas, authorized by section 401 of the Water Resources Development Act of 1986 (100 Stat. 4112), the non-Federal cash contribution of $568,000 and the lands, easements, rights-of-way, relocations, and dredged material disposal areas provided by the non-Federal sponsor as of September 1, 2003, and the Secretary shall not seek to recover any reimbursement from the non-Federal sponsor related to advanced payments to, or work performed for, the non-Federal sponsor under the authority of sections 103 and 104 of the Water Resources Development Act of 1986 (33 U.S.C. 2213, 2214).

Page 170, after line 16, insert the following (and redesignate subsequent sections, and conform the table of contents of the bill, accordingly):

SEC. 5029. PLACER AND EL DORADO COUNTIES, CALIFORNIA.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a program to provide environmental assistance to non-Federal interests in Placer and El Dorado Counties, California.

(b) FORM OF ASSISTANCE.—Assistance under this section may be in the form of design and construction assistance to improve the efficiency and use of existing water supplies in Placer and El Dorado Counties through water and wastewater projects, programs, and infrastructure.

(c) OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(d) PARTNERSHIP AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a partnership agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each partnership agreement entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of the project costs under each partnership agreement entered into under this subsection shall be 75 percent. The Federal share may be in the form of grants or reimbursements of project costs.

(B) CREDIT FOR WORK.—The non-Federal interests shall receive credit for the reasonable cost of design work on a project completed by the non-Federal interest before entering into a partnership agreement with the Secretary for such project.

(C) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of the project's costs.

(D) LAND, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but not to exceed 25 percent of total project costs.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(e) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(f) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity with the consent of the affected local government.

(g) CORPS OF ENGINEERS EXPENSES.—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $40,000,000. Such sums shall remain available until expended.

Page 170, lines 19 and 20, strike ''amended—'' and all that follows through ''by'' on line 21 and insert ''amended by''.

Page 170, line 22, strike the semicolon and all that follows through line 5 on page 171 and insert a period.

Page 175, after line 22, insert the following (and redesignate subsequent sections, and conform the table of contents of the bill, accordingly):

SEC. 5033. SAN PABLO BAY WATERSHED AND SUISUN MARSH ECOSYSTEM RESTORATION.

(a) SAN PABLO BAY WATERSHED, CALIFORNIA.—

(1) IN GENERAL.—The Secretary shall complete work, as expeditiously as possible, on the ongoing San Pablo Bay watershed, California, study to determine the feasibility of opportunities for restoring, preserving and protecting the San Pablo Bay watershed.

(2) REPORT.—Not later than March 31, 2008, the Secretary shall transmit to Congress a report on the results of the study.

(c) SUISUN MARSH, CALIFORNIA.—The Secretary shall conduct a comprehensive study to determine the feasibility of opportunities for restoring, preserving and protecting the Suisun Marsh, California.

(d) SAN PABLO AND SUISUN BAY MARSH WATERSHED CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—The Secretary may participate in critical restoration projects that will produce, consistent with Federal programs, projects, activities, immediate and substantial ecosystem restoration, preservation and protection benefits in the following sub-watersheds of the San Pablo and Suisun Bay Marsh watersheds:

(A) The tidal areas of the Petaluma River, Napa-Sonoma Marsh.

(B) The shoreline of West Contra Costa County.

(C) Novato Creek.

(D) Suisun Marsh.

(E) Gallinas-Miller Creek.

Participation in such critical restoration projects may include assistance for planning, design or construction.

(2) NON-FEDERAL INTERESTS.—Notwithstanding the requirements of section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), a nonprofit entity may serve, with the consent of the affected local government, as a non-Federal sponsor for a project undertaken pursuant to this section.

(3) COST SHARING.—Before carrying out any project under this section, the Secretary shall enter into a partnership agreement with the non-Federal interest that shall require the non-Federal interest—

(A) to pay 35 percent of the cost of construction for the project;

(B) to provide any lands, easements, rights-of-way, dredged material disposal areas and relocations necessary to carry out the project; and

(C) to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs associated with the project.

(4) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of construction of a project under this section—

(A) the value of any lands, easements, rights-of-way, dredged material disposal areas, or relocations provided for carrying out the project, regardless of the date of acquisition;

(B) funds received from the CALFED Bay-Delta program; and

(C) the cost of the studies, design and construction work carried out by the non-Federal interest before the date of execution of a partnership agreement for the project if the Secretary determines that the work is integral to the project.

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $40,000,000.

Page 176, after line 17, insert the following (and redesignate subsequent sections, and conform the table of contents of the bill, accordingly):

SEC. 5034. UPPER KLAMATH BASIN, CALIFORNIA.

(a) DEFINITION OF UPPER KLAMATH BASIN.—In this section, the term ''Upper Klamath Basin'' means the counties of Klamath, Oregon, and Siskiyou and Modoc, California.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a program to provide environmental assistance to non-Federal interests in the Upper Klamath Basin.

(c) FORM OF ASSISTANCE.—Assistance under this section may be in the form of design and construction assistance to improve the efficiency and use of existing water supplies in the Upper Klamath Basin through water and wastewater and ecosystem restoration projects, programs, and infrastructure.

(d) OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(e) PARTNERSHIP AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a partnership agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each partnership agreement entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of the project costs under each partnership agreement entered into under this subsection shall be 75 percent. The Federal share may be in the form of grants or reimbursements of project costs.

(B) CREDIT FOR WORK.—The non-Federal interests shall receive credit for the reasonable cost of design work on a project completed by the non-Federal interest before entering into a partnership agreement with the Secretary for such project.

(C) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of the project's costs.

(D) LAND, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but not to exceed 25 percent of total project costs.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(g) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity with the consent of the affected local government.

(h) CORPS OF ENGINEERS EXPENSES.—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000. Such sums shall remain available until expended.

Page 181, after line 11, insert the following (and redesignate subsequent sections, and conform the table of contents of the bill, accordingly):

SEC. 5041. COOK COUNTY, ILLINOIS.

Section 219(f)(54) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 535; 114 Stat. 2763A-221) is amended—

(1) by striking ''$35,000,000'' and inserting the following:

''(A) IN GENERAL.—$35,000,000'';

(2) by adding at the end the following:

''(B) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project not to exceed $80,000 for the cost of planning and design work carried out by the non-Federal interest before, on, or after the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.''; and

(3) by aligning the remainder of the text of subparagraph (A) (as designated by paragraph (1) of this section) with subparagraph (B) (as added by paragraph (2) of this section).

Page 186, after line 20, insert the following (and redesignate subsequent sections, and conform the table of contents of the bill, accordingly):

SEC. 5045. SOUTHWEST ILLINOIS.

(a) DEFINITION OF SOUTHWEST ILLINOIS.—In this section, the term ''Southwest Illinois'' means the counties of Madison, St. Clair, Monroe, Randolph, Perry, Franklin, Jackson, Union, Alexander, Pulaski, and Williamson, Illinois.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a program to provide environmental assistance to non-Federal interests in Southwest Illinois.

(c) FORM OF ASSISTANCE.—Assistance under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in Southwest Illinois, including projects for wastewater treatment and related facilities, water supply and related facilities, and surface water resource protection and development.

(d) OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(e) PARTNERSHIP AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a partnership agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each partnership agreement entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of the project costs under each partnership agreement entered into under this subsection shall be 75 percent. The Federal share may be in the form of grants or reimbursements of project costs.

(B) CREDIT FOR WORK.—The non-Federal interests shall receive credit for the reasonable cost of design work on a project completed by the non-Federal interest before entering into a partnership agreement with the Secretary for such project.

(C) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of the project's costs.

(D) LAND, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but not to exceed 25 percent of total project costs.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(g) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity.

(h) CORPS OF ENGINEERS EXPENSES.—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $40,000,000. Such sums shall remain available until expended.

Page 197, after line 20, insert the following (and redesignate subsequent sections, and conform the table of contents of the bill, accordingly):

SEC. 5053. LAKE PONTCHARTRAIN, LOUISIANA.

For purposes of carrying out section 121 of the Federal Water Pollution Control Act (33 U.S.C. 1271), the Lake Pontchartrain, Louisiana, basin stakeholders conference convened by the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, and United States Geological Survey on February 25, 2002, shall be treated as being a management conference convened under section 320 of such Act (33 U.S.C. 1330).

Page 199, after line 22, insert the following (and redesignate subsequent sections, and conform the table of contents of the bill, accordingly):

SEC. 5059. CROOKSTON, MINNESOTA.

The Secretary shall conduct a study for a project for emergency streambank protection in the vicinity of Highway 2, Crookston, Minnesota, and, if the Secretary determines that the project is feasible, may carry out the project under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r); except that the maximum amount of Federal funds that may be expended for the project shall be $6,500,000.

Page 203, after line 8, insert the following (and redesignate subsequent sections of the bill, and conform the table of contents of the bill, accordingly):

SEC. 5065. DELAWARE RIVER, TRENTON, NEW JERSEY.

The Secretary shall provide assistance to address floating and partially submerged debris in that portion of the Delaware River downstream from Trenton, New Jersey.

Page 206, after line 20, insert the following (and redesignate subsequent sections, and conform the table of contents of the bill, accordingly):

SEC. 5069. GATEWAY POINT, NORTH TONAWANDA, NEW YORK.

The Secretary shall review the shoreline stabilization, recreation, and public access components of the feasibility report for waterfront development at Gateway Point, North Tonawanda, New York, entitled ''City of North Tonawanda, Gateway Point Feasibility'', dated February 6, 2003, and prepared by the non-Federal interest and, if the Secretary determines that those components meet the evaluation and design standards of the Corps of Engineers and that the components are feasible, may carry out the components at a Federal cost not to exceed $3,300,000.

Page 207, after line 18, insert the following (and redesignate subsequent sections, and conform the table of contents of the bill, accordingly):

SEC. 5071. TIMES BEACH DIKE, BUFFALO, NEW YORK.

As part of operation and maintenance of the Buffalo Harbor and Buffalo River navigation projects, the Secretary may repair the Times Beach confined disposal facility dike, Buffalo, New York.

Page 217, after line 13, insert the following (and redesignate subsequent sections, and conform the table of contents of the bill, accordingly):

SEC. 5092. J. PERCY PRIEST DAM AND RESERVOIR, OHIO RIVER BASIN, TENNESSEE.

The Secretary shall plan, design and construct upgrades to the existing trail system at the J. Percy Priest Dam and Reservoir, Ohio River Basin, Tennessee, authorized by section 4 of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved June 28, 1938 (52 Stat. 1217), including design and construction of support facilities for public health and safety associated with trail development. In carrying out such improvements, the Secretary is authorized to use funds made available by the State of Tennessee from any Federal or State source, or both.

Page 218, after line 8, insert the following (and redesignate subsequent sections, and conform the table of contents of the bill, accordingly):

SEC. 5094. EAST TENNESSEE.

(a) DEFINITION OF EAST TENNESSEE.—In this section, the term ''East Tennessee'' means the counties of Blount, Knox, Loudon, McMinn, Monroe, and Sevier, Tennessee.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a program to provide environmental assistance to non-Federal interests in East Tennessee.

(c) FORM OF ASSISTANCE.—Assistance under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in East Tennessee, including projects for wastewater treatment and related facilities, water supply and related facilities, and surface water resource protection and development.

(d) OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(e) PARTNERSHIP AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a partnership agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each partnership agreement entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of the project costs under each partnership agreement entered into under this subsection shall be 75 percent. The Federal share may be in the form of grants or reimbursements of project costs.

(B) CREDIT FOR WORK.—The non-Federal interests shall receive credit for the reasonable cost of design work on a project completed by the non-Federal interest before entering into a partnership agreement with the Secretary for such project.

(C) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of the project's costs.

(D) LAND, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but not to exceed 25 percent of total project costs.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(g) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity with the consent of the affected local government.

(h) CORPS OF ENGINEERS EXPENSES.—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $40,000,000. Such sums shall remain available until expended.

Page 230, line 23, strike ''$20,000,000'' and insert ''$30,000,000''.

Page 230, line 24, strike ''1001(1)'' and insert ''1001(a)(1)''.

Page 234, line 17, strike the closing quotation marks and the final period.

Page 234, after line 17, insert the following:

''(96) PLACER AND EL DORADO COUNTIES, CALIFORNIA.—$35,000,000 to improve the efficiency and use of existing water supplies in Placer and El Dorado Counties, California, through water and wastewater projects, programs, and infrastructure.

''(97) ARCADIA AND SIERRA MADRE, CALIFORNIA.—$20,000,000 for water-related infrastructure, Arcadia and Sierra Madre, California.

''(98) EL PASO COUNTY, TEXAS.—$25,000,000 for water-related infrastructure and resource protection and development, El Paso County, Texas.

''(99) ATLANTA, GEORGIA.—$35,000,000 for implementation of a sanitary sewer overflow control plan, Atlanta, Georgia.

''(100) CHATTAHOOCHEE RIVER, GEORGIA.—$20,000,000 for implementation of wastewater infrastructure and resource protection to enhance water quality in and adjacent to the Chattahoochee River, Georgia.

''(101) LASSEN, PLUMAS, BUTTE, SIERRA, AND NEVADA COUNTIES, CALIFORNIA.—$25,000,000 to improve the efficiency and use of existing water supplies in the counties of Lassen, Plumas, Butte, Sierra, and Nevada, California, through water and waste water projects, programs, and infrastructure.

''(102) IMPERIAL COUNTY, CALIFORNIA.—$10,000,000 for wastewater infrastructure to improve water quality in the New River, Imperial County, California.

''(103) CONTRA COSTA WATER DISTRICT, CALIFORNIA.—$23,000,000 for water and wastewater infrastructure for the Contra Costa Water District, California.''.

Page 235, after line 12, insert the following (and conform the table of contents of the bill accordingly):

SEC. 5115. WAGE SURVEYS.

Employees of the United States Army Corps of Engineers who are paid wages determined under the last undesignated paragraph under the heading ''Administrative Provisions'' of chapter V of the Supplemental Appropriations Act, 1982 (5 U.S.C. 5343 note; 96 Stat. 832) shall be allowed, through appropriate employee organization representatives, to participate in wage surveys under such paragraph to the same extent as are prevailing rate employees under subsection (c)(2) of section 5343 of title 5, United States Code. Nothing in such section 5343 shall be considered to affect which agencies are to be surveyed under such paragraph.

SEC. 5116. PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.

(a) IN GENERAL.—It is the sense of Congress that, to the extent practicable, all equipment and products purchased with funds made available under this Act should be American made.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary, to the greatest extent practicable, shall provide to each recipient of the assistance a notice describing the statement made in subsection (a).

The CHAIRMAN pro tempore. Pursuant to House Resolution 375, the gentleman from Tennessee (Mr. DUNCAN) and a Member opposed will each control 10 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. DUNCAN).

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

Mr. Chairman, this en bloc amendment makes technical and conforming changes to project-related provisions in the bill and authorizes or modifies additional projects brought to the committee's attention following committee action.

Specifically, the Corps of Engineers has prepared nine additional chief's reports, recommending that Congress authorize certain water resources projects. The amendment also directs the Corps of Engineers to carry out a number of small projects under existing Corps authorities to improve navigation, provide flood damage reduction and improve the quality of the environment. For other projects that have not been studied, the amendment authorizes four new Corps of Engineers studies.

This amendment, like the underlying bill, has been developed in a bipartisan fashion. All projects must be in the Federal interest and must comply with cost-sharing and cost-benefit rules. This means not every project could be addressed. But, within these constraints, we did our best to meet the needs of all our communities and all the Members that we possibly could.

I urge all Members to support this amendment.

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

Mr. COSTELLO. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Illinois is recognized for 10 minutes.

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

Mr. Chairman, I am not rising actually in opposition to the amendment, but I am claiming the time. I actually am rising in support of the manager's amendment that is offered by the gentleman from Alaska (Mr. YOUNG).

The amendment offered by the gentleman from Alaska (Chairman YOUNG) is a bipartisan amendment addressing various needs and issues that have come to the committee's attention since the bill was considered at markup in July. The amendment contains modifications to provisions in the bill and a few new items. Each were considered by the leadership of the Committee on Transportation and Infrastructure, and they are consistent with the policies of the committee for inclusion in the Water Resources Development Act.

The Young amendment contains nine new authorizations or modifications based upon completed reports of the Chief of Engineers. It includes authorization of 5 small projects and modification to 10 existing projects. There are two new project deauthorizations and authority for the Corps to conduct four new project studies.

Mr. Chairman, this amendment, like the underlying bill itself, was developed in a bipartisan process that ensured that Members on both sides of the aisle were treated fairly and openly.

Mr. Chairman, I congratulate the chairman of the full committee, the gentleman from Alaska (Mr. YOUNG), and the subcommittee chairman, the gentleman from Tennessee (Mr. DUNCAN), for their cooperation in developing not only the bill, but this amendment, and I urge the adoption and approval of the manager's amendment.

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

Mr. DUNCAN. Mr. Chairman, I have no further speakers. I yield back the balance of my time and urge support for this amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Tennessee (Mr. DUNCAN).

The amendment was agreed to.

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

Mr. Chairman, I want to clarify one point that is in this bill. I was going to ask unanimous consent to modify the bill, but the Democrats have not had an opportunity to make a final decision about that, and we are ready to

move to final passage. So I would just ask the gentleman from Tennessee if he would clarify this with me.

I rise to enter into a colloquy with the gentleman from Tennessee (Mr. DUNCAN) to clarify section 3090 of the bill today.

Included in this bill, H.R. 2557, is language regarding the Roanoke River Upper Basin Flood Control Project, a much-needed project located in the Sixth Congressional District of Virginia. This project has been in discussion for many years, and my community, along with the Corps of Engineers, stands ready to begin construction within the year. As written, section 3090 contains language stating that awards for contracts will be based on invitation for bids procedures.

Mr. Chairman, I wonder if you might clarify the intent of that language.

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

Mr. GOODLATTE. I yield to the gentleman from Tennessee.

Mr. DUNCAN. Mr. Chairman, my understanding from staff on the other side is that the staff on the other side of the aisle and the Members on the other side of the aisle, particularly the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), will be glad to work with the gentleman from Virginia (Mr. GOODLATTE) if the gentleman withdraws his colloquy at this point.

I will say that there is language in the bill at this time that attempts to get at the problem that the gentleman from Virginia (Mr. GOODLATTE) is trying to solve. The language says, ''In carrying out the project, the Secretary shall award contracts based on an invitation for bids procedure.''

If that is not satisfactory to accomplish the goal of the gentleman from Virginia (Mr. GOODLATTE), if he feels that he is in a position to withdraw the colloquy at this point, then it is my understanding that the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), will try to work with the gentleman from Virginia (Mr. GOODLATTE) to resolve this issue.

Mr. GOODLATTE. Mr. Chairman, reclaiming my time, as the chairman knows, it is my intention that anybody be able to bid on this contract. That is what the city of Roanoke desires and so on. However, if the understanding is with the other side that they will at least strike this language that does not clarify that, I would ask unanimous consent at this time to strike the language at page 121, lines 5 and 6, carrying to the end of that section.

The CHAIRMAN pro tempore. That unanimous consent request is not in order in the Committee of the Whole.

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

Mr. GOODLATTE. I yield to the gentleman from Illinois.

Mr. COSTELLO. Mr. Chairman, let me assure the gentleman that, number one, we have an agreement to strike the language, we agree to that, and we will work with the gentleman and with the chairman of the subcommittee and the gentleman from Alaska (Mr. YOUNG) further. But we are not willing to go any further today than to strike the language.

PARLIAMENTARY INQUIRY

Mr. GOODLATTE. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. GOODLATTE. Is it correct that once we are out of the Committee of the Whole and into the House itself, that this unanimous consent request would be in order at that time?

The CHAIRMAN pro tempore. The unanimous consent to modify the bill before final passage might be entertained in the House after the committee rises.

Mr. GOODLATTE. Mr. Chairman, I would ask the gentleman from Illinois (COSTELLO) if that would be appropriate, to raise it in the House?

Mr. COSTELLO. Mr. Chairman, if the gentleman will yield further, if the subcommittee chairman would make a motion to strike the language without any reference to legislative intent, just take the language out, we would agree to that.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 3 printed in House Report 108–282.

AMENDMENT NO. 3 OFFERED BY MR. ROHRABACHER

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. ROHRABACHER:

Page 74, after line 11, insert the following:

SEC. 2034. PORT OR HARBOR DUES.

Section 208(a) of Water Resources Development Act of 1986 (33 U.S.C. 2236(a)) is amended—

(1) by inserting ''or container fees'' after ''tonnage duties or fees'';

(2) in paragraph (1)(A)—

(A) by striking ''or'' at the end of clause (i);

(B) by striking ''and'' at the end of clause (ii) and inserting ''or''; and

(C) by inserting after clause (ii) the following:

''(iii) to finance the cost of construction and operation and maintenance of any infrastructure project for a harbor, including an infrastructure project outside the boundaries of the harbor if the project is for transportation to, from, or through the harbor; and''; and

(3) in paragraph (1)(B) by inserting ''and security'' after ''emergency response''.

Conform the table of contents of the bill accordingly.

The CHAIRMAN pro tempore. Pursuant to House Resolution 375, the gentleman from California (Mr. ROHRABACHER) and a Member opposed each will control 10 minutes.

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

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

Mr. Chairman, my amendment will see to it that the massive costs in making our ports and harbors more secure are shared by those foreign manufacturers who use these facilities. The American people should not be stuck with the entire costs of the expensive infrastructure and security upgrades now necessary for the sake of homeland security.

What happens under the current system is that Americans are taxed to pay for improvements to our ports, which are then used by foreign manufacturers to move more efficiently in their exporting of products into our market. Yes, we end up taxing our own manufacturers in order to help their foreign competitors put them out of business. Something is wrong with this formula.

My amendment will permit local port authorities the right to levy a fee on containers traversing through their ports. This fee will be fed into a fund controlled by the authority to meet the new and rising cost of security and infrastructure.

Why should all the tens of billions of dollars needed for this upgrading come out of the hide of our own taxpayers? Should the manufacturers in Shanghai not pay a share of the cost through a fee on the containers they use? After all, are these foreign manufacturers not making huge profits by using an infrastructure provided for them by our own taxpayers?

Surprisingly, some of our ports are opposed to this amendment. You can hear lobbyists around the Hill talking about it. They like the status quo. They come to Washington and expect us to provide them more and more money by just simply taking it right out of the hide of the American working people. They want us, whenever there is an upgrade necessary, especially as we look into the future where it is not just regular upgrades and regular structural operations in their ports, now that we are looking at a huge expense because of homeland security needs, they just expect us to hand it to them and take it right out of the pockets of the American people.

Well, I am sorry, but that is not the fair way to do things, and that is not the best way to do things. We should be expecting foreign businesses through a container fee to pay their fair share.

If the ports do not want to ask them for that, but would rather come here and have us take that money out of the pockets of our own people, well, I am sorry, they are going to be disappointed. But the American people will not be disappointed. The American people will be disappointed if we continue to provide people overseas who manufacture products that put our own people out of work, that we continue to provide them these services free of charge, of course, at the expense of the American taxpayer.

Mr. Chairman, lobbyists have been around. Some of the people who vote on this bill will have heard from their lobbyists saying they have to be against the container fee, I am suggesting, because it is going to go to a

non-Federal interest. That is right, it is not going to go into the Federal pool of money here. It is going to be kept locally by the port authorities to be used for infrastructure and security matters in those local areas, or it could perhaps, for example, be used for matching funds. If the Federal Government is going to provide something, they could use that for matching funds. This is fair to the American taxpayer.

□ 1715

If there is any problem with wording, a little bit of wording here, little tweaks that need to happen to make this a perfect bill, I am happy to work with the chairman and work with the people on this committee as this bill moves forward. But if this bill loses today, if my amendment loses today, it will mean the American taxpayer is going to get stuck with all of this cost, and we are basically letting these foreign manufacturers off the hook; and we all know that. This is our chance to start this process down the road so we will have container fees and a more fair system of providing resources to our ports and our harbors.

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

Mr. DUNCAN. Mr. Chairman, on behalf of the committee and the gentleman from Alaska (Chairman YOUNG), I claim the time in opposition to the amendment.

Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. COSTELLO).

Mr. COSTELLO. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise in opposition to the gentleman's amendment. I can understand the gentleman's interest in supporting the additional investment in infrastructure and security, but I believe that the Rohrabacher amendment is not the best way to pursue that goal.

In the brief time that we have had to review the proposal, the committee has heard only objections to the proposal. Port interests, those that one would expect would be supporting this proposal, have indicated that they are either in opposition or that they have no position. We have been contacted by the California Marine Affairs and Navigation Conference who are opposed to the amendment; the California Association of Port Authority is opposed; the American Association of Port Authorities, they defer action and recommend that we take no position on this issue, at least they take no position. The Port of Long Beach is opposed, and the Port of Stockton is opposed. Those are just some of the port interests that have contacted us just today, since the amendment was given to us.

Let me also say that a proposal similar to the Rohrabacher proposal, but a little more narrow than the Rohrabacher amendment, was considered in the last Congress during the committee's work on the Maritime Transportation and Security Act of 2002. That proposal was not adopted, in large part due to the strong objections from the Office of Management and Budget within the Bush administration.

The fees contemplated in the Rohrabacher amendment would be available for ports or States to use for any infrastructure project, including infrastructure outside the boundaries of the harbor, if the project is for transportation to, from, or through the harbor. This could be any road, rail, or even any airport project associated with the harbor. It could include the locks and dams on the inland waterway system.

The committee has long supported transportation trust fund financing of transportation modes. Highway users support highways, inland waterway users support inland waterways, airport users support airports, and port users support ports. It is inappropriate to establish a fee system where the containerized cargo industry could be supporting other transportation modes.

This amendment could encourage ports or States to view containerized cargo as a simple source of revenue, in effect, a hidden tax to finance any and all transportation modes.

Mr. Chairman, this amendment simply does not have broad-based support, and we should reject the amendment. There have been no hearings on the proposal. I would suggest that we have the opportunity to learn more about the proposal in the appropriate forum in the subcommittee of this Committee on Transportation and Infrastructure. While I will say that my friend from the Committee on Transportation and Infrastructure and the Committee on Science, whom I serve with on the Committee on Science, that his amendment is well intentioned, and I would like to work with him to achieve what he is attempting to achieve, I believe that this amendment, in its current form, is more harmful than beneficial. Let us, on the appropriate authorizing committee, have the opportunity to consider and debate it. But I stand in opposition to the amendment as it is presented before us today.

Mr. DUNCAN. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Chairman, I thank the gentleman for yielding me this time.

Any amendment such as this and as broad as this should be debated and heard in the hearing process rather than coming right here to the floor of the House. This is almost giving to local government tariff authority. I question exactly the constitutionality of this. This is not just simply a user fee. It is much broader than that, and it goes on much beyond that. The ports of our Nation should be heard on this particular issue. All of the indications that I have and the letters and correspondence that I have before me indicate opposition to this idea.

This type of authority and granting this type of authority, what I understand to be authority to impose a fee, or one might call it a tax upon imports into this country and use those funds outside of the port is certainly a very broad step, and I think a step in the wrong direction.

Mr. Chairman, I certainly would urge all Members to vote against this amendment.

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

Mr. Chairman, let me just suggest, we do not represent the ports here. By the way, if anybody represents the ports in this room today, it is me. I represent, in my district, the ports of Los Angeles and Long Beach; and if there is anything I understand now about being a Congressman from an area that represents ports is the ports are looking for leadership. The American people, surprise, surprise, are looking for leadership from us.

Our job is not to make our decisions by, well, let us call up the people who want Federal money and see if they want us to give them Federal money. That is not our job. Our job is to try to structure a system that works for the benefit of the American people.

I would suggest this: that even though I represent both the ports of Los Angeles and Long Beach, who I really represent are the American people. I do not know if any of my colleagues have had the experience that I have with the small manufacturers in their areas. I have gone to small manufacturers in my area, and what have I found? They are going out of business. And they are going out of business because we have set up a structure that has permitted foreign manufacturers to slip into our market at almost no expense to those foreign manufacturers and undercut our own manufacturers. Why is it so wrong that we would expect that those foreign manufacturers pay a little fee, a little fee on the containers they are using so they can help build the infrastructure, rather than tax those companies that I visited in my district who are going under because of this, really, actually, American tax-supported competition that they are having to face? This is not right.

I can see why our ports and harbors do not want this. They do not want to have to ask for that fee. Well, the fact is, it is good for America, it is good for the American manufacturer, and it will be good for our ports in the end if we give them this right.

This idea that they may not get the money, we can tweak this language; we all know that. If this amendment passes, we can tweak the language to make sure it goes exactly where we want it, into security and infrastructure for these ports. But if we do not pass this amendment, this idea is dead, this idea is dead; and what is going to happen is, the tens of billions of dollars, right now, that we are making a stand on, will be paid by the American

people, rather than through a container tax paid for by foreign manufacturers.

I say it is time for this body to stand up and provide some leadership. Who cares what the ports say right now. If they are operating in their self interests, we have to operate in America's interests, and it is in America's interests to have foreign manufacturers contribute to infrastructure costs here.

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

Mr. DUNCAN. Mr. Chairman, I yield 1½ minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentleman's courtesy in yielding me this time.

I think one of the things that is important for us to consider when we are dealing with issues of our infrastructure with ports, we have a requirement here I think of the Federal Government to be a full partner. The Federal Government is a full partner with our ports around the country, and I think we need to be careful with the authority to levy charges coming in and out of our ports. This could have a very significant differential effect up and down, for example, the west coast.

I am supportive of the notion of our committee investing more money in infrastructure from water resources to roads to transit, but I would hope that it is not done in a scatter-shot fashion where we take Federal authority and turn it over to interfere with the orderly flow of commerce and trade; but rather that we, as has been recommended by our ranking member and our chairman, have a consideration before the committee about what those resources' needs are.

Frankly, we have higher priorities, in my judgment, that we are not meeting now. We have had difficulty providing adequate resources now to deal with critical maintenance dredging, to deal with port infrastructure, to deal with other areas that are connected; and I think the last thing we need to do is to take a step back to balkanize this, to move away from the system. This is authority that I think we as a committee ought to be looking at to be able to have an integrated system dealing with multimodal requirements and promoting an integrated, smooth flow of trade.

Mr. ROHRABACHER. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, let me just note that this creates a new revenue flow. This amendment will create new revenue, a new source of revenue that begins perhaps in Shanghai or some other foreign country, and that revenue then can be used to our benefit. Now, the only other option we have, of course, is to fight over limited revenue, all of which is taken out of the pockets of the American people.

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

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

The gentleman from Alaska (Chairman YOUNG) wanted to be here to make a statement in opposition to this amendment. On his behalf, I have been asked to point out, at least, that the ports already have the authority to charge fees for the services that they render; they do not need Congress to give them this authority.

Also, the gentleman from Alaska (Chairman YOUNG) feels that if this amendment were to pass, this could force ships to go to other ports. Also, we have letters from the American Association of Port Authorities and the California Marine Affairs Navigation Conference, the Port of Long Beach, the California Association of Port Authorities, the Virginia Port Authority, the Port of Stockton, and other similar groups opposing the gentleman's amendment.

Let me just say that as the gentleman from Illinois has said, we certainly sympathize with the gentleman's amendment. The gentleman from California and I came to Congress together. There is almost nobody in this Congress that I admire and respect more than the gentleman from California (Mr. ROHRABACHER).

I think, as the gentleman from Illinois said, this amendment is well intentioned. I think it is something that our subcommittee could and should hold a hearing about. And I think that perhaps if the gentleman would work with the committee and the subcommittee and the various organizations, the port authorities and the shipping industry, there might be a way to accomplish what he is attempting to accomplish through this amendment.

But at this point, we do have to rise in opposition to this amendment because it is something that I think probably deserves and probably needs a little additional work.

Mr. Chairman, I yield such time as I may have remaining to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Chairman, I thank the chairman for yielding me this time.

I just want to point out, in support of the committee position, that during the House-Senate conference on the port security bill last year, we were attempting to negotiate a fee proposition that would provide funding for the needs of ports to conduct the security measures that were required under the Port Security Act, and we hit upon this idea of a container fee. It was discussed between a Member of the other body and the gentleman from Alaska (Chairman YOUNG) and me. And we revised and revised this language down so we had it very narrowly honed to fit the definition of the Office of Management and Budget that a fee is a charge for a service directly related to the purpose for which the charge is imposed. That language proved to be unacceptable to the Office of Management and Budget, not on its merits, but on policy grounds that they did not want to fund port security with a container fee.

□ 1730

At the request of the President, Senator HOLLINGS and I, and the gentleman from Alaska (Chairman YOUNG) agreed to drop that language.

Now, while I am very much in sympathy with the purposes for which the gentleman from California (Mr. ROHRABACHER) wishes to generate this source of revenue, we tried a much more narrow application and ran aground on the rocks of OMB. We shoaled, if you will, on this issue. And I fear that there will be the same response were we to take a wider view. And I think that the gentleman from Tennessee's (Mr. DUNCAN) wise injunction let us put this aside, let us come back to work on the issue together, constructively, and find a way that we can reason together with the Office of Management and Budget.

Mr. ROHRABACHER. Mr. Chairman, I ask unanimous consent that the time be extended by 1 minute on each side to allow the gentleman from Alaska (Mr. YOUNG) to speak.

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

There was no objection.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, I want to compliment the gentleman from Minnesota (Mr. OBERSTAR) and my friend, the gentleman from Tennessee (Mr. DUNCAN), the chairman of the committee and rise in opposition. I do this somewhat reluctantly because the gentleman from California (Mr. ROHRABACHER) has talked to me about this issue over some time.

But to have a cliche, I do not think this amendment does anything right now but muddy the waters, and this is a very clean bill, and I would suggest respectfully that although his endeavors have great merit, that to put it on this bill, at this time, would be a detriment to the bill itself. We have had most, I would say all of the harbors speak out very strongly about this.

As the gentleman from Minnesota (Mr. OBERSTAR) said, if this was to be left in the bill or be adopted in this committee, then I think there would be a great opposition to the legislation because of OMB. And I would prefer that not to happen. I would prefer this to be a clean bill. I will work with the gentleman from California (Mr. ROHRABACHER) to try to solve this problem because I happen to agree that there ought to be some revenues generated from all the cargo containers that come into our ports, but I do not believe this is the appropriate vehicle to do so.

Mr. ROHRABACHER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I certainly respect those people, especially the gentleman from Alaska (Chairman YOUNG) for the very hard work they have put into this legislation.

It has always been my intent to support this legislation. So this is not

done with the spirit of anything except trying to do something for the American people because this is an opportunity that we have today to start working on a very positive idea.

There is no reason for us to put this off. If we put this on this legislation today, this idea will move forward, and a lot of work will be done on this, and we will move toward this goal.

If this amendment fails, what we have done is condemn the American people to tens of billions of dollars of expense that could have been taken up by foreign manufacturers who are importing their goods into our ports and putting their goods onto our market and undercutting our domestic manufacturers.

Earlier the gentleman from Alaska (Chairman YOUNG) suggested that perhaps the ports already have this authority, thus this amendment is redundant. Let me say if that is the analysis, why not pass it then? There is no reason then, if the ports already have this authority, why are we so hesitant about passing this? The reason we are so hesitant is that there are powerful interests at play. We should be interested in what is the effect on the American people.

We face, in these next 12 months, a horrendous, an astronomic expense in our ports, making them safe, making them more secure and more efficient. We should start working right now, and this is how we can do it, finding a new revenue source, a source for manufacturers overseas that will help us accomplish this mission. OMB will go along. The ports will go along. The American people will applaud us if we provide the leadership today, and that is what I am suggesting.

I would ask my colleagues who are listening to this debate to join me, siding with the American people, the American manufacturer and let us not tax billions of dollars from them when we could have a fee paid by foreign manufacturers that would provide us the revenues necessary to make our ports secure and to upgrade their infrastructure.

Mr. Chairman, I appreciate the good work that those people who have worked on this legislation have done, and I intend to support this one way or the other.

Mr. OSE. Mr. Chairman, today, I rise to discuss Mr. ROHRABACHER's Amendment (No. 1) to the Water Resources Development Act of 2003 (H.R. 2557). This amendment is well intended since it seeks to find a way to provide additional funds for needed port security improvements. It permits seaports to impose fees to be collected on a per container basis to be used for port security.

On May 21, 2003, after holding a hearing on port security, with my Government Reform Subcommittee Ranking Member JOHN TIERNEY, I introduced a bi-partisan bill, entitled the ''Port Security Improvements Act of 2003'' (H.R. 2193). Our bill takes a different approach. To date, Congress has provided extensive Federal funding to fully ensure air security. In contrast, Congress has not provided sufficient Federal funding to fully ensure port security. Currently, the U.S. Customs Bureau collects $15.6 billion in duties on commodities entering the U.S. through marine transportation. Our bill dedicates a portion of these duties for five years toward port security enhancements. In addition, our bill reflects other recommendations from our witnesses. It sets deadlines for issuance of regulations governing transportation security cards, and requires regulations that include a national minimum set of standard security requirements for ports, facilities, and vessels.

Since America's ports are crucial to our economic well being, it is essential that we find the right balance between increasing port security while not impeding the flow of commerce and trade. As a Republican, I am sensitive to the costs of excessive government regulation. But, in a post-September 11 world, I realize that we must take additional precautions to protect our fellow citizens and our economy. We need to make sure that our ports are safe. I am not convinced that they are safe today.

H.R. 2193 currently has 31 co-sponsors. This summer, both the American Association of Port Authorities (AAPA) and I requested that Transportation and Infrastructure Subcommittee Chairman FRANK LOBIONDO hold a hearing on this bill. Today, I ask for additional co-sponsors for H.R. 2193 and for Chairman LOBIONDO to schedule the requested hearing.

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

Mr. DUNCAN. 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. HEFLEY) having assumed the chair, Mr. HASTINGS of Washington, Chairman pro tempore 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. 2557) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, had come to no resolution thereon.

MAKING IN ORDER CONSIDERATION OF KIND AMENDMENT DURING FURTHER CONSIDERATION OF H.R. 2557, WATER RESOURCES DEVELOPMENT ACT OF 2003

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that the Kind amendment be made in order immediately after the disposition of the Rohrabacher amendment.

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

There was no objection.

WATER RESOURCES DEVELOPMENT ACT OF 2003

The SPEAKER pro tempore. Pursuant to House Resolution 375 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2557.

□ 1738

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 further consideration of the bill (H.R. 2557) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, with Mr. HASTINGS (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier today, amendment No. 3 printed in House Report 108–282 offered by the gentleman from California (Mr. ROHRABACHER) had been debated.

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

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

RECORDED VOTE

Mr. ROHRABACHER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 65, noes 359, not voting 10, as follows:

[Roll No. 518]

AYES—65

Abercrombie
Akin
Bartlett (MD)
Barton (TX)
Burr
Burton (IN)
DeFazio
DeLauro
Doolittle
Emerson
Farr
Foley
Franks (AZ)
Gingrey
Green (WI)
Gutknecht
Hall
Hart
Hastings (FL)
Hayworth
Hefley
Hobson
Holden
Hostettler
Hunter
Johnson (CT)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kilpatrick
King (IA)
Kucinich
Langevin
Lantos
Larson (CT)
McNulty
Musgrave
Nadler
Neugebauer
Olver
Otter
Pence
Petri
Pitts
Pombo
Radanovich
Renzi
Rohrabacher
Royce
Ryan (WI)
Sabo
Sanders
Sensenbrenner
Shays
Sherman
Slaughter
Smith (MI)
Stark
Tancredo
Taylor (MS)
Taylor (NC)
Wamp

NOES—359

Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins

Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Everett
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Harris
Hastings (WA)
Hayes
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (IL)
Johnson, E. B.
Keller
Kelly
Kennedy (MN)
Kildee
Kind
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Ose
Owens
Oxley
Pallone
Pascrell
Paul
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sanchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—10

Bishop (UT)
Conyers
Gephardt
Lewis (GA)
Osborne
Pastor
Reyes
Rodriguez
Walsh
Weller

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1802

Mrs. JO ANN DAVIS of Virginia, Mr. MILLER of North Carolina, and Mr. SCHIFF changed their vote from ''aye'' to ''no.''

Messrs. GREEN of Wisconsin, MCNULTY, Ryan of Wisconsin, JONES of North Carolina, OLVER, NEUGEBAUER, HOLDEN and BURR, Mrs. JONES of Ohio, Ms. HART, and Ms. DELAURO changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. WELLER. Mr. Chairman, on rollcall No. 518 I was unavoidably detained. Had I been present, I would have voted ''no.''

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). Pursuant to the order of the House of today, it is now in order to consider amendment No. 2 printed in House Report 108–282.

AMENDMENT NO. 2 OFFERED BY MR. KIND

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. KIND:

Page 56, strike lines 8 through 22 and insert the following:

''(3) COMPLETION OF MITIGATION.—To ensure concurrent mitigation, the Secretary shall implement at least 50 percent of required mitigation before beginning project construction and shall implement the remainder of required mitigation as expeditiously as practical, but not later than—

''(A) the last day of construction of the project or separable element of the project; or

''(B) in those instances in which it is not technically practicable to complete mitigation concurrent with the last day of project construction because of the nature of the mitigation to be undertaken, as expeditiously as practicable, but in no case later than the last day of the first fiscal year beginning after the last day of construction of the project or separable element of the project.''.

(b) FULL MITIGATION PLAN CONTENTS.—Section 906(d) of such Act (33 U.S.C. 2283(d)) is amended—

(1) in the first sentence of paragraph (1)(A)—

(A) by inserting after ''Congress'' the following: '', and shall not choose a project alternative in any final record of decision, environmental impact statement, or environmental assessment,'';

(B) by striking ''a recommendation with''; and

(C) by inserting ''fully'' before ''mitigate''; and

(2) by adding at the end the following:

''(3) STANDARDS FOR MITIGATION.—

''(A) IN GENERAL.—To fully mitigate fish and wildlife impacts, the Secretary shall develop and implement mitigation plans under paragraph (1) that will—

''(i) acquire and restore at least one acre of superior or equivalent habitat of the same type to replace each acre of habitat negatively affected by the project; and

''(ii) implement additional activities necessary to ensure that mitigation will result in replacement of all functions of the habitat negatively affected by the project, including spatial distribution and natural hydrologic and ecological characteristics.

''(B) PROBABILITY OF SUCCESS.—A mitigation plan submitted by the Secretary under paragraph (1) shall have a high probability of successfully mitigating the adverse impacts of the project on aquatic and other resources, hydrologic functions, and fish and wildlife.

''(4) MITIGATION PLAN CONTENTS.—A mitigation plan shall include—''.

Page 57, line 15, strike ''any necessary''.

Page 57, line 20, strike ''(4)'' and insert ''(5)''.

The CHAIRMAN pro tempore. Pursuant to House Resolution 375, the gentleman from Wisconsin (Mr. KIND) and the gentleman from Tennessee (Mr. DUNCAN) each will control 10 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. KIND).

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

Let me thank my friend, the gentleman from Tennessee (Mr. DUNCAN), for the courtesy and consideration that he is showing in allowing this brief discussion.

It is my intent that after a brief debate on this amendment I will ask unanimous consent to withdraw and we will go to final passage at this time.

Mr. Chairman, let me first of all commend the work that the Committee on Transportation and Infrastructure has done on this important piece of legislation. I think it is a good bill. It is a bill that can be made better. I think there has been important progress in a variety of areas, especially the provisions relating to the Corps of Engineers reform.

Mr. Chairman, I believe that the inclusion of these critical Corps reform measures demonstrate a critical recognition that reforms are necessary in how the Corps of Engineers conducts their projects throughout the country and accomplish many of the goals that I set forth nearly 4 years ago when I introduced the Army Corps of Engineer Reform Act of 2000.

These efforts are an important first step towards assuring that the Corps properly plans, constructs, and operates projects and provides Congress with accurate information.

My amendment, Mr. Chairman, briefly would build on the committee's efforts to improve the Corps record on mitigation of civil works projects. The committee took an important step in requiring the Corps to include critical information in its mitigation plans. Unfortunately, I do not think it goes quite far enough.

I am hoping that we can keep an open mind as the Senate begins their work on WRDA and as we enter the

conference committee that perhaps some more improvements can be made with the Corps reforms that are recommended in this base bill.

The Corps track record on mitigation certainly needs improvement. In May 2002, the General Accounting Office reported that the Corps had proposed no mitigation for almost 70 percent of its projects. In addition, despite the existing requirement that the Corps carry out its mitigation concurrently with project construction, the GAO also reported that the Corps has not done so for over 80 percent of the projects where mitigation is supposed to occur.

Mr. Chairman, failure to properly mitigate has real implications for the Nation's health and economic well-being. For example, when wetlands losses are not mitigated, water quality is harmed, water supplies are strained, flood damage increases, and wildlife is harmed. Wetlands filter pollutants from water, absorb and slow the release of storm runoff, recharge aquifers, provide crucial wildlife habitat for millions of migrating waterfowl, shore birds, and other species and provide recreation and enjoyment to millions of Americans who visit wetlands areas throughout the year. We must correct this situation and quickly.

My amendment to section 2030 would do so by requiring the Corps to first fully mitigate habitat loss from the construction of Corps projects by replacing at a minimum each acre of damaged habitat with an equivalent or superior acre of habitat.

Second, complete at least 50 percent of mitigation before construction begins with the remainder to be completed when the project construction is complete wherever it is physically possible.

Third, to prepare detailed mitigation plans that have a high likelihood of successfully replacing loss values and that require monitoring to ensure success.

I wish to emphasize that these recommendations are not mine alone but are also those from a panel of experts of the National Academies of Research Council. Speaking to the specific issue of compensating for wetland loss, the NRC's Water Science and Technology Board recommended, ''Restoration and creation of wetlands should occur simultaneously or before the filling of the natural wetland and according to established design criteria that are better monitored and enforced.''

Again, I would reiterate that hopefully we can keep an open mind as we move forward with the work of the Senate and begin work on the conference report whenever that might occur so we can improve upon, I think, significant improvements that have been made in the area of Corps reform and perhaps produce a better bill at the end of the day for the protection of wetlands and habitats throughout our country.

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

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

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

Mr. DUNCAN. Mr. Chairman, I understand the gentleman is going to withdraw his amendment, so just let me very briefly and quickly say that many groups and Members started out far apart on different issues involved in this legislation, but we came together in the spirit of bipartisanship and arrived at a bill that all the members of the Committee on Transportation and Infrastructure supported, that the leadership on both sides support. We had groups like the Chamber of Commerce, the Farm Bureau, all the environmental groups. And the environmental groups and the business groups came together to endorse this bill. It is almost unprecedented. So we came up with the most environmentally friendly bill that has ever been produced, I think, in a Water Resources Development Act. So I think it is a bill that can be supported proudly by Members on all sides.

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

Mr. DUNCAN. I will gladly yield to the gentleman from Minnesota, the ranking member of the committee.

Mr. OBERSTAR. Mr. Chairman, I thank the chairman for his statement about the diligent work of the committee and in addressing the resource issues in a very comprehensive manner. Of course, there is always more that can be done, but we have created a platform and a structure within which this program can be improved.

The reference of the gentleman from Wisconsin to concurrency of mitigation efforts with construction is a matter that the former Member from Minnesota, Congressman Quee, Republican from southeastern Minnesota, and I crafted into a water resources bill in 1977, but it has taken years to get the corps to actually carry out that responsibility. So it is evidence that we need to proceed further.

But the discussion of the gentleman from Wisconsin sets the stage and lays the groundwork for this committee to continue to address this matter in future legislation and future form.

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

Mr. KIND. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentleman's courtesy in yielding me this time, and given the lateness of the hour, I will be brief. But I think what we are doing here this afternoon is a metaphor for why we have the problem that we have and why we need to consider something like the gentleman's amendment.

There is never a good time to deal with mitigation, yet there are people in this Chamber who represent tens of thousands of Americans who are worse off today because of the hurricane flooding, because over the last 200 years we have filled over one-half of our country's wetlands. This is nature's sponge. This buffers storm surges. This slows the release of flood water. And despite the good intentions, we never quite get there.

The gentleman has pointed out that 70 percent of the corps' projects have exactly zero mitigation, and very little follow-up occurs to make sure that the mitigation that is established actually happens. I appreciate what our subcommittee Chair has said, the ranking member, and the spirit with which this has been offered; but I hope that Members of this Chamber who have constituents that are flooded out tonight or that are going to have constituents that will be flooded in 6 months or a year, who are going to be dealing with massive supplemental budgets to deal with the problems of how we have not properly dealt with water resources, will remember this time, and we will come forward where we are dealing realistically with mitigation and give the American public the type of protection they need and the environment the consideration that it deserves.

Mr. KIND. Mr. Chairman, I yield myself such time as I may consume, and again I want to thank my friend from Tennessee for the courtesy he has shown and my colleagues for their patience.

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

The CHAIRMAN pro tempore. Without objection, the amendment is withdrawn.

There was no objection.

The CHAIRMAN pro tempore. There being no further amendments, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the committee rises.

□ 1815

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. OSE) having assumed the chair, Mr. HASTINGS of Washington, Chairman pro tempore 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. 2557) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, pursuant to House Resolution 375, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute

adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. DUNCAN

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that the further amendment I have placed at the desk be considered as adopted.

The Clerk read as follows:

Amendment offered by Mr. DUNCAN:

On page 121, line 5, strike the sentence that begins with ''In carrying out'' and all that follows through line 6.

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

Mr. OBERSTAR. Mr. Speaker, reserving the right to object, I reserve the right to object for the purpose of establishing the concurrence of the gentleman from Tennessee (Mr. DUNCAN) that the unanimous consent request to strike the language referred to in the gentleman's amendment does not create legislative history on the subject and is not indicative of legislative intent; and, further, any prior or subsequent discussion of this provision does not constitute legislative intent.

Mr. DUNCAN. Mr. Speaker, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Tennessee.

Mr. DUNCAN. Mr. Speaker, I agree with the statement by the ranking member, the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, I withdraw my reservation.

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

There was no objection. Accordingly, the further amendment was adopted.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. DUNCAN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 412, noes 8, not voting 14, as follows:

[Roll No. 519]

AYES—412

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
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Otter
Owens
Oxley
Pallone
Pascrell
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—8

Andrews
Flake
Franks (AZ)
Hostettler
Paul
Sensenbrenner
Shadegg
Stearns

NOT VOTING—14

Bishop (UT)
Davis (FL)
Fattah
Gephardt
Gibbons
Harris
Knollenberg
Lewis (GA)
Murtha
Osborne
Pastor
Reyes
Rodriguez
Tancredo

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. OSE) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1834

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GIBBONS. Mr. Speaker, on rollcall No. 519 I was inadvertently detained. Had I been present, I would have voted ''aye.''

GENERAL LEAVE

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill, H.R. 2557.

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

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with an amendment a bill of the House of the following title:

H.R. 2660. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

The message also announced that the Senate insist upon its amendment to the bill (H.R. 2660) ''An Act making appropriations for the Department of

Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon; and appoints Mr. SPECTER, Mr. COCHRAN, Mr. GREGG, Mr. CRAIG, Mrs. HUTCHISON, Mr. STEVENS, Mr. DEWINE, Mr. SHELBY, Mr. DOMENICI, Mr. HARKIN, Mr. HOLLINGS, Mr. INOUYE, Mr. REID, Mr. KOHL, Mrs. MURRAY, Ms. LANDRIEU, and Mr. BYRD, to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2555) ''An Act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes.''.

REPORT ON RESOLUTION PROVIDING FOR RECOMMITTAL OF CONFERENCE REPORT ON H.R. 2115, FLIGHT 100—CENTURY OF AVIATION REAUTHORIZATION ACT

Mr. LINCOLN DIAZ-BALART of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 108–284) on the resolution (H. Res. 377) providing for the recommittal of the conference report to accompany the bill (H.R. 2115) to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes, which was referred to the House Calendar and ordered to be printed.

APPOINTMENT OF CONFEREES ON H.R. 2754, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2004

Mr. WAMP. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2754) making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee? The Chair hears none and, without objection, appoints the following conferees: Messrs. HOBSON, FRELINGHUYSEN, LATHAM, WAMP, Mrs. EMERSON, Messrs. DOOLITTLE, PETERSON of Pennsylvania, SIMPSON, YOUNG of Florida, VISCLOSKY, EDWARDS, PASTOR, CLYBURN, BERRY, and OBEY.

There was no objection.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

Mr. SANDLIN. Mr. Speaker, subject to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 1, the Medicare Prescription Drug and Modernization Act of 2003.

The form of the motion is as follows:

Mr. SANDLIN of Texas moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1 be instructed as follows:

(1) The House recede to the Senate on the provisions to guarantee access to prescription drug coverage under section 1860D–13(e) of the Social Security Act, as added by section 101(a) of the Senate amendment.

(2) To reject the provisions of section 501 of the House bill.

(3) The House recede to the Senate on the following provisions of the Senate amendment to improve rural health care:

(A) Section 403 (relating to inpatient hospital adjustment for low volume hospitals).

(B) Section 404 (relating to medicare disproportionate share adjustment for rural areas), but with the effective date applicable under section 401(b) of the House bill.

(C) Section 404A (relating to MedPAC report on medicare disproportionate share hospital adjustment payments).

(D) The following provisions of section 405 (relating to critical access hospital improvements):

(i) Subsection (a), but with the effective date applicable under section 405(f)(4) of the House bill.

(ii) Subsection (b), but with the effective date applicable under section 405(c)(2) of the House bill.

(iii) Subsections (e), (f), and (g).

(E) Section 414 (relating to rural community hospital demonstration program).

(F) Section 415 (relating to critical access hospital improvement demonstration program).

(G) Section 417 (relating to treatment of certain entities for purposes of payment under the medicare program).

(H) Section 420 (relating to conforming changes relating to Federally qualified health centers).

(I) Section 420A (relating to increase for hospitals with disproportionate indigent care revenues).

(J) Section 421 (relating to establishment of floor on geographic adjustments of payments for physicians' services).

(K) Section 425 (relating to temporary increase for ground ambulance services), but with the effective date applicable under the amendment made by section 410(2) of the House bill.

(L) Section 426 (relating to appropriate coverage of air ambulance services under ambulance fee schedule).

(M) Section 427 (relating to treatment of certain clinical diagnostic laboratory tests furnished by a sole community hospital).

(N) Section 428 (relating to improvement in rural health clinic reimbursement).

(O) Section 444 (relating to GAO study of geographic differences in payments for physicians' services).

(P) Section 450C (relating to authorization of reimbursement for all medicare part B services furnished by Indian hospitals and clinics).

(Q) Section 452 (relating to limitation on reduction in area wage adjustment factors under the prospective payment system for home health services).

(R) Section 455 (relating to MedPAC study on medicare payments and efficiencies in the health care system).

(S) Section 459 (relating to increase in medicare payment for certain home health services).

(T) Section 601 (Increase in medicaid DSH allotments for fiscal years 2004 and 2005).

(4) The House insist upon the following provisions of the House bill:

(A) Section 402 (relating to immediate establishment of uniform standardized amount in rural and small urban areas).

(B) Section 403 (relating to establishment of essential rural hospital classification).

(C) Subsections (a), (b), (d), and (e) of section 405 (relating to improvements to critical access hospital program).

(D) Section 416 (relating to revision of labor-related share of hospital inpatient pps wage index).

(E) Section 417 (relating to medicare incentive payment program improvements).

(F) Section 504 (relating to wage index classification reform).

(G) Section 601 (relating to revision of updates for physician services).

(H) Section 1001 (relating to medicaid disproportionate share hospital (DSH) payments).

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

Mr. PALLONE. Mr. Speaker, subject to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 1308, the Tax Relief, Simplification, and Equity Act of 2003.

The form of the motion is as follows:

Mr. PALLONE moves that the managers on the part of the House in the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to H.R. 1308 be instructed as follows:

1. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003.

2. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone.

3. The House conferees shall be instructed to include in the conference report all of the other provisions of the Senate amendment and shall not report back a conference report that includes additional tax benefits not offset by other provisions.

4. To the maximum extent possible within the scope of conference, the House conferees shall be instructed to include in the conference report other tax benefits for military personnel and the families of the astronauts who died in the *Columbia* disaster.

5. The House conferees shall, as soon as practicable after the adoption of this motion, meet in open session with the Senate conferees and the House conferees shall file a conference report consistent with the proceeding provisions of this instruction, not

later than the second legislative day after adoption of this motion.

MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

Mr. KIND. Mr. Speaker, I offer a motion to instruct.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. KIND moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1 be instructed as follows:

(1) The House recede to the Senate on the provisions to guarantee access to prescription drug coverage under section 1860D–13(e) of the Social Security Act, as added by section 101(a) of the Senate amendment.

(2) To reject the provisions of section 501 of the House bill.

(3) The House recede to the Senate on the following provisions of the Senate amendment to improve rural health care:

(A) Section 403 (relating to inpatient hospital adjustment for low volume hospitals).

(B) Section 404 (relating to medicare disproportionate share adjustment for rural areas), but with the effective date applicable under section 401(b) of the House bill.

(C) Section 404A (relating to MedPAC report on medicare disproportionate share hospital adjustment payments).

(D) The following provisions of section 405 (relating to critical access hospital improvements):

(i) Subsection (a), but with the effective date applicable under section 405(f)(4) of the House bill.

(ii) Subsection (b), but with the effective date applicable under section 405(c)(2) of the House bill.

(iii) Subsections (e), (f), and (g).

(E) Section 414 (relating to rural community hospital demonstration program).

(F) Section 415 (relating to critical access hospital improvement demonstration program).

(G) Section 417 (relating to treatment of certain entities for purposes of payment under the medicare program).

(H) Section 420 (relating to conforming changes relating to Federally qualified health centers).

(I) Section 420A (relating to increase for hospitals with disproportionate indigent care revenues).

(J) Section 421 (relating to establishment of floor on geographic adjustments of payments for physicians' services).

(K) Section 425 (relating to temporary increase for ground ambulance services), but with the effective date applicable under the amendment made by section 410(2) of the House bill.

(L) Section 426 (relating to appropriate coverage of air ambulance services under ambulance fee schedule).

(M) Section 427 (relating to treatment of certain clinical diagnostic laboratory tests furnished by a sole community hospital).

(N) Section 428 (relating to improvement in rural health clinic reimbursement).

(O) Section 444 (relating to GAO study of geographic differences in payments for physicians' services).

(P) Section 450C (relating to authorization of reimbursement for all medicare part B services furnished by Indian hospitals and clinics).

(Q) Section 452 (relating to limitation on reduction in area wage adjustment factors under the prospective payment system for home health services).

(R) Section 455 (relating to MedPAC study on medicare payments and efficiencies in the health care system).

(S) Section 459 (relating to increase in medicare payment for certain home health services).

(T) Section 601 (Increase in medicaid DSH allotments for fiscal years 2004 and 2005).

(4) The House insist upon the following provisions of the House bill:

(A) Section 402 (relating to immediate establishment of uniform standardized amount in rural and small urban areas).

(B) Section 403 (relating to establishment of essential rural hospital classification).

(C) Subsections (a), (b), (d), and (e) of section 405 (relating to improvements to critical access hospital program).

(D) Section 416 (relating to revision of labor-related share of hospital inpatient pps wage index).

(E) Section 417 (relating to medicare incentive payment program improvements).

(F) Section 504 (relating to wage index classification reform).

(G) Section 601 (relating to revision of updates for physician services).

(H) Section 1001 (relating to medicaid disproportionate share hospital (DSH) payments).

Mr. KIND (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. KIND) will be recognized for 30 minutes, and the gentleman from Pennsylvania (Mr. GREENWOOD) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. KIND).

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

Mr. Speaker, what this motion to instruct basically states is asking for some fairness and some equity in regards to the rural health care providers during the Medicare reform conference discussions that are taking place right now.

Mr. Speaker, rural America is often called the backbone of our country, and rightly so. It is rural America where so many of our parents and grandparents grew up, and it is to rural America that many of our veterans, teachers, and farmers retire.

There are 9 million Medicare beneficiaries in rural communities, and these seniors tend to be older. They tend to be sicker. They tend to have a little less money than those in urban communities. Rural seniors are in great need, and we must be sure that any Medicare bill does not leave these citizens out in the cold.

□ 1845

Yesterday, the House voted on an identical motion offered by my good friend the gentleman from Texas (Mr. STENHOLM). Unfortunately, the motion was defeated, 202 to 213, with 19 Members absent. We are hoping to give those absent Members another chance to come and vote and participate in this discussion, and hopefully then have the votes to prevail on this motion to instruct.

There are many Members on both sides of the aisle, Mr. Speaker, that come from rural areas, from rural districts. I do not for the life of me understand why a Member from a rural area would oppose a motion to instruct on this basis. I think it makes a lot of sense.

This is not an ideological or partisan issue, this is a geographic issue, and we are asking for some fundamental fairness and some equity in dealing with rural health care providers.

I believe Medicare recipients deserve a prescription drug plan under Medicare, and I believe that all seniors, regardless of their location, should have access to affordable, stable drug benefits. H.R. 1, however, lacks a guarantee that seniors living in rural areas will have access to such a plan.

Rather than gaining a drug benefit under Medicare, seniors would have to join a managed care plan or purchase a private drug-only plan. For rural seniors, only 19 percent of whom had access to a Medicare-managed plan in 2003, this could be disastrous. In effect, seniors in rural areas would be subsidizing prescription drugs for others, but would not get a drug benefit plan of their own.

I am not prepared to tell seniors in my district in western Wisconsin that some seniors will be getting a drug benefit, when they will not.

The Senate Medicare bill, recognizing the instability of private plans in rural areas, provides a fallback, meaning that traditional Medicare would offer its own prescription drug plan to areas with fewer than two private plans available to Medicare recipients. I urge the conferees to recognize the importance of offering prescription drug plans to all Medicare enrollees and to accept the Senate provisions.

Yesterday, some of my colleagues on the other side of the aisle argued that the instructions in this motion would lead to greater spending and higher deficits. I am committed to being fiscally responsible at all times and reducing the deficit, and this motion does not call for exceeding the budget limit of $400 billion allotted for this Medicare reform bill. Rather, this motion instructs the conferees to carefully assess their priorities in allocating the $400 billion. I hope that this dispels any confusion over the costs advocated by this motion, and I hope that my colleagues across the aisle will be able to join in supporting it.

We have seen too many rural hospitals close, over 470 in the last 25 years alone, and rural hospitals all over the country are in danger of being forced to shut their doors forever. Currently hospitals receive full inflation or market basket payments for inpatient and outpatient services. H.R. 1 would reduce hospital payment updates

for the next 3 years, which the CBO estimates would lead to a $12 billion loss to hospitals over the next decade.

Currently over 57 percent of hospitals in America lose money when serving Medicare patients. We cannot ask hospitals to continue to accept Medicare payments that are below the cost of delivering the care they provide. The Senate bill makes no such cuts to the market basket payments and would keep rural hospitals in business. I urge the conferees to reject the House provision and accept the Senate provisions.

Geographic disparities in Medicare reimbursements disproportionately affect rural providers. In my State of Wisconsin, providers are paid 25 percent less on average per Medicare beneficiary. The motion encourages the conferees to adopt the best-world provisions in both bills. These provisions go a long way to reduce geographic disparities.

Physicians and specialists are scarce in rural areas. In fact, less than 10 percent of physicians practice in nonmetropolitan counties. It is not surprising, given that rural providers consistently receive lower reimbursement rates than providers in the rest of the country.

These providers who do deal with the unique challenges presented by health care in rural areas are the pillars of our communities, and fair payments to rural providers mean quality health care for our Nation's seniors.

Physicians in rural communities see a large percent of Medicare patients. This motion instructs conferees to include the best provisions of the Senate and House bill. We must insist that rural providers and beneficiaries are protected and that critical-access hospitals are maintained and improved.

I would be disappointed if my colleagues on the other side of the aisle did not join in voting for this motion and supporting providers in their communities. Yesterday's close vote on a motion identical to this one shows that many of us are concerned about the crisis of health care in rural areas. By again offering this motion, and by dispelling the myth that these instructions would lead to a more expensive Medicare bill, I hope that those Members who were absent yesterday, as well as those Members who truly do care about the state of rural health care in our country, will cast a vote in favor of this motion.

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

Mr. GREENWOOD. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Colorado (Mr. MCINNIS), a member of the Committee on Ways and Means.

Mr. MCINNIS. Mr. Speaker, I thank the gentleman for yielding me time.

I also wanted to note at the beginning of my comments that the gentleman from Wisconsin (Mr. KIND) is a gentleman, he is well respected, but I adamantly disagree with the statements that he has made.

Let me say that I represent a large rural district, and I know something about rural hospitals, and I know something about a government-run plan. The proposal that the gentleman from Wisconsin (Mr. KIND) is asking to instruct the conferees on is simply a government-run program. It is a repeat of HILLARY CLINTON.

So while I have high regards for the gentleman from Wisconsin, I could not disagree more. The motion that he has got clearly asks for a government-run prescription drug plan. It will give us a government bureaucracy that will increase its influence and adopt a philosophy of even bigger and bigger government.

Now, our government currently has government health care programs, whether you look at the VA or Medicare or some of these others things, and they have not done a very good job of it. What kind of encouragement exists out there for us to expand this program? How can you want to enlarge it? It will not work. The intent is good. The result will be a disaster.

The motion also provides an unprecedented inflationary increase as to hospitals and other health care providers, which forces the conference to quickly exceed the $400 billion allocation in the budget resolution. It is always easy from this House floor to propose all kinds of money going out to the Nation, but the fact is somebody has got to write the check, and right now we do not have the balance to write that check.

So the motion to instruct defeats the purpose of the conference committee, which has already come to agreement on several provisions contained in both bills. Let me kind of highlight that for the remaining time.

These conferees have been working very, very hard. This is a very tenuous agreement, if we are, in fact, able to come up with agreement. To interject at this late point in the game a proposal that would quickly exceed the ceiling in cost, and, on top of that, invoke clearly a large government-run health care program just like the Clinton program will defeat our purpose.

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

Mr. Speaker, that large government-run program is called Medicare, a very successful and highly popular program for seniors throughout the country.

Mr. Speaker, I yield 4 minutes to my friend the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I rise in strong support of the Kind motion to instruct. It was amazing listening to my colleague from Colorado, because his statement has no relationship whatsoever to this motion to instruct.

The Kind motion will include a fallback provision to ensure that seniors have prescription drug coverage where private plans choose not to participate. It has nothing to do with increasing the size of any program. It just says if the program that is in the House bill does not work, there is a fallback.

Congress has a responsibility to guarantee this very important component of health care for all seniors, not just those who happen to live in an area where a private drug plan is offered. Contrary to what you may have heard, and we just heard it a moment ago, this motion will not require a government prescription drug plan or bust the budget. The Medicare fallback would only apply if the private sector fails to provide prescription drug plans in rural areas.

The Kind motion to instruct also includes important improvements to rural health care providers. Because of the very high proportion of elderly in rural areas, Medicare is a very large and critical source of payment for rural health care providers. Inadequate Medicare payments to rural hospitals and other rural health care providers over the last several years have only deepened the challenges to quality health care.

The Kind motion to instruct would take the best provisions. It was amazing listening to all of this stuff that is going to happen in this bill. We are saying take the best provisions in the House bill and the best provisions that have passed the Senate and make sure that those get in the final bill, because rural America can stand no less.

The Kind motion to instruct also rejects the House provisions that would cut hospital inflation increases. Hospitals cannot rebound from a $12 billion payment cut from rate of increase. I want to be sure everybody understands rate of increase. But that is not the problem. The problem is rural areas have not kept up over the last 10 years, and, therefore, unless we have the market basket as designed, rural hospitals are going to find themselves in an even deeper hole.

Hospitals are already operating on a thin profit margin. They are hurting. One out of three hospitals in America is operating in the red. More than 57 percent of all hospitals lose money under the Medicare program. A reduction in the market basket would wreak havoc on our Nation's hospitals, particularly the more vulnerable rural hospitals.

That is why we come again to the floor again tonight saying, please take a look. And to those on the other side of the aisle who did not vote yesterday on it, take another look. Look at your district. Listen to your hospitals, listen to your constituents, and see if they do not agree.

Again, let me repeat, the myth that this is a budget-busting motion, it is not. We agree with the $400 billion, period. I do not want to hear any more of this ''budget-busting.'' That is right out of the playbook that has got us into $560 billion deficits today.

We agree. We are just saying take the $400 billion, reprioritize, and make certain that rural hospitals get a fair shake. That is all that we are saying.

Even with stronger rural provisions, a Medicare fallback and no reduction

in the hospital market basket update, the bill passed by the other body stays within the $400 billion. They do it; we can do it. We just disagree with some of the priorities of some of the folks on the other side of the aisle, and we believe that most Members of rural areas, most Members who have rural hospitals, agree with this basic presumption that we ought to have an instruction.

Hospitals are important. The crisis has, of our rural hospitals, we have closed 470 in the past 25 years. I have several in my district hanging by a thread. If you succeed in doing what you are arguing for, they will bust that thread.

Please support the Kind motion to instruct. It is good for 9 million rural Medicare beneficiaries and will put us on a path toward economic stability.

Mr. GREENWOOD. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, first off, let me suggest to the gentleman, my friend the gentleman from Wisconsin (Mr. KIND), that we take his motion seriously. Having said that, we all know that motions to instruct conferees are only that. They have no ultimate effect.

The fact of the matter is the negotiations have been ongoing in the conference committee, and whether this motion passes or does not pass, the conferees on the part of the House and the part of the Senate, the Republicans and the Democrats, are and have been and will be continuing to negotiate all of these issues, and they will all be negotiated in the context of all of the other issues that they are negotiating.

But having said that, I also want to, at least in this point in the argument, assume that the gentleman's arguments are sincere, and I would like to address them.

First off, with regard to the argument that we need a fallback, a government-run fallback, for the prescription drug program, the gentleman's point is well taken. We do, and we should have, and we should guarantee that, in every region of the United States of America, every senior will have access to a good and affordable prescription drug plan.

We believe that the bill as adopted by the House already does that, that the incentives that we give the Secretary to offer to the plans, in fact, does guarantee that there will be at least two programs, two plans, in every district, in every region, and, in fact, the CBO expects within the first year it will be available, the plan will be available, to 95 percent of seniors; in the second year, 99 percent.

On the second issue, the gentleman from Wisconsin argues that we need to pay hospitals a fair amount, and, indeed, we should. We relied upon the Medicare Payment Advisory Commission, MedPAC, who said what would be fair based on all of the data available is to include a 3 percent market basket update as opposed to a 3.4 percent, as the gentleman from Wisconsin argues.

Having said that, what the gentleman does not take into consideration is that is not the only increase in payments to hospitals available under our legislation. Looking at Iowa, for instance, a very rural State, they get a 1.6 percent increase under the standard amount, an additional 0.8 percent for the labor share, and 0.1 percent for medical DSH increases, which gives the hospitals in Iowa actually a 5.5 percent increase as opposed to a 3 percent increase. In Oklahoma, that number comes to 5.7 percent; the same in Montana, 5.7 percent; South Dakota, a very rural State, as rural as you can get, 5.4 percent.

□ 1900

So we think that the gentleman's objective in making sure that hospitals get healthy increases and reimbursements is, in fact, met by the legislation that this House passed and is continuing to be negotiated in the conference committee.

On the third major point of the gentleman's motion, he suggests that each and every rural provider increase in either the Senate bill or the House bill will be incorporated into the conference committee. The gentleman's objective is to make sure that the benefits are available in the rural areas. We all share that objective. But I would note that the House-passed bill itself included nearly $25 billion increases in payments to rural providers, which will help rural hospitals and physicians, among others, continue to provide care to rural Americans.

So on the substance, I believe that the bill, as adopted by the House, meets the gentleman's objectives already. Secondly, again, a motion to instruct, while fun to debate, actually will have no impact on the negotiations themselves. I think we ought to let those negotiations continue and allow the conferees to come to an agreement, and I believe that they will, that this House can adopt and send to the President.

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

Mr. KIND. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. BROWN), a true champion of rural health care providers and rural health care patients.

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentleman from Wisconsin for yielding me this time, and I thank him for his good work advocating rural health care. I thank the gentleman from Pennsylvania (Mr. GREENWOOD) for his epiphany and his conversion in supporting the fallback provision, something he voted against in committee; and I hope that he will let the conference committee, particularly the Republican conferees of his party, know that he does, in fact, support the fallback provision. I hope that that will move the Medicare bill along perhaps better.

I rise in support of the gentleman from Wisconsin's (Mr. KIND) motion to instruct on behalf of retirees living in rural America. Yes, we are continuing to push this body to take a stand on behalf of retirees living in rural America. And yes, we voted on the same motion yesterday. But anyone who thinks Congress always gets it right the first time just does not know much about Congress.

Last week, during our first round of debate on this motion, my colleague argued against it. He expressed concern that we actually have to spend money to fulfill our commitment to rural retirees. Apparently, Congress can afford to cut $3 trillion from Federal tax revenues, overwhelmingly from the wealthiest, most privileged taxpayers, but cannot afford to help retirees in Chillicothe, Ohio, secure the same basic health care services as retirees in Columbus, Ohio.

In his State of the Union address, President Bush called Medicare the binding commitment of a caring society. Does that commitment extend to rural America, or does it not? We have an obligation to pay health care providers adequately for the care they provide. We cannot pretend in this body that the financial challenges rural providers face are the same as those of urban providers. Ideally, the health care system would be thriving in rural America. Realistically, the health care sector is faltering in rural America.

A disproportionate number of seniors live in rural areas. Medicare is the lifeblood of rural health care. That is just the way it is. We can either ignore the impact of inadequate Medicare financing, or we can do something about it. What we definitely should not do is, as this body does all too often, simply pay lip service to the problem. The House Medicare bill simultaneously increases and reduces reimbursement to rural hospitals. That is paying lip service to the problem.

The Kind motion, the motion from the gentleman from Wisconsin, my friend, instructs conferees to move in one direction only, the right direction, and pay hospital rates that keep up with inflation. This motion instructs conferees to ensure there is a Federal fallback insurance program for areas of the country in which no private plan is available, something that we all think is essential.

While this provision is particularly important for rural beneficiaries, it is also one of the most important for any Member of Congress who really is worried about wasting constituents' tax dollars. It is basic economics. Absent a Federal fallback provision, which I am glad to see the gentleman from Pennsylvania (Mr. GREENWOOD) now supports, the private insurance industry will have a monopoly over Medicare prescription drug coverage. Do my colleagues think the cost of coverage to taxpayers will be higher or lower under those circumstances, when the insurance industry has a monopoly?

In the 6 years that the Medicare+Choice HMO program has been in effect, has an HMO ever told Congress, hey, we do not need any

more money, you are paying us enough? Year after year HMOs demand more money from taxpayers even though, in fact, we were already overpaying them. Do not take my word for it; ask the nonpartisan General Accounting Office.

Medicare+Choice has inflated Medicare spending, draining precious tax dollars from the program. Making Medicare and making U.S. taxpayers fully beholden to HMOs is not going to improve the situation.

So, Mr. Speaker, whether our goal is to refrain from wasting tax dollars or to fulfill the Nation's commitment to rural Medicare beneficiaries, or, I hope, both, I urge my fellow Members to support the Kind motion.

Mr. GREENWOOD. Mr. Speaker, I yield myself 30 seconds to say that I am sure my friend from Ohio did not mean to misspeak with regard to my previous comments. What I said is that both the gentleman from Wisconsin (Mr. KIND) and Members of this side of the aisle want to make sure that there is a guarantee that our seniors in all regions have access to a plan. We think we do that adequately by the requirement that the Secretary provide incentives. The gentleman from Wisconsin (Mr. KIND) offers another way to do it, but we have the same goal.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. BURGESS).

Mr. BURGESS. Mr. Speaker, I rise in opposition to the Kind motion.

This motion would allow the Department of Health and Human Services to offer a Medicare prescription drug plan. In fact, there is no need for this type of government-run fallback because the House has already passed legislation that guarantees that every Medicare beneficiary will have a choice of at least two Medicare prescription drug plans and be able to fill their prescriptions at any pharmacy that they choose.

The motion also instructs the conferees to recede to the Senate and remove the hospital market basket update adjustment contained in the House bill. I would note for my colleagues that we are not cutting hospital reimbursement.

According to the Medicare Payment Advisory Commission, hospitals make a 10 percent profit for Medicare inpatient services and a 5 percent profit, on average, for all services provided to Medicare patients. The Medicare Payment Advisory Commission unanimously advised Congress to increase payments by 3 percent, which is what the House bill does.

Finally, this motion would instruct conferees to accept every rural provider increase contained in both bills.

Mr. Speaker, I would just add parenthetically that if our friends on the other side of the aisle were really concerned about rural providers and rural hospitals, they would encourage their colleagues in the other body to take up and pass the legislation that we passed last March, which was the Greenwood bill, H.R. 5, that limited noneconomic damages and medical liability lawsuits, and I believe that would return more money to the system.

But this motion is unnecessary. The House has already recognized the need to ensure that rural Medicare providers are paid fairly. In fact, the House bill contains a $24.9 billion increase in payments to rural providers, which would help rural hospitals and physicians continue to provide care to rural Americans.

I think the House bill strikes the right balance between providing a meaningful prescription drug benefit and helping ensure that providers, especially those in rural areas, have the incentives to continue to serve Medicare beneficiaries.

I would also note that the conferees have reached agreement in a bipartisan, bicameral basis on a number of issues that would be reopened under this action. Do we really want to tell the conferees to just start over? I do not think so.

Mr. Speaker, we should allow the conferees to work out the differences between both bills. There are significant differences, but they are working hard to do that. Both Chambers have made a significant commitment to helping rural providers. I have every confidence that they will develop a sound policy.

Mr. KIND. Mr. Speaker, I yield 3 minutes to the gentlewoman from Oregon (Ms. HOOLEY), a true champion of seniors in rural America and in her congressional district.

Ms. HOOLEY of Oregon. Mr. Speaker, I thank the gentleman from Wisconsin for yielding me this time. I rise today in strong support of the Kind motion to instruct conferees.

Let me just say a couple of words about instructing conferees. I have heard that it does not make any difference. Well, in fact, it does make a difference. The conferees do pay attention when this body, the majority of this body, says it is important, please pay attention to rural health care, the reimbursement rate, and the fact that our hospitals are closing.

Across Oregon, seniors tell me their top concern is the high cost of prescription drugs and the lack of coverage for these lifesaving medicines under the Medicare program. I believe it is time for us to pass a bill that will give relief to seniors, but that bill cannot neglect the needs of rural Medicare beneficiaries.

Limited access to care is a growing problem for those who live in rural areas, particularly Medicare beneficiaries who may have to drive great distances to receive care. In Oregon, a recent study showed that 55 percent of primary care physicians no longer accept Medicare patients or limit the services they provide to those patients. For many physicians in rural communities, their practices are dependent on Medicare patients, and yet they do not receive fair payments for their services. Rural providers are consistently hurt by lower reimbursement rates. This motion instructs conferees to include the best of the rural provisions in both the House and the Senate bills and would improve reimbursement rates for rural physicians.

Rural hospitals are also being hit by disparities in Medicare payments. You have heard it before and I will say it again. In 25 years, more than 470 rural hospitals have closed. Many are now in danger of being forced to shut their doors. Currently, hospitals receive full inflation payments for in-patient and outpatient services. The House-passed prescription drug bill would reduce hospital payment updates for the next 3 years, costing hospitals an estimated $12 billion. If we thought we saw a lot of hospitals close in the last 25 years, we are going to see a lot more close in the next few years if we do that.

This cut would be devastating to our hospitals, particularly, again, to those in rural areas. If we are serious about modernizing the Medicare program, we must ensure that we fairly and adequately represent rural seniors.

Mr. Speaker, I urge my colleagues to support this important motion to instruct conferees and assure that our rural Medicare beneficiaries receive the quality health care that they deserve.

Mr. GREENWOOD. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. FERGUSON).

Mr. FERGUSON. Mr. Speaker, I rise in opposition to the motion.

This motion would allow the Department of Health and Human Services to offer a government-run prescription drug plan. There is no need for this type of government-run fallback because the House legislation that we passed earlier this year guarantees that Medicare beneficiaries will have a choice in at least two Medicare prescription drug plans. We do that by offering incentives to private sector providers to offer that coverage; and they, in turn, assume some of that risk. The standard subsidy would be 73 percent to a private provider, but that private provider would assume the rest of that risk. This motion would have the government assume all of the risk; and, of course, what we know is when the government is assuming the risk, it is the American taxpayer who is the backstop; it is the American taxpayer who ends up really assuming the risk.

A second point. We have talked about the rural provider provisions of these bills. This motion to instruct would have the conferees accept every rural provider increase contained in both bills. What we have heard is that they say only the best provisions, only the best rural provisions of each bill. Well, we know that really means every rural provision of both bills. My friend, the gentleman from Texas, before said, well, this would not actually increase, it would not bust the budget, it would not increase the cost. Well, clearly, accepting every rural provision from both

of these bills would cost tens of billions of dollars more than is already provided.

What we have heard from the sponsor of this motion and the gentleman from Texas is, well, we are not talking about increased spending; we are just talking about reprioritizing; we are talking about moving the money around a little bit. Well, what that really means, put in English, that means we are going to increase the spending for the rural providers, we are going to increase that money, that package to rural providers; but we are not going to change the total amount of spending. We are going to stay at the same price tag. Where is the money going to come from?

□ 1915

It is going to come from the drug benefit to everybody else. So either you are going to bust the budget and bust the price tag on this and jack up government spending, or you are going to take money away from the prescription drug benefit which is at the heart of this legislation.

This motion is unnecessary. This House has already passed and already recognized the need to ensure that rural Medicare providers are paid fairly. The bill that this House passed earlier this year contains $24.9 billion, almost $25 billion more, an increase in payments to rural providers, which will help rural hospitals and physicians, among others, continue to provide care to rural Americans.

This motion would mean that we have to reallocate funds away from beneficiaries and toward providers. I do not support that. I think the House bill that we passed earlier this year strikes the right balance between providing a meaningful prescription drug benefit and helping to ensure that providers, especially those in rural areas, continue to serve Medicare beneficiaries.

Finally, let me just say that, again, as I know some of my colleagues have mentioned, the House and the Senate conferees have reached agreement on a number of issues in a bipartisan, bicameral way on a number of issues that would be reopened under this motion. We are running out of time. Our session, this session, is running out of time. We want to finish this bill. We want to finish it this year. Do we really want to go back and tell our conferees to start over from scratch? I do not want to do that.

Mr. Speaker, we should allow the conferees to work out the differences between these bills since both Chambers have made a significant commitment to helping rural providers, and I have every confidence that, in the end, they are going to develop a sound policy.

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

I am sure the gentleman from New Jersey must realize that the conference and negotiations are ongoing and that these very decisions have yet to be made. I am surprised by the rhetoric on the other side that they do not recognize that 39 Republican Senators recently voted for a Medicare prescription drug fallback provision. They had to have known what they were doing on that vote.

Mr. Speaker, I yield 6 minutes to the gentleman from Alabama (Mr. DAVIS), one of the youngest and brightest minds of the United States Congress.

Mr. DAVIS of Alabama. Mr. Speaker, I thank the gentleman from Wisconsin for his compliments and for yielding time to me today.

I want to begin with the comments of my good friend from New Jersey because I think that they reflect a fundamental divide on how our two parties look at this issue. The gentleman from New Jersey is 100 percent correct when he says that the Medicare plan being contemplated would theoretically allow a choice for seniors. He is 100 percent correct when he says that seniors would have the ability to elect between a private managed care plan and Medicare. He is 100 percent correct about the theory and about what is written in this plan. But I come from the Seventh District of Alabama where a significant number of our seniors live in a world very different from a lot of the people who sit in this body. A lot of the seniors in my district live in a space where they are illiterate. They live in a space where they are not able to interpret the difference between a plan A and a plan B. They have trouble navigating every single aspect of their daily lives. Some of them cannot even fully understand their own prescriptions, but yet it is true they will have a theoretical choice as to which plan is better for their interests.

One thing that I would hope that this whole body would agree on, Mr. Speaker, is that we do not need to provide a benefit that some people in this society will enjoy but that other people will not enjoy because of their station and place in life. I care, as I know my colleagues on the other side of the aisle care deeply, about the seniors who do not have the education, who do not have the background to make the kinds of choices that they will need to make. The problem with this plan, unless it is fixed and made better by the Kind motion, is that it will force our seniors to have to make a fundamental choice, and if they choose wrong, they could find themselves without adequate coverage.

There is a deeper problem. Only 19 percent of the seniors in rural America live in an area that has access to a ready managed care plan; less than 20 percent. When the seniors who are listening tonight or the seniors who follow this debate hear that we are passing a prescription drug benefit, they imagine that it is something that will be executed, they imagine that it is something that can be implemented in a way that favors and is fair to them. They do not know about the maze of choice that is in front of them. We can talk all we want in a theoretical sense about the values of choice in our society. We can talk all we want in a theoretical sense about letting our seniors and letting the market combine to make good, efficient choices. This is not always an efficient world.

There is no dispute in this Chamber that after the next several years, a significant number of seniors would potentially be left out of this plan. That is something that the Kind motion would fix. That may sound to some of my colleagues on the other side of the aisle like paternalism, but a lot of the seniors who live in my district do not want to have to navigate their own way for this set of choices. They do not see it as paternalism, they see it as government lending a helping hand to them.

This Medicare program that we have heard denounced tonight as being a ''big government program,'' that we have heard denounced tonight as being another example of ''rampant government,'' it happens to be an important part of the social safety net that we have in this country. The question is, do we tighten that net and make it stronger or do we allow significant gaps to form in that net?

As I moved around my rural district during the month of August, so many seniors said to me, Mr. DAVIS, I would rather have no plan than a plan that I don't understand and a plan that I won't benefit from. So many seniors said, I would rather see you all in the ivory towers in Washington, D.C., do nothing than do something that leaves me worse off. Those are the people that I want to speak to tonight, and those are the people I want to speak for tonight because we have to make sure that this is a plan that would be available to all of the seniors in this country who need it.

We can talk all we want about appropriating more money in the House bill for rural hospitals. We still do not give enough. The Senate does far better. Until we address the root of these unfair choices, we will leave our rural seniors worse off. So I support this motion tonight. I will close on this basic point. Most of us in our campaigns in 2002 endorsed the idea of a prescription drug benefit. Most of us go back to our districts and we brag about the fact that we support it. A lot of our friends and colleagues on the other side of the aisle are touting that fact in their campaign ads. A lot of our seniors remember just 15 years ago when this body purported to pass a catastrophic health benefit plan that did everything but provide adequate coverage, that did everything but improve their conditions in life. It may be that this part of the session is running to a close, it may be that the clock is ticking, but the nature of what the people elect us to do is to make hard choices. The nature of what the people elect us to do is to make adequate choices. And, yes, sometimes as paternalistic as our

friends may think it is, they sometimes elect us to make choices that will affect their lives.

So I urge my colleagues on both sides of the aisle to vote for this motion to close an unfortunate, but critical, gap that exists between our rural seniors and urban seniors.

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

I would compliment the speaker on his argument and suggest, though, that his constituents must be able to make choices, and thoughtful choices, because they chose him. And I suspect that if they are sophisticated enough to choose the previous speaker, they can probably choose themselves a good Medicare plan as well.

Mr. Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Mr. Speaker, I rise today representing the second largest district geographically in the Nation in the House, other than the five States that are only single-Member States, so I know something about rural health care. I spent 5 years on a community hospital board. I am still a private employer, so I see that side of health insurance. My in-laws are retired and face this battle about lack of medical prescription drug coverage under Medicare. My parents battled that until their death. They paid for their own prescription drugs out of their own pocket. The issue that we are trying to resolve here in this Congress is for the first time in 40 years expanding Medicare so that seniors can have access to affordable prescription drugs. It is not easy to do. It is not simple to do. It is very difficult to do, to get it right. But I think we are very, very close in getting it right this time.

We have passed the biggest rural health care package probably in the history of this House. We are adding $25 billion in additional rural health care for the country in addition to what we already spend, $25 billion over 10 years, for some very good provisions. In the committee I supported increasing the access to rural home health care, a 5 percent increase in payments. I have supported efforts to add additional funding for physicians to locate in remote and underserved areas in rural communities. In my State, though, while certainly these are all issues, the biggest issue I hear from medical providers is the runaway cost of malpractice insurance because of the claims and the litigation. That is driving specialists out of their specialties. I was in a community in my district this summer, a fellow who delivered babies says he is getting out of the GYN part of OB-GYN. They are not going to be dealing with that. We had five doctors deliver babies in one county in my district, and they are down to two, and those two are having their premiums subsidized now by the local hospital. We have passed medical malpractice reform in this House to try and make sure that people have access to their doctors. It is time for the other body to act. I know many of my colleagues on the other side tonight could not support us on that. That is a problem in rural health care delivery as well that needs to be addressed.

But the crazy thing to me tonight is to hear that somehow we are not going to help seniors with this bill. We are spending $400 billion over 10 years to provide a prescription drug benefit and additional help to our hospitals and our physicians in our rural communities, $400 billion. Any dollar you take to spend somewhere other than prescription drugs comes out of our ability to help seniors most in need to provide prescription drugs. And so I think that is important to remember here. Those of us who have kids, they want everything in Toys R Us, but you cannot have everything in Toys R Us. You have to make choices. What we have chosen is to put the biggest benefit possible into those seniors most in need. That is why a senior, low-income, $12,000 a year, will have their prescription drugs paid for other than a very small copayment. They will not have a premium. They will not have a deductible. They are covered. But if you are a Ross Perot and making $65,000 or more a year, that benefit phases out. It is an irony to me to hear the other side talk about tax cuts for the rich, but they want free pharmaceuticals for the rich. I think with the limited resources we have, it ought to go to the poor, those in need.

Finally, this is not me, this is a Congressional Budget Office report that says under both acts, the House and the Senate bill, CBO estimates that all Medicare beneficiaries would have access to prescription drug coverage. This report goes on to say that in the House bill, CBO, the Congressional Budget Office, nonpartisan, independent, estimates that about 5 percent of the part D participants, that would be under this bill, would be enrolled in reduced-risk plans in 2006 with that share declining gradually in succeeding years.

We have heard a lot of political rhetoric tonight. CBO cuts to the chase. Both plans provide guaranteed access to prescription drugs for America's senior citizens. Both plans do that, the House and the Senate. We do it differently. We think on our side we do it more effectively, because in 23 years, if we do not change how Medicare operates, it goes completely in the red. I do not think Congress is going to let it go broke. The point is here, we are trying to create a new benefit with a new idea that says we can use market forces to drive down the cost of drugs so we can provide better care to the poorest seniors in America. That is what our bill does. That is what is being negotiated in a bipartisan, bicameral effort as we speak. This is not the time to upend that, nor is it the time to politicize it and end up another year going by without seniors having access to affordable prescription drugs.

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

Just quickly in response to the previous speaker, no one is trying to politicize this. We are just trying to work to produce the best product at the end of the day, especially for many of our rural seniors whom we represent in this body.

Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. SANDLIN), the foremost expert on the impact medical malpractice has on health care costs in this Chamber.

□ 1930

Mr. SANDLIN. Mr. Speaker, it is really pretty simple. Who is going to stand up for America's seniors? Who is going to stand up for rural health care? Who in this body will stand up for rural patients and rural doctors and rural hospitals over the HMOs? The answer is pretty clear.

Mr. Speaker, I join my colleagues in asking to instruct the Medicare prescription drug conferees to remember our Nation's 9.3 million rural Medicare beneficiaries and our rural hospitals and our rural doctors when they continue their critical deliberations.

The way this bill currently stands, it is nothing more, Mr. Speaker, than the old bait and switch. And everybody here knows that the Republican leadership has used smoke and mirrors to trick our seniors, to trick my seniors in east Texas into thinking they are getting a Medicare prescription drug plan while in reality forcing them to seek medication from private insurance companies and HMOs that will, number one, set the prices, and, number two, set the benefits. What a racket they have.

This is not any sort of Medicare prescription drug plan. What a misnomer. This is a plan to push our seniors, to forcefully shove them and their money into the HMOs.

Now, this official HMO enrichment plan that is pushed by the other side does not even pretend to address the needs of rural America. Mr. Speaker, as you know, and as has been mentioned, over 80 percent of rural Medicare beneficiaries today live in an area that private insurance companies do not and will not serve. And in my district it is even worse than that.

Mr. Speaker, I challenge my friends on the other side of the aisle to name me one insurance company in the United States of America, one, that wants to take part in this program. I would ask that a blank be left in the RECORD at this point, that a line be drawn right now so that our friends can insert in that blank the name of one insurance company, one in America. There is not one. They cannot fill it in, and the RECORD will remain blank.

What has history shown us about what happens when insurance companies, private insurance companies, get involved in Medicare? Medicare+Choice, the great managed care experiment of our seniors, should

have been named Medicare Minus Choice. After all, it has been a disaster.

Between 1998 and 2003, the number of Medicare+Choice plans dropped by more than half. It is not available. In Texas, over 313,000 Medicare Plus seniors were dropped by insurance companies since 1999.

Rural seniors simply do not have the same access to private insurance plans as our urban seniors. Knowing this, we have to include a government fallback option for areas served by less than two plans, because otherwise the plan is meaningless, and our friends know it.

Mr. Speaker, we also need to eliminate the premium support provisions in H.R. 1 that are scheduled to take place in 2010. It is unconscionable to market this prescription drug plan as equitable and universal when those folks that stay in traditional fee-for-service Medicare will see significant increases in their premiums under this so-called competition program. It is just outrageous.

What about our rural hospitals? What shape are they in? Mr. Speaker, 470 hospitals have closed in the past 25 years, and overall Medicare margins have shrunk every year since 1998, with 57 percent of hospitals that treat Medicare patients losing money. And we are going to cure that by taking more money away? That is our cure? That is our plan?

Under current law hospitals are slated to receive full inflation payments for inpatient and outpatient services. The House bill that is being proposed by our friends on the other side would reduce hospital payment updates in 2004, reduce hospital payment updates in 2005, reduce hospital payment updates in 2006. The reduction would cost hospitals an estimated $12 billion. Well, in east Texas $12 billion is a lot of money, and those are cuts to our rural hospitals.

Mr. Speaker, it is a matter of priorities. I choose to stand with America's seniors. I choose to stand with our rural citizens. I choose to stand with our hospitals and our doctors in making sure that we have access to affordable medical care. The HMOs seem to do just fine.

Now, I find it interesting, too, in closing, and I am not here to talk about malpractice, we could go on all day about malpractice, but it is interesting that today our friends are standing up for HMOs. And a few days ago in the medical malpractice debate they were standing up for insurance carriers.

It seems pretty clear who we stand up for in this House, especially on the other side of the aisle. They stood up just the other day for malpractice carriers against hospitals, malpractice carriers against doctors, malpractice carriers against our patients, malpractice carriers against everyone. The malpractice reform was just a trick, because while we passed malpractice reform, we capped what insurance companies paid. We capped what they had to give to people. We capped the coverage needed by doctors. But we did not require in any respect whatsoever insurance carriers to bring down the premiums on our doctors. It is not there.

And in their model State, California, just in the last few weeks they have record increases, record requests for increases by the insurance companies who are protected by caps. Those caps do not work. And in States that have caps, they have premiums higher than in States that do not have caps.

It is just a sell-out to the insurance companies. It is a sell-out to the carriers on behalf of the insurance companies, against the doctors, against the patients, against the hospitals.

Mr. Speaker, it seems funny to me we always want to save money in this body and save money in health care by taking money out of the public and giving it to insurance carriers. That is a funny way that we save money, and it is simply an example of a lack of priorities.

Let us stand up for health care. The HMOs, the insurance carriers are doing just fine without our help.

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

Mr. Speaker, I want to thank the gentleman from Wisconsin (Mr. KIND) for offering the motion to instruct and for the temperate way in which he conducted his debate on the substance, as is his style. And the debate went pretty well like that until the previous speaker kind of laid down some political gauntlets. And I cannot resist the opportunity to respond.

The gentleman from Texas (Mr. SANDLIN) asked the question repeatedly, who will stand up for seniors, and who will not stand up for seniors. The historical record shows that Medicare was created in 1965, and in the 30 years that followed, the United States Congress failed consistently to get anywhere on the provision of a prescription drug benefit for Medicare beneficiaries.

As the previous speaker and earlier speaker said, there was an attempt 15 years ago when the Democrats controlled the House under Chairman Rostenkowski. It was immediately repealed. It was a dismal, dismal failure, a great disappointment to the seniors who had hoped for something that would be useful for them.

This Congress, where we happen to have a Republican majority in the House and a Republican majority in the Senate and a Republican in the White House, we have for the first time in the history of the United States brought ourselves to the point where we are poised to provide the senior citizens of this country a prescription drug benefit, and they need it.

We have all received letters over and over again from seniors who are forlorn and despairing over the fact that they are suffering from a variety of illnesses. They go to the doctor, they get a prescription, and they cannot fill that prescription. I remember a poignant letter from one of my constituents, an elderly woman from Bensalem, who said, I have eight prescriptions. I can afford to buy the ones that will keep me alive. I just cannot afford to buy the ones that will make my life worth living, and that letter has remained in my mind ever since, and it had driven me to work as hard as I can with colleagues interested in accomplishing this goal on both sides of the aisle to get a prescription drug benefit done.

It is hard. The reason it had not been done for 30 years is because it is so difficult, because it is so complex, to figure out how to do this in a way that is affordable, that maximizes a benefit for the very poor, that provides something worth happening for the middle class, asks a reasonable contribution from them, still does not create a disincentive for employers to continue to provide a prescription benefit for their retirees.

To deal with all of the rural issues, all of the provider issues is extraordinarily complicated and very difficult to do. If this body were 100 percent Republicans, it would be hard to do. If it were 100 percent Democrats, it would be hard to do because it is tough policy.

I think we are on the verge of being there. Our negotiators in the conference are working with the staff day and night to get us there. I believe that they will succeed. I again respect the gentleman from Wisconsin because he is bipartisan by nature. We ought to keep this debate bipartisan, consistently. That is the only way we will succeed in doing this. There are not enough Democrats to pass a Democratic plan. There are not enough Republicans to give the seniors this benefit with Republican votes only. We need to have a bipartisan bill. We will have a bipartisan bill.

On the subject of medical malpractice, the Democrats sat down year after year while the physicians of this country are going out of the profession, and we passed a bill in this House. It was a good passed bill. We did it in a bipartisan fashion, and if the Senate would come up with anything at all, we could go to conference on that bill, and it would also bring down the costs of medicine in health care in the United States.

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

The SPEAKER pro tempore (Mr. COLE). The gentleman from Wisconsin's time has expired.

Mr. KIND. Mr. Speaker, I would ask passage of this motion.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Wisconsin (Mr. KIND).

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

Mr. KIND. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2657) entitled ''An Act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes.''.

MOTION TO INSTRUCT CONFEREES ON H.R. 1588, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004

Mr. CROWLEY. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. CROWLEY moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1588 be instructed to agree to the provisions contained in paragraphs (3) and (4) of section 1074a(f) of title 10, United States Code, as proposed to be added by section 701 of the Senate amendment (relating to health care for members of reserve components).

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from New York (Mr. CROWLEY) and the gentleman from New York (Mr. MCHUGH) each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. CROWLEY).

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

This motion is an easy one and one that should be accepted by everyone in this Chamber, if they are serious about supporting our troops and supporting our Nation. This is where I say rhetoric meets reality.

My motion would instruct the conferees working on the bill authorizing actions by the Defense Department to allow our Nation's reservists and National Guard members and their families to be eligible to receive medical coverage from TRICARE on a cost-share basis. TRICARE, as my colleagues know, is the U.S. military's comprehensive health care plan.

Reservists have taken on a new and more active role since the 1991 Gulf War. Today, we see these brave young men and women risking their lives on a daily basis in Afghanistan, Iraq and elsewhere in this world. After September 11, the President signed an Executive Order authorizing the activation of reservists for up to 2 years of Active Duty, and up to 1 million reservists may be on Active Duty at any one time. Reservists have left their families, their friends and their jobs behind to serve our country, and they deserve health care for themselves and for their families.

I am offering this motion today because in our Nation we are still facing the same problems we did during the first Gulf War call-up, poor medical care for reservists as they get ready to be deployed. We are seeing many people sent to the front lines in Afghanistan and Iraq who may not always be at peak readiness due to a lack of access to medical care necessary to ensure maximum performance. We rely on these reservists so much now that it would be a mistake not to include them in TRICARE. Their health and their ability to fight should be of our utmost concern.

Our reservists should be provided with health care so they can remain in good health while they are not in service so that they are always prepared for mobilization in our global war on terrorism.

The Congressional Budget Office estimated the cost of this program to be $460 million during the fiscal year 2004 and about $7.2 billion over a 5-year period.

□ 1945

Some Republicans and the Bush administration say that this is too costly, and I just do not see how that argument holds water, as the Bush administration has sent Congress a supplemental bill for Iraq that proposes over $20 billion in reconstruction and rebuilding efforts in Iraq alone, $20 billion in reconstruction and rebuilding in Iraq alone.

Yes, U.S. tax dollars are rebuilding the irrigation system of Iraq, and this administration and this Republican Congress refuse to fund medical care for our Reserves and National Guard members. This $460 million is a small price to pay to provide for our troops and to ensure their readiness when they are stateside. The U.S. will spend more to upgrade the housing of Iraqi citizens in the next month than we will on medical care for our Reserves and National Guard if we do not include this provision.

In comparison to the tax cuts for the richest 1 percent given by this administration and this Congress and the enormous cost of military operations and reconstruction in Iraq and Afghanistan, this should be, quite frankly, a no-brainer.

Some might say we need to do studies on this to see if it is feasible. We have done enough studies on this subject. Americans want action, not more studies. Studies are nice, but providing for readiness for our guard and reserve is a necessity. In fact, in 2002, a GAO report recommended Tri-Care assistance be provided during mobilizations targeted to the needs of Reservists and their dependents. Another GAO report that dealt with Reservists being mobilized during the 1990–91 Persian Gulf War came to similar conclusions.

We cannot afford to do another study when 40 percent of our Reservists on active duty between the ages of 19 and 35, 40 percent of those people are uninsured. Tri-Care is only extended to active duty and not to Reservists, even though they are required to maintain the same standards.

Mr. Speaker, with the war on terrorism and continuing military operations in Iraq, with no valuable contribution from our European allies to this effort in sight, U.S. Reservists are clearly being called upon more and more. In fact, after September 8, it was announced that the deployment of Reservists in the combat theater is being extended from 6 months to 1 year. This is in addition to the fact that about half of the active duty Army is currently deployed abroad, up from 20 percent before 9/11.

Certainly our heavily stressed armed services and their families being required to make such extensive sacrifices deserve these health benefits. While many Reservists do have health benefits through their current employers, we cannot forget the 40 percent who do not. These are the patriots who make up the fabric of our communities and form the backbone of our defense forces. We cannot keep looking the other way when it comes to the Reservists of our armed services.

The administration already refuses to provide concurrent receipt for our veterans who are protecting our freedoms abroad. Until just this morning we were charging people who got injured on active duty for their food at U.S. military hospitals. Now we tell people, the local hardware store owner, the local Realtor, the stay-at-home mom raising a family, that we would love for them to serve as a Reservist, but we cannot offer them the same health care as active duty servicemen and servicewomen.

We continue to ask our Reservists to live up to their duties when we are not willing to provide them and their families with the proper health care that they need and that they deserve. We are creating a two-tiered military, with a separate set of benefits for Reservists than those offered active duty servicemembers. We cannot let this happen.

Join me in urging the conferees to accept the Senate provisions. Anything else, in my opinion, is a slap at our troops on the front line in our epic war against terrorism.

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

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume, and let me begin by expressing my appreciation to my friend and colleague, my fellow Representative, the gentleman from the great State of New York (Mr. CROWLEY), for his concern

and his efforts to bring this motion to the floor and before the House at this time.

Clearly, Mr. Speaker, this motion to instruct is the most recent reflection of what is a common goal, I would hope, by all Members, and I do believe by all Members on both sides of the aisle, and that is a renewed and a very appropriate reinvigoration of concern for what is the reality of today's military. And that is, as again my friend, the gentleman from New York (Mr. CROWLEY), suggested, the fact that today the so-called active and Reserve components are seamless; that we have indeed a National Reserve and National Guard component that is carrying an equal burden.

In my capacity as chairman of the Subcommittee on Total Force, that subcommittee of the Committee on Armed Services that is charged with the oversight and hopefully the adequate protection of the need of all of our men and women in uniform, regardless of their position in active or guard or reserve, I feel very strongly that we need to do everything we possibly can to adequately care and respect and respond to the needs of those that we ask to do so much for us.

And as I began my opening comments here today, certainly this motion to instruct reflects that. It is really a continuation of other motions to instruct that we have had. Just last week, the gentleman from Texas, my colleague and my co-chair, as the chairman of the House Army Caucus, the gentleman from Texas (Mr. EDWARDS) had a motion to instruct on family separation pay, on imminent danger pay, that again suggested that when it comes to our men and women in uniform, we need to do the best job we possibly can, and respecting their contributions, their sacrifices through fair and equitable treatment, be it in pay or in benefits, and certainly health care is primary amongst those.

As such, I would never suggest to any Member of this House that he or she come to this floor tonight and oppose this motion. That will be the judgment of each individual Member. I will say I intend to support it, and I intend to support it principally because of the symbolism involved that we need to do, as I have mentioned before, the best job we possibly can. But let me state for the record, Mr. Speaker, a couple of aspects that are relevant to this process as we go forward in the defense conference committee, of which I am a member.

First of all, my friend from New York made some comments that frankly somewhat confused me. He noted that the GAO in its previous study said that about 40 percent of our Reserve component did not have health care coverage. If I heard him correctly, that is not what the GAO report said. And, in fact, the GAO report said quite to the contrary, that in 2000 nearly 80 percent of Reservists had health care coverage while they were not on active duty, health care coverage that was provided through the private sector.

And, in fact, the GAO went on to note that they had serious reservation about this particular initiative as embodied in the Senate bill to provide TRICARE coverage on a full-time, 12-month, year-in-and-year-out basis to Guard and Reservists because of the potential negative effects and because of what they viewed to be a questionable cost-benefit analysis.

The only thing I am aware of that in any remote way correlates with the gentleman's comments about 40 percent lacking is that that 2000 survey did say that 40 percent of Reservists from drilling unit members live 50 miles further from their home unit. That would be a correct statement, but it has nothing to do with health care.

The fact of the matter is, as I noted, according to the GAO analysis of the GAO study, 80 percent of our reservists have health care outside of the TRICARE and outside of the military-provided coverage.

However, even with that being the case, I do respect the gentleman's concerns. And I think a couple of other issues that really argue to the contrary to some of the things he said are relevant here as well.

As of April of this year, Mr. Speaker, a Reservist and his or her family who has orders placing that Reservist on active duty for more than 30 days is eligible and is covered by TRICARE, in spite of what I believe I heard the gentleman say that Reservists are not eligible for TRICARE. That, with all due respect, simply is not correct. No Reservist and no Reservist's family lack health care during wartime and under current law.

So those Reservists, who I have visited, and I have been to Iraq, those Reservists all across this planet who are deployed and who are in theater indeed have coverage, as do their families. And I would note as well that both Houses, the House and the Senate, have included in their respective versions of the Defense Authorization Act that we are currently conferencing upon new authority, and seeing as how it is included in both bills I assume and I hope very fervently we are working very hard to ensure it is included, to provide free health care and dental care to Reservists prior to mobilization, before they are actually shipped out where they do receive coverage under current law. Because of the very fact, as the gentleman correctly noted, it is not just a question of fairness and equitability but a question of readiness that we do provide that as well.

Also, I think it is important to note, because it is a concern held by, as I understand it, and I hope I am conveying his comments correctly, and I believe I am, such distinguished Members as Senator WARNER, the chairman of that other body's full Committee on Armed Services, is concerned about the need to distinguish, through benefits and pay and such, the differences between Reservists and the differences between the active component.

The cost the gentleman noted as somewhat over $460 million for 1 year escalates dramatically. The cost is not insignificant. The cost over 20 years, where he noted correctly the 10-year cost is just over $7 billion, the cost over 20 years is over $20 billion. And when you add that to the other things that we have afoot, the question simply is, as GAO noted, is this the best way to spend over $20 billion to respond to a need that 80 percent of the Guard and Reserve component currently do not experience? That is a judgment we have to make as we go through and try to balance the cost benefits of the entire budget.

But as I said, at the end of the day, Mr. Speaker, the intent and the soul and heart of this motion to instruct is on point. Our Guard and Reservists are putting their lives on the line every day for us.

Two weeks ago today, I was in my district, in a small community north of where I live, to attend the funeral of a 24-year-old specialist, who 5 months before that day was married for the first time and who was shot by an al Qaeda sniper in Afghanistan. He was a Reservist. He was a man who reentered the military for one reason: he cared about this country and its values. And as I stood in that church and I saw the pain and the suffering on the faces of that family, on his new bride, on everyone there who cared about him, no one could convince me that there is too much we can do for these Guard and Reservists and too much we can do for our men and women in uniform.

So I commend the gentleman for his concern, and again I would never counsel any Member of this House to come to this body and oppose this motion.

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

Mr. CROWLEY. Mr. Speaker, I yield myself such time as I may consume; and I thank my good friend, the gentleman from New York (Mr. MCHUGH), for his statement. And before I recognize someone from my side, I want to point out for the record that according to the GAO report, from which I received this information, it says, and as the gentleman pointed out, 81 percent of the people in the Reserves are covered. If we take that between the years 18 and 65 years of age, we would have 81 percent coverage. According to the GAO report, right in front of me, only 60 percent of junior enlisted personnel, about 90 percent of whom are under the age of 35, as I said in my statement between 19 and 35 years of age, not all Reservists, but those under the age of 35, had coverage. Only 60 percent.

That means, like a national average, that 40 percent have no coverage, just to clarify the point the gentleman made.

Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri (Mr. SKELTON), the ranking member of the Committee on Armed Services and my good friend.

□ 2000

Mr. SKELTON. Mr. Speaker, I thank the gentleman from New York for yielding me this time.

Mr. Speaker, I rise in support of the motion to instruct conferees offered by the gentleman from New York (Mr. CROWLEY). I compliment him for this and I also compliment the gentleman from New York (Mr. MCHUGH) for his support for this issue. This motion will direct the House conferees on the National Defense Authorization Act for the year 2004 to accept the Senate provision, which would provide enhanced health care coverage for Reservists and National Guardsmen.

Under section 701 of the Senate bill, members of the Selected Reserve, which includes the National Guard, who are alerted for mobilization, would receive expanded medical and dental screening. However, more importantly, this section would provide members of the Selected Reserve and Individual Ready Reserve the ability to participate in the Tricare program on a cost-share basis. Tricare, as we all know, is the military's health care system. In addition, the Senate section would require the Department of Defense to continue to pay the health care premiums for Reservists who are called to active duty and have other health care coverage.

Reservists and National Guardsmen have been an integral part of every military operation over the past decade. Desert Shield, Desert Storm, Somalia, Haiti, Kosovo, Operation Noble Eagle, Operation Enduring Freedom and Operation Iraqi Freedom all have seen citizen soldiers called to active duty. The vital role the National Guard and Reserves play in our Nation's security has only become more clear since September 11.

On the homefront, Guard and Reserve personnel were called to defend our Nation's airports and bridges and other important infrastructure across our country. Overseas, they continue to serve in Afghanistan, Iraq and other places around the globe.

In the last 2 years, over 329,000 of our citizen soldiers have been called upon to protect our Nation's interests both here and abroad. Today, there are still almost 170,000 part-time volunteers serving at the tip of the spear.

Those currently serving in Operation Iraqi Freedom have recently been informed that their deployments are being involuntarily extended. These Service members will have to serve at least 1 year in Iraq. Families who were expecting their loved ones to return home in a matter of months will not see their loved ones until next year. That means hardships for both military members and families alike. Thousands of Reservists who are basically part-time employees will have served full time for at least a year under incredibly dangerous and stressful conditions. Their families will have sacrificed in innumerable ways as well.

The very least we can do for those who volunteer to serve their Nation as citizen soldiers, and for their families, is to provide access to quality health care for themselves as well as for their families. This motion by the gentleman from New York (Mr. CROWLEY) tells the conferees to agree to that very proposition. I urge my colleagues to join me in this motion.

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

Mr. Speaker, my colleague refined his earlier statement that he did not make in his original statement and said 19 to 35. Previously, he just said that 40 percent of Reservists do not have that coverage, and that is an important distinction. I am not trying to trip up anyone on details; however, I have a report, and I would be interested, I would ask the gentleman, this is a little unusual for the character of these discussions, but are we referring to GAO report 03–1004?

Mr. CROWLEY. Mr. Speaker, will the gentleman yield?

Mr. MCHUGH. I yield to the gentleman from New York.

Mr. CROWLEY. I am referring to GAO report 02–829, Defense Health Care. Also, for the record, on page 9 of my statement, and I repeat, we cannot afford to do another study when 40 percent of our Reservists on active duty between the ages of 19 and 35 are uninsured.

Mr. MCHUGH. Mr. Speaker, I have no doubt that the gentleman's written statement said that. I do not have his written statement, I can only hear what he said. I am trying to understand the statement the gentleman made so we can take the proper path.

Mr. CROWLEY. I appreciate that.

Mr. MCHUGH. Mr. Speaker, I think it is important to suggest that if we are talking about a targeted population here, perhaps a broad-based response is not the most efficacious we could adopt.

Again, in the GAO 03–1004 report, 80 percent which obviously is an average that includes the 19–35, have coverage, which means 20 percent do not have coverage. So is this the best way to do it?

In fact, GAO's final determinate was they seriously questioned this particular provision in the Senate bill, not referring to it specifically because it was not yet there, but questioning the provision of 24-hour-a-day, 7-day-a-week, 12-month-a-year coverage to Guard and Reservists not being the most appropriate response remains, whether it is 60 percent, 40 percent or 80 percent.

However, as I mentioned, and as I said, I want to thank the ranking member of the Committee on Armed Services, the gentleman from Missouri (Mr. SKELTON) for, as always, his compassion and his leadership and his concern. There is no Member in this House I respect more than the gentleman.

We do need to make every effort we can to express our concern in our response to Guard and Reservists, so I would not urge Members to oppose this motion. We need to do the best job we can, in the context of the money we have available, and both the House and the other body are trying to work to that end in the defense authorization bill, and that is certainly, in large measure, led by the efforts of the gentleman from Missouri (Mr. SKELTON). I would urge my colleagues not to oppose this motion.

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

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

Mr. Speaker, let me say that I appreciate the comments of the gentleman from New York (Mr. MCHUGH). We have known each other for many, many years, and I respect the gentleman's work here in the House, especially as it relates to our Armed Servicemen and Women. I join the gentleman in his remarks about the gentleman from Missouri (Mr. SKELTON), the ranking member, and how much we respect the gentleman and his work, as well as how it pertains to our young men and women, and to those up to the age of 65.

The gentleman from New York (Mr. MCHUGH) mentioned that 80 percent of Reservists have health care, 81 percent of those between 18 and 65 have health care. Officers and senior enlisted personnel are more likely than junior enlisted personnel to have coverage. Again, only 60 percent of junior enlisted personnel, about 90 percent of whom are under age 35, had coverage, interpreting that meaning 40 percent do not have coverage. That is lower than the similar age group in the general population. So our Reservists have even less insurance than the general population between those years of 19 to 35. That is what we are talking about.

If there was a Band-Aid approach, I would support that as well, if we could. That is not before us right now. We have a measure by the Senate that is before us that we can include in this conference report. That is what this motion is about, to cover all those individuals. Right now, we are asking many of them to make the ultimate sacrifice. I am sure the gentleman from New York (Mr. MCHUGH) has been out to Walter Reed Hospital, as I have. Some have given their lives, and many have given limbs, many of whom are not even citizens. We are making efforts to do away with some of the ridiculous charges, charging fees for meals at these hospitals when some of these people do not have arms to even eat those meals. We are making progress, but here is an opportunity to take care of a segment of the population who are willing to sacrifice themselves and their families and the time with their families, and sacrifice their opportunities at work in defense of this country. I think the least we can do is make sure that not only they have the health care coverage they need in order to perform in the defense of this country, but that their children and spouses have that health care as well.

Mr. Speaker, I include for the RECORD, GAO 02–829 Defense Health

Care, the paragraph that specifically pertains to what I was talking about.

[From GAO, September 2003, Defense Health Care]

MOST RESERVISTS HAVE CIVILIAN HEALTH COVERAGE BUT MORE ASSISTANCE IS NEEDED WHEN TRICARE IS USED

Until recently, DOD has administered a transitional benefit program that provided demobilized reservists and their dependents 30 days of additional TRICARE coverage as they returned to their civilian health care. The 2002 NDAA extended the transitional period during which reservists may received TRICARE coverage from 30 days to 60–120 days, depending on the length of active duty service. This change more closely reflects the 90 days that USERRA provides reservists to apply for civilian reemployment when they are mobilized for more than 181 days, and the change will provide health care coverage if they elect to delay return to their employment subsequent to demobilization. However, the 2002 NDAA did not provide any transitional benefit for dependents.

Overall, the percentage of reservists with health care coverage when they are not mobilized is similar to that found in the general population—and, like the general population, most reservists have coverage through their employers. According to DOD's 2000 survey of Reserve Component Personnel, nearly 80 percent of reservists reported having health care coverage. In the general population, 81 percent of 18 to 65 years old have health care upon coverage. Officers and senior enlisted personnel were more likely than junior enlisted personnel to have coverage. Only 60 percent of junior enlisted personnel, about 90 percent of whom are under age 35, had coverage—lower than the similarly aged group in the general population. Of reservists with dependents, about 86 percent reported having coverage. Of reservists without dependents, about 63 percent reported having coverage.

Mr. HOLDEN. Mr. Speaker, I rise today not only in support of the gentleman from New York's motion to instruct conferees, but also in support of the brave men and women who actively serve in the National Guard and Reserves. Their commitment to service is second to none, whether it is providing aid during natural disasters, the war on domestic terrorism, or on the battlefields of Iraq and Afghanistan.

Pennsylvania boasts the largest Army National Guard, as well as the fourth largest Air National Guard, making it the largest National Guard in the country. Many of these men and women serve at Ft. Indiantown Gap, the largest National Gaurd base in Pennsylvania in the heart of my Congressional District. Beyond all of this, the National Guard is the sixth largest employer in Pennsylvania and has a presence in over 100 communities throughout the commonwealth.

Mr. Speaker, as you can see, the National Guard and Reserves are an integral part of my district and of Pennsylvania. But I also know they are essential to every state and commonwealth, as well as the country as a whole. The protection they provide for us should be given back to them in their healthcare coverage. This is why I strongly support providing TRICARE coverage for these men and women.

Medical readiness is essential for National Guard and Reserve members if they are to continue their role as part of a cohesive, seamless force. These men and women train hard, take time off from their civilian jobs, and make many family sacrifices in order to serve. They are expected to be a ready force when deployed. To facilitate the use of the National Guard and Reserve as an integral part of our armed forces, we need a consistent health care option that covers our members and their families whether they are deployed or not.

In closing, Mr. Speaker, TRICARE should be an option for all members of the National Guard and Reserves and I support the motion to instruct conferees.

Mr. CROWLEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FRANKS of Arizona). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from New York (Mr. CROWLEY).

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

Mr. CROWLEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. (Mr. FRANKS of Arizona). Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. KIND. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Ohio (Mr. BROWN).

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

There was no objection.

TOM MANCHESTER INDUCTED INTO BASKETBALL COACHES ASSOCIATION HALL OF FAME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KIND) is recognized for 5 minutes.

Mr. KIND. Mr. Speaker, a person once told me that only silly people have heroes in their lives. If that is true, then this silly person rises today to congratulate and thank a hero in my life, my high school basketball coach, Tom Manchester, who is being inducted into the Wisconsin Basketball Coaches Association Hall of Fame.

Coach Manchester is a native of Racine, Wisconsin, and played basketball and baseball at Wartburg College, Iowa. Fortunately, for many of us northsiders, kids who grew up on the northside of La Crosse, Wisconsin, Coach Manchester accepted a teaching position at Logan High School and became the head basketball coach in 1977. He coached from 1977 to 1997, and finished with a 224–209 record and many city titles and Big Rivers Conference Championships.

I had the pleasure of playing for him starting in my sophomore year in high school in 1978 and finishing in 1981. I was a member of his team when we struggled to be competitive my sophomore year, and then saw the remarkable transformation the next 2 years when we won back-to-back city championships, and also won our conference and became one of the top-ranked teams in the State of Wisconsin.

□ 2015

He must have seen something in me that I did not at the time because he plucked me off the streets and made me a starting guard my sophomore year even though it was obvious that I was wet behind the ears and qualified as a ''work in progress.''

I will never forget one of my first games with Coach Manchester. I took the in-bounds pass to break a full-court press, asked for my teammates to clear out the second half of the court so I could break the press by myself, and then proceeded to dribble off my heel when I went between my legs on a dribble. The whistle blew when the ball went out of bounds. The buzzer sounded for a substitution. I ran to the bench assuming I was going to be replaced, only to have Coach Manchester ask me what I was doing. The substitute was for someone else, and he told me to get back out there and get used to making some mistakes because we had some learning to do.

Basketball for Coach Manchester was more than winning and losing. Everyone likes to win, but I never had the impression playing for him that all that mattered was the score at the end of the game. He was always first and foremost concerned about his players, not only how we were playing, but how school was going and whether things were going well in our lives.

For many of us growing up on the north side of La Crosse, which was considered the wrong side of the railroad tracks in town, presented us with some unique challenges and some choices to make. We could, if we wanted to, hang out on the street corners and run with the wrong crowd, getting into trouble and disappointing our parents, or we could find another channel for our energies and focus. That channel for many of us was in sports and in school, and Coach Manchester knew this. The gym became our safe haven and the team our extended family. There was no greater feeling of comfort and security than walking into that dark, cold,

smelly gym on a weekend winter night for practice before a big game and having Coach Manchester check on our personal lives and get us prepared for the next contest.

His wife, Jan, must have been very understanding to allow him leave from his family to spend as much time as he did with us kids. But we were not always alone. His young son Paul was the classic gym rat, dribbling and shooting off in another corner while the rest of us were practicing. Paul would later grow up to enjoy a spectacular high school career playing for his father at Logan, and then a terrific collegiate career at the University of Platteville and then the University of La Crosse. I cannot imagine the pride Coach Manchester must have felt coaching his son and watching him grow up to be the person he is today.

It has been said that great teachers enjoy a form of immortality because their influence never stops radiating. If true, then Coach Manchester is immortal. That influence can be seen today in so many of us kids who had the pleasure to play for and learn from one of the finest coaches in the State of Wisconsin. I am glad the Wisconsin Basketball Coaches Association is recognizing that by inducting him into their Hall of Fame.

I just hope Coach Manchester realizes the impact he has made on so many of our lives. Young kids need guidance. They need role models, people in their lives to teach them right and wrong and how to be good citizens. They also need from time to time a hero to look up to. I found one of mine, and whether it is silly or not, I do not mind saying that it is Coach Tom Manchester of Logan High School.

I congratulate the coach and thank him for all he has done.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

(Ms. ROS-LEHTINEN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent to take the Special Order time of the gentlewoman from Florida (Ms. ROS-LEHTINEN).

There was no objection.

MILITARY DEATH GRATUITY TAX REPEAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, tonight I am on the floor again. I am asking the House leadership and also the Democratic leadership to please bring to the floor H.R. 693, the Military Death Gratuity Tax Repeal.

Mr. Speaker, let me explain to my colleagues on both sides of the aisle that in the early 1990s, the Congress increased from $3,000 to $6,000 a death gratuity that is given to the family of a loved one who has died in uniform for this country. The Committee on Ways and Means, and it was not their fault, but the bill, the increase, was not sent to their committee so they could eliminate the tax. So since the early 1990s, anyone who has died in uniform for this country, their families have received a death gratuity of $6,000 and also the next year receive a tax bill from Uncle Sam.

Mr. Speaker, now that we are fighting for freedom for the Iraqi people, our troops in Afghanistan and also in Iraq have been killed, and God bless and rest their souls and bless their families, but, Mr. Speaker, the reason I am on the floor tonight is I am asking the House leadership, both Democrat and Republican, to please, before we leave here in early November, to bring this bill to the floor and let us pass it in a bipartisan way and send it to the other body.

In fairness to the gentleman from New York (Mr. RANGEL), ranking member, and the gentleman from California (Chairman THOMAS), they have included this language for 2 years in a larger bill to help our families in the military. But the other body, Mr. Speaker, has not passed the legislation.

So I hope that the Congress, the House, will join me in asking the leadership, both majority and minority, to bring this bill to the floor and let us send it to the other body and ask them to please pass this as a stand-alone bill.

Mr. Speaker, behind me are the photographs of those who have died for freedom. There are a lot more than these photographs, quite frankly. I have these photographs outside of my office in 422 Cannon because I do not want anybody to ever walk by my office and not understand the cost of freedom. We can see that it says, ''Let us never forget,'' faces of fallen heroes. These are young men and one woman from across this Nation who have given their lives for freedom, and yet Uncle Sam next year will send a tax bill to those families.

We are talking about, Mr. Speaker, that in the year of September 11, 2001, there were over 292 families that had to pay this tax. In 2002, there were 1,007 families that had to pay this tax. It is important that we pass this legislation this year. It should have passed 2 years ago, but that is not the House's fault. It is the other body's.

Mr. Speaker, let me also read part of an e-mail I received recently. It happens to be from a constituent of the gentleman from Illinois (Mr. HASTERT), Speaker of the House. It says: ''Dear Representative JONES, thank you for your support of H.R. 693. Our son, Sergeant Jacob Frazier, was killed in action on March 29, 2003, in Afghanistan. Upon being told we would be taxed on a portion of the $6,000 benefit, I was shocked and insulted. My son was not married, but I am sure that there are numerous young widows that do not need another complication in their lives. Our country should not add to their burden with additional taxation.''

Mr. Speaker, that is why I will continue to come to the floor of the House until the House leadership, both Republican and Democrat, bring this bill to the floor. Yes, we are doing a lot of important things on the floor of the House, but yet there is time to bring this bill to the floor. And let us in a bipartisan way, as we have done before, pass this legislation.

Mr. Speaker, I would also like to share with the Members on the floor of the House, this is a young man whose name is Tyler Jordan. He is 6 years old. He has under his arm the flag that was draped upon his daddy's casket. His father was a gunnery sergeant in the United States Marine Corps named Phillip Jordan, who was killed in Iraq. We are looking at this photograph of this young man who is hurting very badly because his father has died for this country. But should we not in Congress, who are not being fired at with bullets, say to those who are dying for freedom not only for the Iraqi people, but for the American citizens that to this young man Tyler Jordan we are not going to send a bill from Uncle Sam asking him to pay a tax on the measly $6,000?

That is not enough, Mr. Speaker, but that is not the issue tonight. The issue tonight is we need to remove this tax.

I ask God to please bless our men and women in uniform. I ask God to please bless America. Let us pass this legislation.

PAKISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise this evening to highlight the Pakistani Government's continued activities with regard to nuclear proliferation and cross-border terrorism in Kashmir. I am particularly concerned because Pakistan's leader, President Musharraf, continues to deny these activities and most recently in a New York Times interview this last weekend.

Mr. Speaker, with regard to exchange of nuclear equipment, it is abundantly evident that Pakistan has clandestinely provided rogue nations such as North Korea and Iran with necessary equipment for bolstering their nuclear weapons program. In fact, the U.N. nuclear watchdog agency, the International Atomic Energy Agency, recently reported that Iran has admittedly received support from Pakistan in obtaining centrifuges and other equipment that was used as a catalyst

for creating its secret nuclear facility south of Tehran.

Mr. Speaker, I am disappointed that the Bush administration has chosen to dismiss the information in this report, especially since the Pakistan-Iran link is so well defined, and since Pakistan is in complete violation of international laws forbidding exchange of nuclear equipment with countries like Iran. Last June when Presidents Musharraf and Bush met at Camp David, and this was last June, it seemed that the United States would no longer tolerate Pakistan's nuclear transfers to any country within the President's so-called axis of evil, but Pakistan is now guilty of such transfers to both North Korea as well as Iran.

Mr. Speaker, I suggest that the Bush administration take appropriate action to punish Pakistan and to ensure that the same pattern of secretly supplying nuclear weapons to rogue nations does not continue.

The other pressing concern that I would like to highlight this evening is Pakistan's continued terrorist efforts in Kashmir. In the past few months, the world has seen a significant uprising in the number and severity of guerrilla attacks in Kashmir. This is largely a result of evidence-based increased infiltration by Islamic militants at the line of control. Assessments by intelligence officials show that during the summer of 2003, the amount of infiltration was double the amount during the summer of 2002, and the number of murders and casualties of Indian Army men, civilians, and political figures in Kashmir has dramatically increased compared to last year.

Mr. Speaker, we simply cannot afford to wait for these numbers to continue to rise. President Musharraf's participation in closing the borders thereby restraining militants from entering Kashmir is the key. To this day he denies that he allows cross-border terrorism to take place, and, in fact, he still provides direct moral and military support to terrorists that he terms ''freedom fighters.'' The severity of the situation has also increased recently as terrorist training camps are reopening and as there has been a rise in the number of youth in Kashmir traveling to Pakistan to attend these camps.

As a result of pressure from the United States after 9/11, there seemed to be a somewhat successful effort to slow down infiltration at the border and to close terrorist camps throughout Pakistan, but, Mr. Speaker, that pressure has subsided, and the results are quite tangible in terms of increased terrorist activity in Kashmir that has brought much suffering to its people.

I urge the Bush administration to renew its role in ending global terrorism by pressuring Musharraf to enforce measures for ending cross-border terrorism in Kashmir.

Mr. Speaker, this past Sunday's New York Times ran an editorial called ''Pakistan, a Troubled Ally,'' a title that could not have been more appropriate, in my opinion. The content of this editorial further strengthens my argument that Musharraf is pretending that he is not responsible for aiding Iran and North Korea's secret nuclear weapons program and furthermore that Musharraf is denying his role in promoting increased cross-border terrorism in Kashmir.

I believe the United States has to respond to the numerous reports of nuclear proliferation in Iran and the increase in murders in Kashmir. Turning a blind eye to Pakistan's misbehavior in this stage of the game will surely further our own inability to promote peace and stability in the South Asia region, and beyond that the Middle Eastern and Far Eastern regions of the world.

The United States has agreed to provide Pakistan with $3 billion in assistance for their help in the fight against terrorism. But, Mr. Speaker, before any of that money is provided, we must ensure that money is going to hands of a leader and a country that is, in fact, promoting nuclear security and ending terrorist activity. We have not seen a solid effort from President Musharraf on these vital issues, and before we can proceed with any assistance, these issues should be addressed.

TRIBUTE TO ERICKA DUNLAP, MISS AMERICA 2004

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FEENEY) is recognized for 5 minutes.

Mr. FEENEY of Florida. Mr. Speaker, it is really a delight to be here tonight on a very special occasion for those of us in Florida, especially central Florida. It is my pleasure to rise and pay tribute to an extraordinary young woman from Florida's 24th District, which I serve, Miss America 2004, Ericka Dunlap.

Being crowned Miss America last Saturday was a historic moment for the State of Florida as Ericka was the first African American to win the Miss Florida pageant in 68 years. By the way, she is the second Floridian to be crowned Miss America in its storied 83-year history.

□ 2030

For Ericka, this achievement means a lot individually and personally; a $50,000 scholarship that will aid her in accomplishing her undergraduate degree at the University of Central Florida and continue on to her dream of law school, and this will afford her the honor of a national platform to discuss a number of nationally important issues to her and all of us, including, as she puts it, cultural diversity and inclusiveness.

While winning pageants is nothing new for Ericka, she has collected more than 110 trophies and 60 crowns since she started competing at age 6, an amazing record, her off-the-runway accomplishments are equally as awesome and impressive. She is a Dean's Scholar, a recipient of both the National Coca-Cola Scholarship and the Metropolitan Urban League National Scholarship, and she is a beneficiary of UCF, University of Central Florida, McKnight Center of Excellence's Thurgood Marshall Achievers Society.

Ericka, who is a former student senator with an interest in pursuing a career in public service or becoming a top-flight sports and entertainment attorney, is also a member of the prestigious UCF President's Leadership Council, whose members are selected for their excellence in leadership, scholarship and service to the University of Central Florida and the Orlando community.

As our president of the University of Central Florida put it, ''At UCF our pride in Ericka began long before the Miss Florida and Miss America pageants. We were extremely proud of her academic success, her volunteering on campus and serving as a member of the President's Leadership Council. Being crowned as Miss America was the icing on the cake for us, since it was national recognition for the poised, caring and intellectual young woman we have come to know.''

Mr. Speaker, just this last July I actually attended a ground-breaking for Partnership II Building at the University of Central Florida Research Park, and I had the pleasure of meeting Ericka. At that time Ericka signed an autograph, Miss Florida, for my 11-year-old son Tommy. He was thrilled to receive it, and he recognized he was in the presence of a star right off the bat. She is pleasant, she is attractive, she is wonderfully friendly, she is brilliant, and she is motivated, and I was glad and honored to meet her myself.

Mr. Speaker, finally, I expect in the year to follow our Nation will also come to know this exceptional young woman from Orlando. She plans to use her crown, as she puts it, as ''a symbolic propeller to take cultural diversity to new heights,'' and she continues to set new benchmarks for her own success, as well as our collective ability to treat all of our members of society with respect and dignity and love that is the bedrock of our Nation.

Congratulations, Ericka. We are thrilled to have you. We are thrilled to have Miss America be from Florida and from central Florida especially.

The SPEAKER pro tempore (Mr. FRANKS). Under a previous order of the House, the gentleman from New York (Mr. HINCHEY) is recognized for 5 minutes.

(Mr. HINCHEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. NORWOOD) is recognized for 5 minutes.

(Mr. NORWOOD addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

(Mr. DAVIS of Illinois addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

WASHINGTON WASTE WATCHERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. HENSARLING) is recognized for 5 minutes.

Mr. HENSARLING. Mr. Speaker, tonight I rise as cofounder of a new Republican effort dedicated to bringing the disinfectant of sunshine into the shadowy corners of the wasteful Washington bureaucracy. We call ourselves the Washington Waste Watchers. Do not be confused, the Washington Waste Watchers is not about counting calories. Instead, we are about counting the myriad of ways that the Federal Government routinely squanders the hard-earned money of the American family. We are here to look after the family budget by checking the growth of the Federal budget.

Mr. Speaker, I am sure that all my colleagues are well aware of the size of our Federal deficit. It is large and getting larger every day, at a time when our homeland security needs are paramount.

Now, Democrats say the only way to cut the deficit is to yet again raise taxes on the American family. Sound familiar? It is the same refrain we have heard from them for many, many years. We do have a large deficit, but it is not because the American people are taxed too little; it is because Washington spends too much.

Since I was born, the Federal budget has grown seven times faster than the family budget. Seven times faster. This is unconscionable. And the Democrats who claim to be concerned about Federal deficits have voted to spend almost $1 trillion more than our budget allows, $1 trillion more. There is a spending problem in Washington, not a taxing problem, and much of the spending is absolute pure waste, abuse and fraud.

For the moment, let us talk about fraud. In many instances, our government stands idly by while criminals routinely defraud the American people of billions of dollars each year. Here are just a few examples.

In just five individual cases, the United States Department of Agriculture was defrauded of almost $6 million in food stamp benefits; $6 million wasted by the Washington bureaucracy. And Democrats want to raise our taxes to pay for more of this?

Over a 4-year period, a California law student helped two companies bilk Medicaid out of $9 million in false claims; $9 million wasted. And Democrats want to raise our taxes to pay for more of this?

In Los Angeles, a woman and three coconspirators were convicted of wire fraud after they were caught helping unqualified borrowers obtain $70 million in fake FHA-insured loans; $70 million wasted. And Democrats want to raise our taxes to pay for more of this?

One Veterans Administration employee embezzled over $11.2 million from the VA. The woman, a 30-year VA employee, was the last of 12 coconspirators arrested in the scheme which involved the resurrection of claims filed for deceased veterans; $11 million wasted. And Democrats want to raise our taxes to pay for more of this?

Twenty-three percent of the people who have had their student loans forgiven due to disability actually hold full-time jobs, costing the Federal Government $40 million a year; $40 million, just wasted. And Democrats want to raise our taxes to pay for more of this?

Mr. Speaker, these are just a handful of examples of the types of fraud that are being perpetrated against the American taxpayer every day, and we have just begun to scratch the surface.

One of the hallmarks of the recent Enron scandal was not just the profound outrage at the criminals who committed the fraud, but the recognition that the system had to be reformed. It was not enough just to catch the crooks, we had to change the system of accountability to make sure that it never happened again. Washington spending is a scandal, and it must be changed.

Once you begin to look at the reports, it is easy to see that many Washington programs routinely waste 10, 20, 30 percent of their budgets due to waste, fraud and abuse, and have for years. Yet Federal agencies routinely spend next to nothing policing these multibillion-dollar budgets. In the real world, when people lose this much money, they either go broke or they go to jail, but in Washington it is simply another excuse to take more money away from the American family.

Mr. Speaker, there are many ways that we can save money in Washington without cutting any needed services and without raising taxes on our hardworking Americans, because when it comes to Federal programs, it is not how much money Washington spends, it is how Washington spends the money.

Mr. Speaker, at a time of huge Federal deficits, unparalleled homeland security needs and a crushing family tax burden, the Washington Waste Watchers are here to let Americans know there is an alternative to even more Democrat tax increases on the American family.

THE UNDERFUNDING OF HEAD START

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Wisconsin (Ms. BALDWIN) is recognized for 5 minutes.

Ms. BALDWIN. Mr. Speaker, thank you for the opportunity to speak this evening on a very important topic, the Head Start Program.

During the August recess, I had three opportunities to visit with Head Start workers at the Dane County Parent Council, a nonprofit agency that runs 13 Head Start sites. What I learned during those visits shocked and worried me, and I believe it will shock you also.

Thirty percent of these Dane County, Wisconsin, Head Start workers have faced or experienced an eviction from their housing. Fifty-five percent have had phones or other utilities shut off. Forty-five percent have used a food bank. Sixty-two percent make so little money that their own children are Head Start-eligible.

These figures are stunning. Head Start is a program designed to break the cycle of poverty. Instead, it has become a program that guarantees poverty to some of its front-line workers.

Workers and the management at the Dane County Parent Council are currently engaged in tense contract negotiations. Their most recent contract expired last night. At the center of these contentious negotiations are the extremely low salaries paid to these front-line Head Start workers.

So why do these Head Start workers put up with low wages and face the daily challenges that accompany poverty and near poverty? Because they are dedicated to the Head Start Program and the good that it does for so many children and families, oftentimes their own families.

One woman recounted for me how her own son had been a Head Start student. As a child, he had delayed speech development, but today he is a 15-year-old honor roll student. His mother, now a Head Start worker herself, knows firsthand of the good that the Head Start Program does. So despite the low wages and challenges that she faces in making sure her family's basic needs get met, she remains committed to being a part of Head Start.

This level of commitment is admirable, and it is the sort of commitment that we as Members of Congress should show to the Head Start Program as well.

I was sad to report to these struggling Head Start workers that the House-passed Head Start bill is not going to help their situation. In fact, the House-passed bill gives Head Start teachers a meager 0.4 percent raise. This is insulting, not to mention unconscionable. This is not going to help the workers that I met with who are constantly faced with the challenge of making ends meet. For these families the ends do not meet. They do not even come close.

In Congress we pass bills that authorize a lot of spending. Our appropriation bills authorize billions upon billions of dollars. But I urge my colleagues to stop for a moment and remember that it would take just a small amount of money, a drop in the bucket really, to do right by these devoted workers who do so much to bring hope to the next generation of youngsters.

A teacher's assistant or a bus driver should be focused on their precious students, not how they are going to keep the electricity on at home or clothe a growing child or stave off an army of bill collectors.

I remain hopeful that our colleagues in the other body will reward the dedication of Head Start teachers by adequately funding the Head Start Program. I also remain hopeful that the Dane County Parent Council will recognize the value of their workers through expeditious resolution of the remaining economic and noneconomic disputes in their contract.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. SOUDER) is recognized for 5 minutes.

(Mr. SOUDER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. BERRY) is recognized for 5 minutes.

(Mr. BERRY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Tennessee (Mrs. BLACKBURN) is recognized for 5 minutes.

(Mrs. BLACKBURN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. SMITH) is recognized for 5 minutes.

(Mr. SMITH of Michigan addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

□ 2045

TEA-LU EQUALS JOBS, JOBS, JOBS

The SPEAKER pro tempore (Mr. FRANKS of Arizona). Under the Speaker's announced policy of January 7, 2003, the gentleman from Illinois (Mr. LIPINSKI) is recognized for 60 minutes as the designee of the minority leader.

Mr. LIPINSKI. Mr. Speaker, on May 14 of this year, after months and months of delay, the administration finally released their TEA–21 reauthorization proposal. Called SAFETEA, the administration's proposal will authorize $247 billion for surface transportation programs.

In contrast, TEA–21 authorized $218 billion over 6 years for our Nation's surface transportation needs. While the landmark legislation made tremendous advancements towards addressing those needs, we still have much work to do. The next reauthorization must advance on the successes and priorities of TEA–21 and take into account our future needs as well.

Unfortunately, SAFETEA fails miserably in that regard. When we factor in inflation, SAFETEA's $247 billion funding level would mean a flatline of current transportation spending.

While I admire the administration's laser-like focus on flatlining surface transportation investments in their proposal, the fact of the matter is that SAFETEA is shortsighted and inadequate.

The administration's SAFETEA proposal is too little, too late, especially in today's gloomy economy. We now have 6.1 percent unemployment rate. This is the highest level since July, 1994. The unemployment rate for construction workers is even higher at 7.1 percent. In a time where nearly 9 million Americans are out of work, over 4 million Americans are underemployed, and nearly 2 million Americans have been out of a job for more than 6 months, we need something more than SAFETEA.

What this Nation needs is a bold and innovative economic stimulus plan. What this Nation needs is a robust public works funding package, and what the administration has proposed just is not it.

What we need is the proposal laid out by the Committee on Transportation and Infrastructure. Under the leadership of the gentleman from Alaska (Mr. YOUNG), the committee is working on a $375 billion reauthorization bill. Mr. Speaker, $375 billion is within the funding levels recommended by the U.S. DOT's ''Conditions and Performance Report.'' Mr. Speaker, $375 billion is needed to maintain and improve our highways and transit systems.

I strongly believe that TEA-LU will adequately fund our national surface transportation needs. And just as important, it will be a shot in the arm for our struggling national economy. It will create jobs and put people back to work.

Over the last several months, much of the debate has centered on the highway user fee, or gas tax. User fees and taxes are never popular, but leadership requires making tough decisions.

Let us be perfectly clear. I support an increase in the highway user fee. I support depositing these revenues in the Highway Trust Fund to pay for surface transportation needs, and I do not stand alone on this.

In fact, I stand with the majority of Americans on this issue. In a poll conducted by Zogby International in June 2003, 67 percent of those surveyed supported an increase in the highway user fee of up to 5 cents per gallon, provided those revenues went towards infrastructure improvements.

Putting this into perspective, a 5-cent increase in the highway user fee on gasoline will cost the average motorist an additional $30 per year, which is about the same price as an oil change nowadays.

Instead of getting bogged down with the concept of user fees and taxes, we should all take a page from the history books.

Let us look back to 1982. Let us not forget that this Nation was in the midst of a recession when Ronald Wilson Reagan, a native Illinoisan, signed into law the Surface Transportation Assistance Act of 1982, a bill that raised the gas tax by 5 cents. In his wisdom, he knew the importance of increasing highway and transit funding. He knew the importance of investing for the future. He knew that the cost to the average motorist would be small, while the benefits to the national transportation system would be immense. But most importantly, Ronald Reagan knew that a $151 billion surface transportation funding bill would create jobs and provide immense benefits for a sluggish economy stuck in a recession back in 1982.

Reagan also pointed out that the gas tax is not a tax, it is a user fee. An increase in the highway user fee would simply be deposited in the Highway Trust Fund, and there it would be used to improve our Nation's transportation system and would have no impact on our Federal deficit.

Highway user fees are, as President Reagan noted, simply good tax policy.

His successor, President George Herbert Walker Bush, also recognized the importance of public works investments and economic vitality. When he signed ISTEA into law in 1991, he said the highway bill could be summed up in three words: ''jobs, jobs, jobs.'' That is just as true today.

Each $1 billion invested in infrastructure creates 47,500 jobs and $6.1 billion in related economic activity. For the price of a few cents per gallon, we can craft a $375 billion transportation investment bill that would potentially create millions of new jobs. That is an investment for our American working families today as well as an investment for our Nation's future. For the price of a simple oil change, we can reauthorize the Highway Trust Fund at $375 billion. It would not only ensure our transportation system will be second to none in the world; it would also create jobs and stimulate the economy without impacting the Federal deficit. What is not to like?

But right here, right now, it is really about jobs, jobs, jobs. We need to create good-paying jobs. We need to put people back to work. We need a $375 billion surface transportation bill.

Let us not lose sight of these public policy objectives in these trying economic times.

In conclusion, let me once again say that the sure way to improve this economy, to improve transportation, to improve highways in this country is to

support a bill for $375 billion that will ensure America being, as it is today, the leader in the world in transportation.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I would like to thank Ranking Member LIPINSKI for his leadership and for organizing this time for a special order this evening.

The need for infrastructure investment is greater than ever.

The U.S. economy desperately needs a shot in the arm.

Our economy is in dismal shape. Unemployment numbers are the highest ever in the last decade.

With this Bush Recession, family incomes are falling across the board, and falling most rapidly among lower-income workers.

The increase in unemployment of the last two and a half years has had a disproportionate effect on people of color.

The rate of unemployment for African Americans is 10.9 percent—more than twice the rate for whites.

We need to put people back to work in this country, and we need to get this economy going again.

Transportation infrastructure investment will do just that.

According to the U.S. Department of Transportation (DOT), every $1 billion invested in infrastructure generates 47,500 jobs and $6.1 billion in related economic activity.

The 375 billion dollar surface transportation bill that the bipartisan membership of the Transportation Committee supports reflects the needs expressed in the Department of Transportation's own needs assessments!

The legislation would potentially create over 1.3 million new good-paying jobs. This bill would put people back to work, and this is just what the American economy needs.

We face rising costs—in congestion, in wasted fuel, in frustration, and in air quality.

I support an increase in the gas user fee because we can not afford to allow infrastructure to continue to crumble.

We cannot afford to bare the increasing cost of congestion (which was 67.5 billion dollars in 2000).

We cannot afford the healthcare costs we will face as a result of breathing polluted air.

Unfortunately, the Bush Administration and the House and Senate Republican leaderships now obstruct our efforts to pass a 6 year bill that adequately funds transportation infrastructure.

But the need to invest in public infrastructure is genuine, and moving forward requires additional funding.

Investment in infrastructure will improve mobility, productivity, and our quality of life.

President Bush's tax cuts have only further harmed our economy.

The Transportation Committee's legislation will provide REAL stimulus to our economy, and it will finally put people back to work.

GENERAL LEAVE

Mr. LIPINSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my Special Order.

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

There was no objection.

□ 2100

THE PRESIDENT'S SPEECH BEFORE THE UNITED NATIONS

The SPEAKER pro tempore (Mr. FRANKS of Arizona). Under a previous order of the House, the gentleman from Indiana (Mr. PENCE) is recognized for 5 minutes.

Mr. PENCE. Mr. Speaker, I rise today with a deep sense of gratitude as an American in the wake of the courageous and determined address that the President of the United States made before the United Nations yesterday. The temptation for the President, Mr. Speaker, was clear. It was to respond to weeks and months of withering criticisms about our historic allies and to go into the chamber of the United Nations with a tone of apology, a tone of conciliation. But that is precisely not what President George W. Bush did.

Yesterday, the President of the United States strode into that chamber and with our allies and even some of our antagonists represented in the audience, even including in the war on Iraq, the leaders of nations that opposed our coalition, President Gerhard Schroeder of Germany and President Chirac of France were in the audience and listening, but the President did not mumble; he did not apologize. He came and explained the challenges that we face in Iraq. He embraced the nations, some 32 in number, who joined together in a coalition for nothing less than the advancement of freedom for the people of Iraq.

It was, in sum total, Mr. Speaker, one of the finest addresses I believe that the President has made since taking office in January of 2001.

And I was here on the floor of the Congress when the President came in the immediate aftermath of 9/11 and spoke those courageous words. But yesterday speaking to the world, the President of the United States struck the right tone. It was that we are not here in any way to gloat, but neither are we here to apologize for doing the necessary work of freedom in the world, for taking the 16 separate pronouncements of the United Nations seriously, and leading a coalition to enforce them against a tyrannical dictatorship in Baghdad.

The United States had nothing to apologize for, and the President was right, in words and in tone, not to apologize. But let me also say that the President was right to go to the United Nations and challenge that body and its membership to come alongside those of us that advance freedom and human rights in Iraq, saying that for the members of the United Nations there was, ''a role to play in humanitarian assistance, in the establishment of a transition to a free and democratic government.''

I also commend the President for identifying that proper role for the United Nations to play. And so it seems to me all together, Mr. Speaker, that President George W. Bush, struck exactly the right balance. He spoke glowingly of our role in advancing freedom for the people of Iraq, in standing up for the rule of law and human rights in the world as Americans have done for other peoples throughout our history.

The President also said there is a role for allies now, to let bygones be bygones, to come alongside and to be a positive force as an international community for change for the people of Iraq that will be stable, that will be permanent, and that could literally change the landscape of that torn region of the world for generations to come.

Mr. Speaker, I thank the President of the United States for being a man of principle, a man of freedom, and a true leader on the world stage.

OUR NATION'S IMMIGRATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes as the designee of the majority leader.

Mr. TANCREDO. Mr. Speaker, I rise tonight to talk about an issue that often compels me to come to this floor and express to my colleagues my concerns about, I think, one of the most pressing public policy issues that we face as this Nation, and certainly as the Congress of the United States, and that is the issue of massive immigration, legal and illegal, into the country and what that means for us as a Nation.

And I say that, Mr. Speaker, because I believe with all my heart that there are massive, to use the word again, massive, implications of massive immigration, both legal and illegal.

And some may be very good, some may have value, and some may be very, very bad. And it behooves us, it seems to me, as the body that is charged with the responsibility for being, perhaps, the foremost marketplace of ideas in the country, it behooves us to at least talk about these issues.

And I suggest that we talk about it because I know, Mr. Speaker, that America is talking about it, America around the water cooler, America around the unemployment line, America across neighborhood fences, America is talking about this, and America is worried about this issue.

They are worried about many things, and they are accepting of many things. They, I think for the most part, look at immigration as certainly I do, as being something that has been beneficial to the Nation, that has provided for us a diverse population and culture that certainly is the envy of the world in many respects and has been immensely rewarding to us as a Nation. It is a rich environment in which we all can exist and prosper.

And so it is difficult, then, if you feel that way in your heart, which I, of course, do, that it is difficult to then lead us into the discussion of another aspect of it and that is a far more disconcerting aspect of immigration, massive immigration, I should say, not just immigration, but massive immigration on a scale we have never, ever experienced before at a time, I hasten to add, at a time when we also are going through a peculiar cultural phenomenon in the United States.

I refer to this phenomenon as the culture of multiculturalism which has overtaken us. It is a philosophy peculiar in many, many ways, I think, and peculiar, I think, to many Americans, but it has nonetheless taken hold among the elite in the country, the academics, the media, certain groups within the United States political establishment, that see America, and in a broader sense Western civilization, as something that they have to be ashamed of.

The values of Western civilization, many people who I would call cultists in the pursuit of this multiculturalism agenda, they see Western civilization as nothing of value and, as a matter of fact, for the most part something to be discounted. And they will actually talk about it in the most negative terms, and continually suggest to our children in school and to the public that pays the slightest bit of attention anymore to the national media, especially the media represented by or as exemplified, I should say, by commercial television, to those who still pay attention to those particular forums, these people look at this and think to themselves, maybe there is not anything really of value.

And children will, unfortunately, grow up learning only the most negative things about the United States and about Western civilization and begin to lose any real connection to the goals and aspirations and ideals of America that were exemplified in the Constitution of the United States, that were articulated by the people who founded this country and for 200 years, the ideals to which and around which we all rallied. And I fear, in a way, that we are losing this kind of connection.

I know this is somewhat esoteric, I know that this is not the typical kind of discussion that is held here on the floor of the House, but I ask that we do, in fact, engage in this discussion because I believe it is both meaningful and important to us as a Nation to discuss and to debate. The simple question is who are we? Who are we?

Samuel Huntington, who is a well-respected historian and social scientist, has written several books, the most recent, at least that I read, was The Clash of Civilizations. And he is coming out with another one, I am told, relatively soon. And I am looking forward to it. It is called Who Are We? And it takes a very in-depth look at this particular issue and this question.

He suggests that we are being sort of Balkanized in the United States, and in much of Western civilization for that matter. We are Balkanized into subgroups, subcategories, hyphenated categories as something American. And that this pressure to disconnect from a set of American ideals and ideas or those that we could call Judeo-Christian in nature, the precepts of Western civilization, that the disconnect from this is dangerous and that we should not be doing it.

And I certainly agree that there, again, are implications to this kind of phenomenon that are worthy of our discussion.

Beyond that, then, we have to think about what massive immigration means in this light and in this context, especially when it has changed so dramatically. Immigration and immigration policies have changed so dramatically over the last, let us say, 50 or 60 years but certainly in the last couple of decades.

In the past, certainly when my grandparents, and perhaps yours, came to this country, they were encouraged in many ways. Certainly, there were all kinds of discrimination that my grandparents faced, I am sure every wave of new immigrants confronted a new set, or maybe an old set, of discriminatory tactics. But even in the face of those obstacles, they were able to overcome them, they were able to succeed, they were able to move on. And they did so for a variety of reasons. Certainly, there was some internal desire to do so.

I remember, distinctly, my own grandparents talking about the fact that we should never ever think of ourselves as anything about Americans. We should never really connect to the old past. My grandparents all came from Italy. And although they were certainly proud of their heritage, they wanted to disconnect from the past and reconnect, or connect, I should say, to a new culture. And they wanted to be Americans in every sense of the word. So much so that, as I grew up, I never, ever, thought of myself as anything but an American.

Mr. Speaker, if someone were to have said to me, what is your home country, I would have said, well, the United States. What is your home State? I would have said, Colorado, and thought, how silly to ask such a question. But that is how I grew up. That is what I thought of as my heritage.

And my grandparents were forced to do other things. They were forced, whether they wanted to or not, of course, to work because there were no options. They would either work or they would starve. There was no welfare. There was no social service net to save them if they were to fail. They had to rely upon their own labor because they had few other skills but the labor they brought with them, the brawn, if you will.

□ 2115

They had to rely upon family and friends, and they had to do something else that was incredibly important when you think back on it. It was important for many reasons, but some did not become, some of those reasons were not clear, as they are today, when you think back, and that is that they had to learn English. They were sort of forced into it. I do not know how willingly my grandfather learned the English language, how devoted he was to the study of it, but I do know this, that it consumed him in terms of the time he would try. Certainly my grandmother would tell him, you have to try harder and you have to speak English. Actually she would always say, speak American, and in that process what was happening is they were becoming part of a greater society, a greater culture, bigger culture, and they were integrated into that culture, again, overcoming the obstacles that they faced with discrimination, which they certainly did, and, as I say, every newly arriving group in this country faces, but they were forced to learn English. They were forced to work. They were forced to actually integrate into the American mainstream.

Today, because of this cult of multiculturalism that permeates our society, we set up obstacles. We not only set up obstacles to people coming into this country and feeling at home. I mean, there are certainly a lot of discriminatory tactics employed, and I am not suggesting for a moment that discrimination has been eliminated from the culture. It has not, but we have done something else in a very peculiar way, maybe in a response to what we consider this, the discrimination, as we have set up this other sort of agenda or culture, if you will, or phenomenon.

I guess that is the best way to describe it because what we tell people today is they should not, in fact, reconnect, or they should not connect with America and with our culture and with American and Western civilization; that they should remain separate and distinct, in separate enclaves and retain their own language and retain their political affiliation and cultural affiliation with the country of their origin. And we tell them not to come into American mainstream, that there is nothing of value, and, therefore, they should essentially stay separate, all in this quest to make people feel at home or certainly make people feel that Western civilization offers them nothing of any consequence, and therefore, this separate and distinct set of societies that we are developing in the U.S. has greater value.

Not too long ago, in fact just a couple of weeks ago, there was an article in the Los Angeles Times that I remember reading here on the floor, at least excerpting parts of, and it talked about an event in Los Angeles. I believe it was not Cinco de Mayo because it was just a few weeks ago. It may have been the celebration of Mexican Independence Day, and it talked about the fact that there were thousands and thousands of people on the streets of

Los Angeles, all with Mexican flags, and all, as they said, experiencing the joy of their homeland in talking about and cheering the flags that went by of their States. And I remember thinking to myself, their homeland? Their homeland. What is their homeland? Is it not the United States of America? What is their State? Is it not California?

We all have pride, as I say, in our heritage, but there was something peculiar about this article, I thought, because it does, once again, sort of focus in on what I am trying to describe here as a problem, at least I believe is a problem in this country, and that is our desire to ignore everything that would pull us together as a Nation and to, in fact, accentuate all the things that split us apart.

As I say, from my point of view, Mr. Speaker, it is disconcerting to say the least, and I worry about what this means for America, and I wonder. And although I certainly will be the first to tell you I do not have all the answers, I know, and I can certainly ask a lot of questions, but I am well aware of the fact that this is a cultural phenomenon that deserves a great deal of attention. A lot of very important scholars should study it and think about it, but is it not something that we should think about even superficially a little bit? Should we not give some thought to what this means to our Nation? Should we not then, therefore, think about what kind of immigration policy we should establish in this country?

Even if you sweep all of this aside and say it is all too highbrow, it is all too, again, esoteric, who wants to think about all that stuff; it does not matter, and it is just grist for social study textbooks. Okay. Forget about it. Let us talk about other more mundane but certainly dramatic aspects of massive immigration into this country, both legal and illegal. Let us talk about money. Let us talk about costs. Let us talk about the fact that today in the United States we expend far more money as taxpayers in the infrastructural support necessary for those people who have come here both legally and illegally than we ever obtain from those same folks in terms of the taxes, quote, they pay. And I say ''quote'' because many, of course, pay no taxes whatsoever because of our peculiar system, the system we have developed over a series of years. It is a big difference, I explained, to what my grandparents faced.

You come to the United States and really do not have to work. Not only that, but you work and earn a little amount of money, we will pay you in the form of something called the earned income tax credit, and many, many immigrants, both legal and illegal, thousands in fact, hundreds of thousands by the latest count, actually file income tax forms for one purpose, to obtain the earned income tax credit. It is not to pay taxes, because they do not pay taxes for the most part. They do not make enough money, but they will claim a certain number of people. Even when they work here illegally, they still file income tax forms.

We found them in what are called pick-up sites. These are places throughout the desert in the Southeast where illegal immigrants gather. As they come across on foot, they gather at certain areas to be picked up by some sort of vehicle, trucks or cars, and taken into the interior, and these sites sometimes are places where literally thousands of people will have gathered over a period of time, and they are strewn with trash; unfortunately, I mean, it is an indelicate thing to talk about, but tons of human waste and very, very unpleasant from many respects.

But we were going through one of these sites, and I happened to look down, and I saw all these IRS forms laying on the ground, and I picked them up. We still have them in my office, and I will never forget. I mean, one guy had filed his income tax, used a fake Social Security number, but had received, we found out later because we checked this out, and he filed an income tax claim that he had made $7,800, something like that, in the course of the year. He listed four or five dependents, all of whom lived in Mexico, but were given taxpayer identification numbers by the IRS. All you have to do is request a number for a dependent, whether they exist or not, who knows, because they are in a different country, but he filed this claiming four or five dependents in another country, using their ITIN numbers and said that he paid something like $94 in taxes on those $7,000 that he earned, but he claimed $3,800 in earned income tax credit.

We do this for people. This is part of who we are, but it changes the whole idea, the whole philosophy, the whole phenomenon of immigration into this country, changes it dramatically from what it used to be because we provide this.

So, as I say, forget about all of the cultural implications, whether you think they exist or not, as I have described them. Think about the actual costs to the United States, to the taxpayer of the United States. We are encouraged to keep open borders and allow illegal immigration into this country because we know, on our side of the aisle anyway, and many people on the other side of the aisle, by the way, believe in the concept of cheap labor, that businesses should be able to hire the cheapest labor possible, and if you get that across the border illegally, so be it. The other side of the aisle is much more interested in the votes that may accrue to them by the increase in the number of people who are here in this country as immigrants, either legal or illegal, but together this causes a very big problem because it is hard to actually then do something about it.

It is hard to stop it. It is hard to actually address it or reform it when you have got these two pressures and pressure groups, the political pressure group on that side of the aisle, the cheap labor group on our side. And I say all the time cheap labor is only cheap to the employer. It is not cheap to the American public. It costs us greatly. It costs us an enormous amount of money to provide the infrastructure for those people who are here working for very little and for very low wages.

Not only do we find that there are tax implications for us in terms of just the money that we will pay somebody for being here and having a low income, but, of course, there are the costs for schools. There are the costs for highways. There are the costs for hospitals and health care in a broader sense. All of these things, of course, are charged to the American taxpayer.

So I would suggest that if for no other reason we have a legitimate cause here, a legitimate concern based around the fiscal issues presented by massive immigration. And our opponents will say, well, these people come, they work, they provide value. Again, they do work, they provide value, mostly for employers who oftentimes exploit them, who oftentimes use that labor, pay them less than even minimum wage, refuse to give them benefits, and, in many ways, make their lives something close to those of indentured servants.

So it seems to me, as I say, that we have a legitimate interest, a legitimate concern, but sweep that aside, forget it for a moment. Say, okay, there is no cultural issue I care about listening to, and there is no fiscal issue that concerns me. Think about national security. Does that matter to anyone in this body? Should it matter to anyone in this body? Should it matter that our borders are porous? Does it matter that we have absolutely no control over who comes into this country? We do not know who they are. We do not know for how long they are here. We do not know for what purpose.

To the credit of people like Asa Hutchinson, whom I admire, he is trying his best, I think, to gain some degree of control over the immigration process, and we are working to devise better mechanisms to actually identify people who are coming across the border at our ports of entry. We are giving them cards, and unfortunately there is no hardware, there is no machinery there to actually scan these cards and to get the information. But a lot of people have cards now that carry some information we call biometric identifiers, and that is good, and I am happy. But, of course, those ports of entry are tiny, tiny pebbles that we have placed in the huge river of immigration. At those ports of entry we may have a better sense of who is coming across, and we may be doing a better job, but every place between those ports of entry, Mr. Speaker, unfortunately it is still ''olly olly oxen free.''

I flew over the port of entry in Nogales not too long ago, and it was a

great metaphor for what I am saying. We looked down. Here was the port of entry with a line of cars maybe a mile deep into Mexico waiting to come into the United States, everybody being checked, but, of course, Nogales is in a desert area, very flat area, and we were flying in a helicopter, and so we looked at that, and it was ironic to say the least that not more than a mile on either side of that port of entry where everybody was being stopped, you could watch people walking across, sometimes simply driving off of a road in Mexico and into the United States through our national park down there, Organ Pipe Cactus National Park.

□ 2130

It looks like a racetrack. It is not a national park any more; it is a combination of a dump and a racetrack, where everywhere you look tracks have come through. People have simply driven over into the deserts, driven into the United States. You can fly over and see all these tracks looking like spiderwebs every place.

They have ruined the environment. They have destroyed much of the environment to the point that I cannot believe the Sierra Club does not go down there and really go ballistic. But of course they will not, because this is a politically incorrect thing for them to do, to complain about the degradation of the environment being done by illegal immigration.

And so we watched as people came into the country, of course completely undetected, except for the fact we happened to be flying over and watching it. But certainly we do not know who they are and, for the most part, of course, they are coming for the benign reason of a job. Absolutely true. But how do I know all of them come for that purpose?

And I guaranty you all of them do not come for that purpose, because of course we could also see the remnants of the drug trafficking, which is enormous. We picked up sacks all over the landscape where people had carried them in because they were coming in illegally and they were being used as what they call mules to bring the stuff in on their backs. And by the way, this is observable certainly on the southern border, but it is absolutely as rampant on the northern border, especially the drug traffic. So it is not just a southern border problem. It is a huge problem for America.

We do not know who is coming. We know that there are cartels in South and Central America that have now specialized in the importation of people, not drugs any more. They have changed their marketing tactics, their sales or whatever, because they are now importing people because it is more lucrative. It is $1,500 to $2,000 for a poor Mexican peasant to come into the United States paying a coyote; it is up to $55,000 for someone coming from the Middle East or Asia. It is a very lucrative endeavor.

And what do they have invested in it? Hardly anything. It is not like they need to pay the grower to take care of the plants and all that kind of investment there is in drugs. You do not have that in people. And if they lose a load, there is plenty more where they came from, so it is no big deal.

So now there is a cartel in what is called the tri-border area. This is in southwestern Brazil, the corner of Brazil, Paraguay, Argentina. The tri-border area is a very lawless area, and it is the site of an enormous amount of smuggling activities and that sort of thing, but it is also the site of this Mexican mafia cartel that no longer deals in drugs specifically, it deals now primarily in people, and it wants to concentrate on Middle Easterners coming in because they pay the most, $55,000.

So Middle Easterners will come into South and Central America, coming into what is called the tri-border region, be acclimated there in Brazil for a little bit, and then they are moved into Mexico and then into the United States. Some of them may be for jobs. Maybe they are all coming to do jobs Americans just will not do. I hear that all the time, of course. That is the only reason why we have illegal immigration; it is because we have so many jobs Americans will not do.

So therefore we have to bring in Saudis and Pakistanis and Iranians and Chinese? Well, no, Mr. Speaker, there are other reasons people are coming here, and some of them are nefarious. Some of the reasons are very, very scary. But our borders are porous, and they can come across at their will. And we are shirking the most basic responsibility we have in this body.

It may be bizarre to say such a thing here, but our primary responsibility in this House is not to educate America's children, it is not to provide welfare benefits to America's disenfranchised and poor, it is not to provide highways, and it is not to provide recreational services. Those things are not any of the identified responsibilities of this body in the Constitution of this country, which is supposed to be our guiding light.

Every Member takes an oath. We stand here at the beginning of the session, and we do not take an oath to the President. And we do not take an oath to our party. We take an oath to the Constitution. And when you look at the Constitution, what does it say about educating children or any of the other things? At least you are going to have to sort of interpret. But what does it say about our responsibility to defend America? What is the Federal Government's role here? Clear, unambiguous, it is our primary role. It is the one thing we are supposed to do: defend the Nation.

And, therefore, I say to you, Mr. Speaker, we shirk our primary responsibility here when we refuse to defend our own borders because of the politics of cheap labor. And that is the reason we do not defend our borders. That is it. As ugly and as uncomfortable as that is to deal with, here, 2 years after the most devastating attack on our shores we have ever experienced, we still do not defend our own borders and enforce them because of that fear, the fear that we would stop cheap labor. It is politics. It is unacceptable. It is disgusting, in many ways.

So, yes, I am here tonight, as I am on the floor many nights, and I am speaking on this, which I have spoken on hundreds of occasions. And I will continue to do so because I believe with all my heart that this issue warrants our attention, our concern, and at least, Mr. Speaker, a debate.

MAKING IN ORDER ON THURSDAY, SEPTEMBER 25, 2003, CONSIDERATION OF H.J. RES. 69, CONTINUING APPROPRIATIONS, FISCAL YEAR 2004

Mr. TANCREDO. Mr. Speaker, I ask unanimous consent that it be in order at any time on September 25, 2003, without intervention of any point of order, to consider in the House the joint resolution (H.J. Res. 69) making continuing appropriations for the fiscal year 2004, and for other purposes; that the joint resolution be considered as read for amendment; that the joint resolution be debatable for 1 hour equally divided and controlled by the chairman and ranking member of the Committee on Appropriations; and that the previous question be considered as ordered on the joint resolution to final passage without intervening motion except one motion to recommit.

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

There was no objection.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF H.R. 3161, RATIFYING AUTHORITY OF FTC TO ESTABLISH A DO-NOT-CALL REGISTRY

Mr. FEENEY. Mr. Speaker, I ask unanimous consent that it shall be in order at any time without intervention of any point of order to consider in the House H.R. 3161; that the bill shall be considered as read for amendment; that the previous question shall be considered as ordered on the bill to final passage without intervening motion, except: number one, 1 hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce; and, number two, one motion to recommit.

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

There was no objection.

IRAQ/MILITARY/RESERVES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentlewoman from

Ohio (Ms. KAPTUR) is recognized for 60 minutes.

Ms. KAPTUR. Mr. Speaker, on March 19, 2003, the United States invaded Iraq against the broadest international opposition I had ever seen. President Bush remarked the coalition invaded; yet of the troops in combat theater, 94 percent were Americans.

Then on May 1 of this year, George W. Bush, as Commander in Chief, flew onto the deck of the USS *Abraham Lincoln*, after circling 30 minutes outside the San Diego shipyards as the ship approached shore, dressed in a flight suit, to announce that major hostilities were over. The battle of Iraq, he said, is one victory on a war on terror that began on September 11, 2001, and still goes on.

That is what the President said. But now 5 months later, more U.S. citizens have died in theater than before the President declared victory. Our National Guard and Reserve forces are experiencing their longest deployments in U.S. history, with the Department of Defense extending their orders every day, and indeed today announcing more call-ups.

As of September 9, 2003, according to Department of Defense officials, approximately 148,000 U.S. forces are in Iraq in support of combat operations. There are also 21,700 non-U.S. coalition forces from 29 countries in Iraq. There are 172,362 Guard and Reserve soldiers on active duty during Operation Iraqi Freedom, the majority of those serving in the Army, 108,000.

America's Guard and Reserve forces are being sent to Iraq for record-breaking deployments. It is obvious that the war in Iraq is not proceeding as we were originally led to believe and longer troop deployments in theater have been necessary. But that is still no reason to turn our National Guard and Military Reserve into something they were never intended to be, active duty forces. Unfortunately, this is what is happening.

At the beginning of September, the Department of Defense extended the tours of duty for Guard and Reservists to 1 year. Because of the dynamic situation in theater, one Army official said, asking he not be identified by name, ''We had to take a look at our overseas forces to make sure we were maximizing their deployment opportunity.''

What possible dynamic situation could he be referring to? Could it be the fact that since President Bush announced that hostilities in Iraq were over that in fact 164 U.S. soldiers have been killed compared to the 138 who lost their lives before May 1? Over 1,240 have been injured.

In our foolhardy rush to war, this administration clearly missed the mark. By relying on faulty intelligence, an utterly ill-conceived notion of Iraqi resistance and the total lack of an exit strategy, our brave servicemen and women are being placed in harm's way to face a new guerilla-style warfare. Active duty forces have been focused in Iraq, which the President says is the front in the battle on terrorism; yet most people know that 15 of the 19 September 11 hijackers did not come from Iraq; they came from Saudi Arabia.

The Taliban is now regrouping in Pakistan and in Afghanistan, and Afghanistan is a teetering tinderbox. More U.S. troops are being called to Afghanistan. Madrassas across the Islamic world turn out hate-mongering acolytes daily. And the Israeli-Palestinian killing fields have never been so bloody. So what state of mind would compel a President to say it is over, and why would he define the front as Iraq?

My primary concern this evening are those who are dying, in our Armed Forces and the innocent bystanders in the Middle East and central Asia. On ''Meet the Press,'' before the war, Vice President CHENEY told Tim Russert, ''I really do believe the war, that we will be greeted as liberators. There is no question that they want to get rid of Saddam Hussein and they will welcome as liberators the United States when we come to do that.''

It is inconceivable that the administration could commit our brave men and women to battle with such a flawed perception of Iraqi sentiment. The fact is our troops are being shot at instead of welcomed with open arms. And when they are not being shot at, they are being price-gouged by profiteers because the administration has not adequately provided for our troops, ranging from telephone service to goods and supplies to even Internet access.

□ 2145

Mr. Speaker, one of my constituents tells me that troops are having to ask family members to send them cash in one-dollar-bill increments, so they can pay to call their families back home by going to Iraqi establishments to make phone calls stateside. It costs them $1 a minute, our troops, the people who are putting their lives on the line. To me, that is totally unacceptable.

And if they cannot afford $1 a minute, they are being told you can pay $3 an hour to use e-mail. The problem is the lines are so long, they cannot wait to do it. The administration has asked Congress for $87 billion more to fund nation-building in Iraq. Let me ask where has the $79 billion that was voted on last year gone? We cannot get reports back to the Congress line item by line item on where that money has been expended.

Why can our troops not make free phone calls without having to pay $1 a minute to an Iraqi citizen. Dozens of tales like this tell me that military morale will become lower in Iraq. Yes, our men and women are gutting it out, and we are proud of them, but it did not have to be this way. Here are quotes from soldiers deployed and their families. A letter I received on June 24 from a soldier stationed in Iraq, ''If morale was any lower, this soldier, my mother's son, would have taken his own life a week ago. There ain't nothing you can do but read the sorrow through my pen. I hope between us something can be done to alleviate some stupid mistakes the Army has unraveled on us.''

Another letter from a soldier reads, ''Mom, things here have just hit a new low. Go ahead, have a seat. Here is a small list of things going on here. Our deployment papers were cancelled before we left, but they still sent us. Nobody knew our unit was overseas until our tent burned down in Kuwait. We have enough bulletproof plates for half of our battery, front and back during the day. They give us one day's supply of water, and expect it to last 3 days. We receive mail once a week, Wednesdays, plus they lost two bags of mail. If morale was any lower, your son would not be writing you any more. What is happening?''

Another letter from a mother of a servicewoman writes, ''We bravely watched as our soldiers left, not knowing what the future held. And surprisingly enough, we could not believe one of the first requirements from us would be to send such a basic item as toilet paper. Whenever I pack my care packages, I would use rolls of toilet paper to fill out the box. For anyone who says there is toilet paper in a soldier's MRE, don't be fooled. There are six squares, four inches by four inches. If you save all day, you will have 18 squares to handle your problem. Oh, and by the way, pray you do not get diarrhea. We sent our son mosquito netting, calcium and snacks. Today, we continue with our packages and ignore the cost of shipping. An average package costs around $15 to send. Two a week, 4 weeks a month averages about $120 a month. Oh, by the way, that does not include the cost of what goes into the package.

''Many families took considerable pay cuts when their soldier left, and today almost 7 months to the day, there are still families that are not getting the full benefits their soldier is entitled to. As families struggle to juggle all of their responsibilities at home, our soldiers are forced to struggle without many of the basics needed to survive. They are in heat averaging around 120 degrees with full gear on. Every day they face the risk of being shot. What is an issue and seems to be the most puzzling thing to me is their treatment by regular Army. In most cases, they are considered second-class citizens because they are Guard. As families, we go through the Guard ranks to inquire about help with this problem. We are told that the National Guard cannot help us because our soldiers are regular Army now. Well, if they are regular Army, why are they treated as if they are National Guard? And there is the ever-changing return date. Our soldiers have been deployed twice in 2 years, so we wait and we pray for a return date.

''Every time our leadership appears on the news and without blinking an eye, they say our soldiers' orders are for 1 year, and that is what they should expect, but how can we keep up the morale of our soldiers without a real date of return to look forward to?''

Mr. Speaker, this week the Bush administration has asked Congress for another $87 billion in American taxpayer money for the President's nation-building experiment in Iraq. What I want to know as one Member is why the troops from our region do not have the supplies and do they not have the services we should be affording them with the billions we have already sent?

Yes, our Nation is being asked to do nation-building in Iraq. In fact, it is the mother of all nation-building experiments. Eighty-seven billion dollars in request is more than we send around the world for all of our foreign assistance in any year. In addition to that, it is more than we spend on all veterans' costs in a year, plus all of our housing programs around the country, plus all of the costs of NASA, plus all of the costs of transportation, plus all of the costs of environmental cleanup, all rolled together.

It is an enormous amount of money. How ironic that the President, who was a candidate in 2000, bitterly denounced the practice of nation-building, but he is now engaged in the largest nation-building experiment in history. Make no mistake, this is an extremely expensive experiment in nation-building, especially when we stop to consider that the United States Government is already digging a hole of debt deeper and deeper every day.

Those $87 billion being requested will come out of the Social Security trust fund. Why? Because the fact is there is no more money to go around. We have huge deficits, and so we are going to have to borrow the $87 billion from somewhere and there is only one place to get it. This is the most fiscally irresponsible administration that I have ever seen.

Now, how much is $87 billion? I do not think the American people really realize how huge this request is. Eighty-seven billion dollars equals $3,480 for every man, woman and child in Iraq. How would you like to get a check for $3,480? Eighty-seven billion dollars is more than all of the State budget deficits across this country combined.

Our States are raising taxes and cutting programs like education with college tuition going up, cutting jobless benefits, Medicaid, library services, social services. Our States are choking from a lack of tax revenue because of unemployment in this Bush economy. We have $87 billion for Iraq, but not even half of that for our States in this union? Eighty-seven billion dollars more is double what we are investing here in homeland security right here in the U.S.A.

I can travel to any community in my district and hear from first responders, fire departments, police departments, emergency personnel, and port security who are desperate for funds to protect their communities. I hear from our personnel from the Port of Toledo who need funds to upgrade the security of our port, and that is true of every port in America. Eighty-seven billion dollars is eight times what we invest in Pell Grants for our college students. Ask any middle-class family about economic anxiety, and they will tell you they worry about job security, economic security and pension security. And they worry about how to pay for their kids' college.

Our young people leave college with tens of thousands of dollars of debt. Some of them will be in debt for the rest of their lives just to pay for college. The United States Government just does not have $87 billion laying around. We have budget deficits as far as the eye can see. Our next Federal budget deficit is probably in the neighborhood of half a trillion dollars, the largest in the history of the Republic. Where does it stop? The administration has no idea. We had a subcommittee hearing today and heard testimony from Ambassador Paul Bremer and also from General Abizaid, both men who live the words honor, duty and country. They do not know, they do not have a clue what it is going to cost our Nation to stabilize Iraq.

This additional $87 billion is only a down payment until next year when the money runs out. The ranking member, the gentleman from Wisconsin (Mr. OBEY) asked them for a ballpark figure, how much ultimately? They could not provide an answer. It is an open-ended commitment. They even said during the hearing, well, the waste water systems of Iraq are so bad that only 6 percent of the people are accommodated.

I thought, oh, all right, so the $400 million that might be needed for waste water treatment in Toledo, Ohio will have to be put on hold because we have to transfer those dollars there, even though the waste water treatment system in my home community is spewing pollution into Lake Erie every day. There are some important trade-offs we have to think about.

We have no exit strategy militarily, and that is a violation of the Powell Doctrine, in case anybody remembers, and we have no exit strategy fiscally. Iraq is a fiscal black hole becoming bigger every day. We can pour as much money as we want down that hole, and we have no idea, no idea where it ends.

I have never seen pallets of U.S. cash being flown to a country and handed out on the streets, but that is exactly what we are doing in Iraq. One of my questions is as money, as U.S. dollars are being distributed to Iraqis to pay their pensions, to pay them for doing police work, and I am not sure what all this money is going for, why is it being distributed in dollars? Why are dinars, their home currency, not being used? What is this business of pallets of U.S. dollars being flown over? We have flown over plane loads of $20 bills to hand out to people. In my life, I have never seen this happen. We have seen rice and flour and beans being handed out to hungry people. We have never seen pallets of money being distributed. It looks like what some people might call street money, walking around money. Maybe if we hand out enough $20 bills, the Iraqi people will suddenly fall in love with America and with our confused policy of nation-building.

How strange that a neoconservative administration and Republican Congress, who are hostile to social programs such as Medicare and Social Security and students loans, would adopt a policy of handouts to the Iraqi people. Are we creating a Middle East version of a welfare state where people get money for doing nothing? While we cut benefits for Americans, we hand out $20 bills to Iraqis? Is this the legacy of the Bush policy? Free money for Iraqis, is this really what the administration wants?

Meanwhile, the Bush administration is charging our troops in the Middle East in Iraq $1 a minute to call home to their families, yet they are handling out $20 bills in Iraq. Is this really U.S. policy in Iraq? It is happening. Families in my district are sending one dollar bills to their loved ones. One mother sent $75 in one dollar bills, put on the postage and sent it over there so her son could call home. At the same time, our government is handing out $20 bills to Iraqis.

Is it too much to ask that our government provide a seamless communication system for our troops in theater, including Guard and Reserve forces, without whom we could not conduct this campaign, who are experiencing the longest deployments in U.S. history, and their families are missing them? So it goes in the war on terrorism.

Yesterday, President Bush said that Iraq is the major front in the war on terrorism. But on Friday, he said that Saddam Hussein had nothing to do with 9/11. The administration cannot seem to get its story straight. Did Saddam Hussein have anything to do with 9/11? President Bush says no. Vice President CHENEY says yes. Secretary of Defense Rumsfeld says no. Paul Wolfowitz did not appear. Secretary of State Powell seems to be laying kind of low lately. The administration policy is confused about where the front is. The President says the front is Iraq, but let us look at the facts. Fifteen of the 19 hijackers were not from Iraq, they were from Saudi Arabia.

□ 2200

Now we see the Taliban forces are regrouping and fighting again in Afghanistan. Afghanistan is far from over, far from lockdown. Madrassas in Pakistan continue to churn out thousands of hate-filled young men each year. And the Israeli-Palestinian killing fields are bloodier than ever.

Think about this. Think about where the front is. When President Bush nominated Texan Phillip Carrol, the former chief executive officer of Shell Oil, to oversee oil operations in post-war Iraq, was it merely coincidental that over one dozen Shell gas stations in Pakistan were bombed by terrorists? Think about it. Where is the front? Yet President Bush insists that Iraq is the frontlines in the war against terrorism.

More troops from Ohio have just been deployed to Afghanistan because of uprisings in the border area between Pakistan and Afghanistan. Where is the front in this war? The President insists he needs another $87 billion to clean up the mess in Iraq and build a stable nation, but the American people are deeply skeptical about where the front is and the administration policy in Iraq. And for good reason. Not only is there no coherent plan for the reconstruction of Iraq, there are serious doubts about where the front in terrorism really lies, and there is no clear road map, no exit strategy. Now more of our Reserve and Guard forces are being called up, without the ones currently in theater being given a certain rotation date out. It appears to me that the administration is making up their plan as they go along.

In terms of the cost of all this in the President's $87 billion new request on top of the billions and billions already appropriated last year, Secretary Rumsfeld told us back in January of this year that we would not have to do this. In fact, his words were, ''Well, the Office of Management and Budget has come up with a number that's something under $50 billion for the cost. How much of that would be the U.S. burden and how much would be with other countries is an open question.'' But he said, ''I don't know that there is much reconstruction to do.'' He said that in April of 2003. The story must have changed because now we are being asked for $87 billion more.

Deputy Defense Secretary Paul Wolfowitz said, ''There's a lot of money to pay for this that doesn't have to be U.S. taxpayer money, and it starts with the assets of the Iraqi people . . . and on a rough recollection,'' he said, ''the oil revenues of that country could bring in between 50 and $100 billion over the course of the next 2 or 3 years . . . We're dealing with a country that can really finance its own reconstruction, and relatively soon.'' I think the question I would ask there is, then, why are we appropriating hard U.S. dollars? Why are we not making loans that can then be repaid back once the oil fields begin to operate again?

Secretary Rumsfeld told us back in the fall of last year, ''If you worry about just the cost, the money, Iraq is a very different situation from Afghanistan because Iraq has oil.'' And again the Secretary said in March of this year, ''I don't believe that the United States has the responsibility for reconstruction because in a sense reconstruction funds can come from those various sources such as frozen assets, oil revenues, and a variety of other things including the Oil for Food program, which has a very substantial number of billions of dollars in it.''

Clearly, this administration really does not know what it is doing. Secretary Powell, in answer to my question this year in an appropriations hearing prior to the invasion of Iraq, assured me that the United States would be welcomed in Iraq as a liberator, because I had been questioning him, ''Mr. Secretary, how do we know when we are a liberator versus when we are an occupier?'' Secretary Powell, with all due respect, was wrong.

Vice President CHENEY said the same thing on TV on ''Meet the Press'' in March when asked by Tim Russert, and I will repeat Mr. Russert's question: ''If your analysis is not correct, Mr. Vice President, and we're not treated as liberators but as conquerors and the Iraqis begin to resist, particularly in Baghdad, do you think the American people are prepared for a long, costly, and bloody battle with significant American casualties?'' And the Vice President responded, ''Well, I don't think it's likely to unfold that way, Tim, because I really do believe that we will be greeted as liberators . . . there is no question that they want to get rid of Saddam Hussein and they will welcome as liberators the United States when we come to that.''

I think Vice President CHENEY was wrong. At best, Iraq is a cauldron of competing interests, much as it has been since it was created by the British Empire. At worst, the Bush administration has succeeded only in creating another failed state that can serve as a staging ground for more international terror war.

Before another $87 billion in cash is directed at Iraq, we had better get clear answers on how the current situation can yield a governing structure that is representative. Of the 25 members the United States has appointed to Iraq's governing council, 11 are exiles, 11 of 25. These are people who had been living outside of Iraq for some 3 and 4 decades. That means 44 percent of the people on the governing council were not even there, some for decades. What do we really know about these people on the governing council? How representative are they of the Iraqi people? Indeed, whose interests do these 25 represent?

We should ask how can exiles be more representative of Iraqis than those living in the country now, those who endured the suffering of the Hussein regime. Indeed, many new sources have reported the current president of that council, appointed by the United States Department of Defense, Ahmad Chalabi, was a convicted felon who embezzled over $350 million and counting in Jordan, who was then exiled, escaped in the trunk of a car, and subsequently took up residence in London for years. He had been associated with the former monarchy of Iraq. So whom does he represent?

In the RECORD tonight I am going to place two compelling news stories about who is this man, how democratically was he chosen? I am submitting for the RECORD also the names of all persons on the governing council of Iraq. The world community should assess them and their ability to represent the people of Iraq. From my study of the list, it appears Iraq's indigenous Shia majority is seriously underrepresented as is its Sunni minority. Tragically, one of the council's Shia members is the brother of the famed Ayatollah Hakim, who was just assassinated. And another Shia representative, Aquila al Hashimi, a woman, was shot a few days ago but survived.

With two thirds of Iraq's population composed of Shia Muslims, but only about a third of the council comprised of Iraqi Shias who actually have been living in the country, one can question how representative the governing council is. Further, the Sunni minority's underrepresentation is worrisome as well. Somehow the world community and our Arab friends must weigh in on creating a governing structure that is more representative and moves Iraq toward free elections as expeditiously as possible. After all, the Iraqi people are a literate people. An unrepresented governing council cannot possibly succeed in transferring democratic principles to Iraq.

Mr. Speaker, in concluding this evening, the path forward to me is clear. Congress should not give a blank check to the Bush administration on its $87 billion request for more funds for Iraq. We must demand clear reporting of all expenditures to date in Iraq and demand clear explanations of why more appropriated dollars are necessary as opposed to loans that can be repaid as Iraq's economy recovers. We must clarify the front in this war on terrorism and not lose focus on other places where terrorism is spawning. A major diversion of funds to Iraq can indeed draw attention and resources from equally tender places where terrorists are spawning. For example, the deterioration of the Israeli-Palestinian situation feeds growing terrorism across the region. Indeed, it is its clarion call. The continuation of the madrassas schools that foment violence by young men continue to graduate thousands. There is no money in this budget to deal with that festering problem.

And Afghanistan is far from buttoned down. Importantly, we must do more for our troops and provide them with what is necessary to complete their mission and return them home soon. We must assure the administration provides them with clear rotation out schedules. And we must enlist the broader world community in assuming a larger role in the massive task of rebuilding. We must urge the composition of the governing council be more representative, indeed more democratic, in order that a transition to a more orderly society through free elections can occur soon. Doing any less

will not yield an enduring victory for freedom in Iraq.

MEMBERS OF THE IRAQI GOVERNING COUNCIL

Name	Shiite/Sunni, etc.	Organizational affiliation	Rotating presidency	Occupation	Other
Abd al-Aziz Al Hakim	Shiite	Political leader of the Supreme Council for Islamic Revolution.	Yes		
Abdul Karim Mohammedawi.	Shiite	Guerrilla affiliated with Supreme Council for Islamic Revolution.			''Prince of the Marshes''—led opposition in the Southern Marsh Region.
Adnan Pachachi	Sunni		Yes		Served as Foreign Minister before the Baath Party came into power. 80 years old.
Ahmad al-Barak	Shiite	General Coordinator for the Human Rights Association of Babel.			Worked with UN programs in Iraq since 1991 in the Foreign Ministry.
Ahmad Chalabi	Shiite	Leads Iraqi National Congress	Yes		Exiled for the nearly 45 years. Educated at MIT. Convicted of embezzlement in Jordan.
Aquila al-Hashimi	Shiite			Diplomat. Holds doctorate in French literature	Woman. Led the Iraqi delegation to the New York donor's conference. Worked in the Foreign Ministry under Hussein.
Dara Noor Alzin	Sunni Kurd			Judge	Served on the Court of Appeal until Hussein imprisoned him for ruling against the government.
Ezzedine Salim	Shiite	Head of the Dawa Islamic Party			
Ghazi al-Yawar	Sunni			Civil engineer	Had been living in Saudi Arabia where he was president of Hicap Technology.
Hamid al-Moussa	Shiite	Secretary of Iraqi Communist Party		Economist	
Ibrahim Jafari	Shiite	Spokesman for the Islamic Dawa Party	Yes—first to take post		Party was banned in 1980 and he fled the country.
Iyad Allawi	Shiite	Secretary-General of the Iraqi National Accord	Yes		Exiled.
Jalal Talabani	Sunni Kurd	Leader of the Patriotic Union of Kurdistan	Yes	Lawyer	
Mahmoud Othman	Sunni Kurd	Founder of Kurdish Socialist Party		Independent Kurdish politician	Lived in London.
Massoud Barzani	Sunni Kurd	Leader of the Kurdistan Democracy Party	Yes		Commands tens of thousands of armed militia fighters.
Mohammed Bahr Uloom	Shiite		Yes	Cleric	Fled Iraq in 1991. Headed charitable clinic in London. Considered pro-US.
Mohsin Abdul Hamid	Sunni	Secretary-General of the Iraqi Islamic Party	Yes		Author of more than 30 books on the interpretation of the Koran.
Muwaffaq al-Ruba	Shiite	Dawa Party		Physician and author	Human rights activist. Educated in UK.
Nasir al-Chadirchy	Sunni	Leads the National Democratic Party		Lawyer and businessman	Lived in Iraq throughout most of Saddam's regime.
Raja al-Khuza'i	Shiite			Heads maternity hospital in Diwaniyah	Woman. Studied and lived in the UK during the 60's and 70's. Returned to Iraq in 1977.
Salaheddine Bahaaddin	Sunni Kurd	Founder of Kurdistan Islamic Union			
Samir Shakir Mahmoud	Sunni			Writer and Entrepreneur	
Sondul Chapouk	Turkmen	Directs the Iraqi Women's Organization		Engineer and teacher	Woman. Represents the Turkmen community.
Wael Abdulatif	Shiite	Governor of Basra		Lawyer and judge	
Yonodam Kanna	Assyrian Christian	Secretary-General of the Assyrian Democratic Movement.		Engineer	Served as Transportation the first Kurdish regional assembly and as Trade Minister.

Note.—Spelling of names may vary.

[From the New York Times, Sept. 20, 2003]

LISTENING TO THE WRONG IRAQI

(By David L. Phillips)

Critics say the Bush administration had no plan for postwar Iraq. In fact, before the war, hundreds of Iraqis were involved in discussions with Washington about securing and stabilizing their country after military action. Today's difficulties are not the result of a lack of foresight, but rather of poor judgment by civilians at the Pentagon who counted too much on the advice of one exile—Ahmad Chalabi of the Iraqi National Congress—and ignored the views of other, more reliable Iraqi leaders.

Last year the State Department, joined by 17 other federal agencies, put together the Future of Iraq Project, which was supposed to involve Iraqis from the country's many ethnic and religious factions, including representatives from the exile community. The project had working groups on topics ranging from agriculture to the economy to new government structure. I was adviser to the democratic principles working group, which the Iraqis called the ''mother of all working groups.'' Anticipating many of the problems playing out in Iraq today, participants worked on plans for maintaining security, restoring services and making the transition to democracy.

On security, the participants envisioned a key role for reformed elements of the Iraqi Army. They insisted on the dissolution of agencies involved in atrocities—like military intelligence and the secret police (the Mukhabarat)—and proposed setting up a body to investigate war crimes, prepare a ''most wanted'' list, and prosecute war criminals. They envisioned a military council vetting and then taking steps to professionalize the armed forces.

Representatives of the Iraqi National Congress, however, claimed to control a vast underground network that would rise in support of coalition forces to assist security and law enforcement. They insisted that the entire Iraqi Army be immediately disbanded. The Pentagon agreed, in the end leading many Iraqi soldiers who might otherwise have been willing to work with the coalition to take up arms against it. Mr. Chalabi's promised network didn't materialize, and the resulting power vacuum contributed to looting, sabotage and attacks against American forces.

The working group also emphasized winning hearts and minds of average Iraqis, largely through improving living conditions. It urged cooperation with Iraq's existing technocracy to ensure the uninterrupted flow of water and electricity. Though civil servants and professionals for the most part were required to be Baath party members, the working group maintained that not all Baathists were war criminals. The group proposed so-called lustration laws to identify and remove officials who had committed. atrocities.

On the other hand, the Iraqi National Congress was adamant that all former Baath party members were inherently complicit in war crimes. Siding with Mr. Chalabi, the coalition provisional authority decided that the Baath party would be banned, and dismissed many party members from their jobs. As a result millions of Iraqis are still without electricity and fresh water, necessities they could at least count on under the criminal regime of Saddam Hussein.

Most important, the working group insisted that all Iraqis needed a voice in the transition to a stable, democratic Iraq. Participants agreed that exiles alone could not speak for all Iraqis, and endorsed discussions with leaders inside and outside the country as the basis for constituting a legitimate and broadly representative transitional structure.

Before the London opposition conference in December, Mr. Chalabi lobbied the United States to appoint a government in exile, dominated by his partisans, to be installed in Baghdad at the moment of liberation. Concerned about legitimacy, the Bush administration ultimately rejected this proposal. Still, Mr. Chalabi's supporters in Washingotn—particularly civilians in the Pentagon—relentlessly promoted him as Iraq's future leader. Exceptional treatment included airlifting Mr. Chalabi and his American-trained 700-man paramilitary force to Nasariya in the middle of the war. He is now a member of the Iraqi Governing Council, serving as its president this month.

Why such devotion to a man whose prewar advice proved so misguided? For one thing, Mr. Chalabi has shown himself amenable to those in Washington who want to reshape the entire Middle East. They envision Iraq as a springboard for eliminating the Baath party in Syria, undermining the mullahs in Iran and enhancing American power across the region.

There are benefits to spreading democracy in the Middle East, but hegemonic ambitions are sabotaging the shorter-term project of turning Iraq into a viable state. The other day, a Sunni participant in the democratic principles working group told me he is reluctant to speak up about how its recommendations have been ignored lest criticism discourage the coalition. In frustration, he asked: ''So this is liberation?''

The Iraqi people have suffered a generation of tyranny and deserve better. To succeed in Iraq, and be constructive elsewhere in the world, the Bush administration must listen to all voices, not just those that are ideologically compatible. Liberation cannot be imposed.

[From the New York Times, Sept. 23, 2003]

IRAQ COUNCIL HEAD SHIFTS TO POSITION AT ODDS WITH U.S.

(By Patrick E. Tyler and Felicity Barringer)

BAGHDAD, IRAQ, Sept. 22.—Ahmad Chalabi, the president of Iraq's interim government,

is in New York this week to press alternatives to the Bush administration's occupation policy in postwar Iraq, he and his aides say. In the process, he may complete a personal transformation from protégé of Pentagon conservatives to Iraqi nationalist with a loud, independent voice.

In an interview today in New York, Mr. Chalabi professed gratitude to the Bush administration for toppling Saddam Hussein's government, but his specific proposals were directly at odds with the policies Washington is pursuing in Baghdad and at the United Nations. He demanded that the Iraqi Governing Council be given at least partial control of the powerful finance and security ministries, and rejected the idea of more foreign troops coming to Iraq.

Mr. Chalabi's strategy, he says, is to get from the United Nations General Assembly sovereign status for the unelected 25-member Governing Council. This move to lobby other nations for a swift transfer of some sovereignty is going down poorly in Washington, according to the Iraqi leader's aides.

Mr. Chalabi has sent representatives to France and Germany to discuss putting Iraqis back in charge under a new United Nations mandate that would end American control of the occupation, even if American troops remain in Iraq. His aides say he also plans to tell the Senate that the United Nations could save billions of dollars on Iraqs reconstruction by allowing an Iraqi administration to handle it.

''People in D.C. are accusing us of 'conspiring with America's enemies,'" one aide said, describing the reports of his advance men on the mood in Washington.

Mr. Chalabi insists that he is not changing diplomatic sides. ''The last thing we are going to do is fall into the trap of France,'' he said this weekend. He said that he was looking forward to seeing the president at a reception Mr. Bush is giving for visiting government leaders on Tuesday evening, and that his strategy was intended to make it easier to maintain the American presence in Iraq.

''I am fighting to keep Americans in Iraq,'' Mr. Chalabi said before leaving Baghdad. ''We are afraid that they will lose their resolve and go home if the current situation continues.''

Yet Mr. Chalabi's arrival in New York with a delegation determined to advance the clock on sovereignty puts him and the interim government he heads in direct confrontation with Mr. Bush.

''We want to claim Iraq's seat at the United Nations,'' Mr. Chalabi said today.

He also declared that ''we are not at cross purposes'' with the Americans, but his words seemed so.

The United States is seeking a new United Nations resolution that would help bring foreign troops into Iraq in a newly constituted multinational force. At lease one major potential troop donor, Pakistan, says it wants an invitation from the Governing Council first.

''We cannot be expected to solicit foreign troops in Iraq,'' Mr. Chalabi said. ''We cannot be expected to do that.''

He said some aspects of governance should be handed over immediately.

''They can start by putting Iraqis to be in joint control, with the coalition, of Iraqi finances,'' he said. ''All of these are measures that would demonstrate increasing sovereignty in Iraq.'' Asked when, he replied, ''Right away.''

He also sought an immediate role in commanding security forces, saying, ''We think that internal security in Iraq cannot be maintained unless Iraqis are far more involved than they are now.''

A senior Bush administration official reiterated over the weekend that ''we'll stay on the same schedule'' of keeping Iraq under a strong American-British occupation while proceeding with drafting a new Iraqi constitution, to be followed by national elections sometime next year.

That extended debate over sovereignty and the end of the occupation is part of a political struggle that neither side feels it can afford to lose.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. OSBORNE (at the request of Mr. DELAY) for September 23 and today on account of his mother-in-law's funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. KIND, for 5 minutes, today.

Ms. BALDWIN, for 5 minutes, today.

Mr. BERRY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. SOUDER, for 5 minutes, today.

Mr. PENCE, for 5 minutes, today.

Mrs. BLACKBURN, for 5 minutes, today.

Mr. SMITH of Michigan, for 5 minutes, today and October 1.

SENATE BILL REFERRED

A Bill of the Senate of the following title were taken from the Speaker's table and, under the rule, referred as follows:

S. 1404. An act to amend the Ted Stevens Olympic and Amateur Sports Act; to the Committee on the Judiciary.

ADJOURNMENT

Ms. KAPTUR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 12 minutes p.m.), the House adjourned until tomorrow, Thursday, September 25, 2003, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4396. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule—Importation of Pork-Filled Pasta [Docket No. 02–003–2] received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4397. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule—Asian Longhorned Beetle; Quarantined Areas and Regulated Articles [Docket No. 03–018–2] received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4398. A communication from the President of the United States, transmitting report concerning His decision regarding the Singapore Technologies Telemedia in Global Crossing Ltd; to the Committee on Financial Services.

4399. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Food Additives Permitted in Feed and Drinking Water of Animals; Selenium Yeast [Docket No. 1998F–0196] received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4400. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Orthopedic Devices; Classification for the Resorbable Calcium Salt Bone Void Filler Device [Docket No. 01N–0411] received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4401. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Format and Numbering of Award Documents (RIN: 2700–AC61) received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

4402. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of Navy's Proposed Letter(s) of Offer and Acceptance (LOA) to the Taipei Economic and Cultural Representative Office in the United States for defense articles and services (Transmittal No. 03–23), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4403. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to Pakistan for defense articles and services (Transmittal No. 03–22), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4404. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services (Transmittal No. 03–24), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4405. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Pakistan for defense articles and services (Transmittal No. 03–25), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4406. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Greece for defense articles and services (Transmittal No. 03–33), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4407. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of Navy's Proposed Letter(s) of Offer and Acceptance (LOA) to Finland for defense articles and services (Transmittal No. 03–35), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4408. A communication from the President of the United States, transmitting a report, consistent with the War Powers Resolution and Public Law 107–40, to help ensure that the Congress is kept informed on the status of United States efforts in the global war on terrorism; (H. Doc. No. 108—129); to the Committee on International Relations and ordered to be printed.

4409. A letter from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting the Administration's final rule—NARA Facilities; Public Use (RIN: 3095–AB17) received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4410. A letter from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting the Administration's final rule—NARA Facilities; Hours of Operation for the Exhibition Halls (RIN: 3095–AB22) received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4411. A letter from the Attorney, RSPA, Department of Transportation, transmitting the Department's final rule—Hazardous Materials Regulations: Penalty Guidelines and Other Procedural Regulations [Docket No. RSPA–03–15372 (RSP–5)] (RIN: 2137–AD71) received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4412. A letter from the Acting Chief, Publications and Regulations Branch, Legal Processing Division, Internal Revenue Service, transmitting the Service's final rule—Split-Dollar Life Insurance Arrangements [TD 9092] (RIN: 1545–BA44) received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LEWIS of California: Committee of Conference. Conference report on H.R. 2658. A bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108–283). Ordered to be printed.

Mr. LINCOLN DIAZ-BALART of Florida: Committee on Rules. House Resolution 377. Resolution providing for recommittal of the conference report to accompany the bill (H.R. 2115) to amend title 49, Unite States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes (Rept. 108–284). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BLUNT (for himself and Mr. CARDOZA):

H.R. 3157. A bill to provide for the designation of a Department of Agriculture disaster liaison to assist State and local employees of the Department in coordination with other disaster agencies in response to a federally declared disaster area as a result of a disaster; to the Committee on Agriculture.

By Mr. TURNER of Texas (for himself, Mr. THOMPSON of Mississippi, Ms. LORETTA SANCHEZ of California, Mr. MARKEY, Mr. DICKS, Mr. FRANK of Massachusetts, Ms. HARMAN, Mr. CARDIN, Ms. SLAUGHTER, Mr. DEFAZIO, Mrs. LOWEY, Mr. ANDREWS, Ms. NORTON, Ms. LOFGREN, Ms. MCCARTHY of Missouri, Ms. JACKSON-LEE of Texas, Mr. PASCRELL, Mrs. CHRISTENSEN, Mr. ETHERIDGE, Mr. GONZALEZ, Mr. LUCAS of Kentucky, Mr. LANGEVIN, Mr. MEEK of Florida, Ms. PELOSI, Mr. HOYER, Mr. MENENDEZ, Ms. BERKLEY, Mr. PALLONE, Mr. ISRAEL, Mr. LANTOS, Mr. ACEVEDO-VILA, Mrs. MCCARTHY of New York, Mr. CASE, Ms. KILPATRICK, Mr. MCGOVERN, Mr. GREEN of Texas, Ms. DELAURO, Mr. MOORE, Ms. SOLIS, Mr. FROST, Mr. ROSS, Mr. MCINTYRE, Mr. STENHOLM, Mrs. TAUSCHER, Mr. MICHAUD, Mr. HOLDEN, Ms. MCCOLLUM, Mr. PAYNE, Mr. WYNN, Mr. UDALL of New Mexico, Mrs. JONES of Ohio, Mr. HONDA, Mr. SANDLIN, Mr. JOHN, Mr. SNYDER, Ms. MILLENDER-MCDONALD, Mr. GRIJALVA, Mr. BERRY, Mr. RUPPERSBERGER, Mr. EDWARDS, Mr. UDALL of Colorado, Mr. FARR, Ms. BORDALLO, Mr. HOEFFEL, Mr. BERMAN, Mr. HINOJOSA, Mr. BELL, Mr. REYES, Mr. ORTIZ, Ms. KAPTUR, Mr. DAVIS of Florida, Ms. LEE, Mr. BOYD, Mr. GEORGE MILLER of California, Mr. KENNEDY of Rhode Island, Ms. CORRINE BROWN of Florida, Mr. MCNULTY, Mr. DELAHUNT, Ms. CARSON of Indiana, Mr. ROTHMAN, Mr. ENGEL, Ms. LINDA T. SANCHEZ of California, Mrs. MALONEY, Mr. KILDEE, Ms. MAJETTE, Mr. LARSEN of Washington, Mr. HINCHEY, Mr. TOWNS, Ms. HOOLEY of Oregon, Ms. SCHAKOWSKY, Mr. FILNER, Mr. SPRATT, Mr. BISHOP of New York, Mr. WAXMAN, Mr. VAN HOLLEN, Mr. TIERNEY, Mr. MEEHAN, Mr. NADLER, Mr. BLUMENAUER, Mr. BACA, Mr. SCHIFF, Mr. LAMPSON, Mr. SHERMAN, Mrs. CAPPS, Mr. CROWLEY, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. DAVIS of Tennessee, Ms. DEGETTE, Mr. EMANUEL, Mr. HASTINGS of Florida, Mr. HILL, Mr. JEFFERSON, Mr. MEEKS of New York, Mr. PRICE of North Carolina, Mr. STRICKLAND, Mr. THOMPSON of California, Mr. WU, Ms. WATERS, Ms. ESHOO, Ms. ROYBAL-ALLARD, Mr. LARSON of Connecticut, Mr. BRADY of Pennsylvania, Mrs. DAVIS of California, Mr. BALLANCE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HOLT, Mr. SMITH of Washington, Mr. BISHOP of Georgia, Mr. COOPER, and Mr. SKELTON):

H.R. 3158. A bill to amend the Homeland Security Act of 2002 to establish a task force to determine essential capabilities for State and local jurisdictions to prevent, prepare for, and respond to acts of terrorism, to authorize the Secretary of Homeland Security to make grants to State and local governments to achieve such capability, and for other purposes; to the Committee on Homeland Security (Select), and in addition to the Committees on Transportation and Infrastructure, the Judiciary, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WAXMAN (for himself, Mr. TOM DAVIS of Virginia, Mr. SHAYS, Mr. MCHUGH, Mr. CLAY, Mr. TOWNS, Mr. CARTER, Mr. VAN HOLLEN, Ms. ROS-LEHTINEN, Mr. BELL, Mr. SOUDER, Mrs. MILLER of Michigan, Mr. BURTON of Indiana, Mr. SCHROCK, Mr. LYNCH, Mr. RUPPERSBERGER, Mr. PUTNAM, Mr. CUMMINGS, Ms. LINDA T. SANCHEZ of California, Mr. LANTOS, Mrs. MALONEY, Mr. OWENS, Ms. WATSON, Mr. OSE, Mr. COOPER, Ms. NORTON, Mr. DAVIS of Illinois, Mrs. JO ANN DAVIS of Virginia, and Mr. TURNER of Ohio):

H.R. 3159. A bill to require Federal agencies to develop and implement plans to protect the security and privacy of government computer systems from the risks posed by peer-to-peer file sharing; to the Committee on Government Reform.

By Mr. FLETCHER (for himself, Mr. MCINTYRE, Mr. GOODE, Mr. ETHERIDGE, Mr. BALLANCE, Mr. BALLENGER, Mr. BARRETT of South Carolina, Mr. BISHOP of Georgia, Mrs. BLACKBURN, Mr. BOUCHER, Mr. BOYD, Mr. BROWN of South Carolina, Mr. CLYBURN, Mr. COLLINS, Mr. COOPER, Mr. DAVIS of Tennessee, Mr. TOM DAVIS of Virginia, Mr. DEMINT, Mr. GORDON, Mr. HAYES, Mr. HILL, Mr. KINGSTON, Mr. LEWIS of Kentucky, Mr. LUCAS of Kentucky, Mr. MARSHALL, Mr. MILLER of North Carolina, Mr. NORWOOD, Mr. PETERSON of Minnesota, Mr. PRICE of North Carolina, Mr. ROGERS of Kentucky, Mr. SCOTT of Georgia, Mr. SPRATT, Mr. THOMPSON of Mississippi, Mr. WAMP, Mr. WHITFIELD, Mr. WILSON of South Carolina, Mr. DUNCAN, Mr. MURTHA, and Mr. ISAKSON):

H.R. 3160. A bill to eliminate the Federal quota and price support programs for tobacco, to provide transitional assistance to tobacco quota holders and traditional producers of tobacco affected by the elimination of these programs, to ensure the future quality and availability of United States-grown tobacco, to protect against the disruption of tobacco markets, to establish a trust fund to finance this Act, and for other purposes; to the Committee on Agriculture.

By Mr. TAUZIN (for himself, Mr. DINGELL, Mr. UPTON, and Mr. MARKEY):

H.R. 3161. A bill to ratify the authority of the Federal Trade Commission to establish a do-not-call registry; to the Committee on Energy and Commerce.

By Mr. ANDREWS:

H.R. 3162. A bill to require cigarette products to be placed under or behind the counter in retail sales; to the Committee on Energy and Commerce.

By Mr. ANDREWS:

H.R. 3163. A bill to amend section 526 of the National Housing Act to provide that any certification of a property for meeting energy efficiency requirements for mortgage insurance under such Act shall be conducted by an individual certified by an accredited home energy rating system provider; to the Committee on Financial Services.

By Mr. CARSON of Oklahoma:

H.R. 3164. A bill to provide for reduction of the Federal budget deficit by reducing wasteful government spending; to the Committee on Government Reform, and in addition to the Committees on Energy and Commerce, Resources, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARIO DIAZ-BALART of Florida (for himself, Ms. GINNY BROWN-WAITE of Florida, Mr. BURGESS, Mr. CHOCOLA, Mr. HENSARLING, Mrs. MILLER of Michigan, Mr. SCHROCK, Mr. FEENEY, Mr. GARRETT of New Jersey,

Mr. LINCOLN DIAZ-BALART of Florida, Mr. BARTON of Texas, and Mr. PUTNAM):

H.R. 3165. A bill to require the Administrator for Federal Procurement Policy to prescribe a policy regarding purchase card and travel card programs to provide a government-wide system of accountability for such cards; to the Committee on Government Reform.

By Mr. ENGEL (for himself, Mrs. LOWEY, Mr. KING of New York, Mrs. MCCARTHY of New York, Mr. HINCHEY, Mr. BISHOP of New York, Ms. SLAUGHTER, Mr. MCNULTY, and Mr. HOUGHTON):

H.R. 3166. A bill to designate the facility of the United States Postal Service located at 57 Old Tappan Road in Tappan, New York, as the ''John G. Dow Post Office Building''; to the Committee on Government Reform.

By Mr. ENGEL (for himself, Mrs. LOWEY, Mr. KING of New York, Mrs. MCCARTHY of New York, Mr. HINCHEY, Mr. BISHOP of New York, Ms. SLAUGHTER, Mr. MCNULTY, and Mr. HOUGHTON):

H.R. 3167. A bill to redesignate the facility of the United States Postal Service located at 48 South Broadway in Nyack, New York, as the ''Edward O'Grady, Waverly Brown, Peter Paige Post Office Building''; to the Committee on Government Reform.

By Mr. GOODE (for himself and Mr. BOUCHER):

H.R. 3168. A bill to amend title 40, United States Code, to direct the Administrator of General Services to give preference to high unemployment areas in selecting sites for the construction of public buildings and in leasing space to accommodate Federal agencies; to the Committee on Transportation and Infrastructure.

By Mr. GOODE:

H.R. 3169. A bill to amend title II of the Social Security Act to eliminate reconsideration as an intervening step between initial benefit entitlement decisions and subsequent hearings on the record on such decisions; to the Committee on Ways and Means.

By Mrs. KELLY (for herself and Ms. VELAZQUEZ):

H.R. 3170. A bill to amend the Investment Company Act of 1940 to provide incentives for small business investment, and for other purposes; to the Committee on Financial Services.

By Mr. KUCINICH (for himself, Mr. PAUL, Mr. CONYERS, Mr. GEORGE MILLER of California, Mr. SERRANO, Ms. SCHAKOWSKY, Ms. BALDWIN, Ms. SOLIS, Mr. HONDA, Ms. WOOLSEY, Mr. MCDERMOTT, Mrs. JONES of Ohio, Mr. MCGOVERN, Mr. ABERCROMBIE, Ms. LEE, Mr. STARK, Mr. FILNER, Mr. GRIJALVA, Ms. JACKSON-LEE of Texas, Mr. HINCHEY, and Mr. FARR):

H.R. 3171. A bill to provide for an appropriate review of recently enacted legislation relating to terrorism to assure that powers granted in it do not inappropriately undermine civil liberties; to the Committee on the Judiciary, and in addition to the Committees on Intelligence (Permanent Select), Education and the Workforce, Government Reform, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MCCOLLUM:

H.R. 3172. A bill to amend the Federal Election Campaign Act of 1971 to establish a program under which Congressional candidates may receive public funding for carrying out campaigns for election for Federal office, to amend the Internal Revenue Code of 1986 to establish an income tax checkoff to provide funding for such program and to provide a refundable tax credit for individuals who make contributions to such candidates, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NADLER (for himself, Mr. FROST, Ms. CORRINE BROWN of Florida, Ms. SCHAKOWSKY, and Ms. SLAUGHTER):

H.R. 3173. A bill to provide for the purchase by the Secretary of Energy of excess Russian plutonium and highly enriched uranium, and for other purposes; to the Committee on International Relations.

By Mr. PAYNE:

H.R. 3174. A bill to amend the Fair Labor Standards Act of 1938 to require payment of at least the minimum wage to certain drivers for all hours worked as a condition of exempting such drivers from overtime requirements; to the Committee on Education and the Workforce.

By Mr. REGULA (for himself, Mr. TIBERI, Mr. PORTMAN, Mr. BROWN of Ohio, Mr. GILLMOR, Mr. OXLEY, Mr. TURNER of Ohio, Mr. HOBSON, Mr. LATOURETTE, Mr. BOEHNER, Mr. STRICKLAND, Mr. RYAN of Ohio, Mr. KUCINICH, Ms. KAPTUR, Mr. NEY, Ms. PRYCE of Ohio, Mr. CHABOT, and Mrs. JONES of Ohio):

H.R. 3175. A bill to designate the facility of the United States Postal Service located at 2650 Cleveland Avenue, NW in Canton, Ohio, as the ''Richard D. Watkins Post Office Building''; to the Committee on Government Reform.

By Mr. UDALL of New Mexico (for himself and Mrs. WILSON of New Mexico):

H.R. 3176. A bill to designate the Ojito Wilderness Study Area as wilderness, to take certain land into trust for the Pueblo of Zia, and for other purposes; to the Committee on Resources.

By Mr. YOUNG of Florida:

H.J. Res. 69. A joint resolution making continuing appropriations for the fiscal year 2004, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ALLEN (for himself, Mr. MICHAUD, Mr. CHABOT, and Mr. KNOLLENBERG):

H. Con. Res. 288. Concurrent resolution honoring Seeds of Peace for its promotion of understanding, reconciliation, acceptance, coexistence, and peace among youth from the Middle East and other regions of conflict; to the Committee on International Relations.

By Ms. GRANGER:

H. Res. 378. A resolution recognizing Independent 529 Plan for launching a prepaid tuition plan that will benefit our Nation's families who want to send their children to private colleges and universities; to the Committee on Education and the Workforce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. DUNCAN.

H.R. 97: Ms. ESHOO, Mr. MICHAUD, and Mr. LUCAS of Kentucky.

H.R. 111: Mr. NEUGEBAUER.

H.R. 186: Mr. SANDERS.

H.R. 259: Mr. WATT.

H.R. 369: Mr. CHABOT.

H.R. 375: Mr. CRENSHAW and Mr. MANZULLO.

H.R. 401: Mr. SHAYS.

H.R. 445: Ms. ESHOO.

H.R. 528: Mr. MENENDEZ.

H.R. 664: Mr. NETHERCUTT.

H.R. 678: Mr. SCOTT of Georgia.

H.R. 757: Mr. EMANUEL.

H.R. 775: Mr. BARRETT of South Carolina.

H.R. 798: Mr. CUMMINGS and Mr. ROSS.

H.R. 852: Mrs. MCCARTHY of New York, Mr. CASE, Mr. ISRAEL, Mr. ABERCROMBIE, Ms. ESHOO, and Mr. GEORGE MILLER of California.

H.R. 857: Mr. BARTLETT of Maryland and Mr. ABERCROMBIE.

H.R. 882: Mr. GARRETT of New Jersey.

H.R. 972: Mr. GORDON.

H.R. 996: Mr. HOLDEN.

H.R. 1078: Mr. SPRATT.

H.R. 1123: Mr. GOODE.

H.R. 1146: Mr. FEENEY.

H.R. 1214: Ms. DELAURO, Mr. GALLEGLY, Mr. MURPHY, and Mr. RAHALL.

H.R. 1229: Ms. ROS-LEHTINEN and Mrs. MUSGRAVE.

H.R. 1258: Mr. NEAL OF MASSACHUSETTS, Mr. LUCAS of Kentucky, and Ms. JACKSON-LEE of Texas.

H.R. 1288: Mr. SANDERS and Mr. SIMMONS.

H.R. 1295: Mr. CUMMINGS, Mr. MCKEON, and Mr. ROSS.

H.R. 1305: Mr. RADANOVICH and Mr. GIBBONS.

H.R. 1414: Mr. VAN HOLLEN.

H.R. 1428: Mr. ROSS.

H.R. 1443: Mr. HENSARLING.

H.R. 1470: Mr. WEXLER, Mr. HINOJOSA, and Ms. LOFGREN.

H.R. 1477: Mr. GARY G. MILLER of California.

H.R. 1489: Mr. GREEN of Wisconsin and Mr. CHABOT.

H.R. 1510: Mr. WATT.

H.R. 1519: Ms. HARRIS.

H.R. 1532: Mr. LANTOS, Mr. BOSWELL, Mr. CAPUANO, Mr. GALLEGLY and Ms. WOOLSEY.

H.R. 1567: Mr. SMITH of Texas.

H.R. 1608: Mrs. MUSGRAVE.

H.R. 1632: Mr. CARSON of Oklahoma.

H.R. 1639: Ms. LOFGREN.

H.R. 1657: Mr. MCINTYRE.

H.R. 1662: Ms. HART and Mr. HAYWORTH.

H.R. 1676: Mr. WELLER, Mr. RADANOVICH, Mrs. MALONEY and Mr. LEWIS of Kentucky.

H.R. 1684: Mrs. LOWEY, Mr. SNYDER, Mr. OLVER, Mr. HINCHEY and Mr. KLECZKA.

H.R. 1692: Ms. HARRIS and Mr. GRIJALVA.

H.R. 1699: Mr. KLECZKA.

H.R. 1738: Mr. PAYNE.

H.R. 1742: Mr. DOOLEY of California and Ms. ESHOO.

H.R. 1749: Mr. SCHIFF, Mr. BAIRD, Mr. EMANUEL and Mr. BRADY of Pennsylvania.

H.R. 1820: Mr. LAMPSON.

H.R. 1824: Mrs. JONES of Ohio, Mrs. NAPOLITANO and Mr. GIBBONS.

H.R. 1828: Mr. GOODE, Ms. BALDWIN, Mr. FARR and Ms. LOFGREN.

H.R. 1900: Mrs. JONES of Ohio, Mr. STEARNS, Mr. HASTINGS of Florida, Mr. STRICKLAND, Mr. CASTLE, Mr. EVERETT, Mr. LUCAS of Kentucky, Mr. GOODE, Mr. SENSENBRENNER, Mr. HOLT, Mr. OBERSTAR, Mr. RAHALL, Mr. UDALL of New Mexico, Mr. UDALL of Colorado, Ms. SCHAKOWSKY, Mr. BRADY of Pennsylvania, Mr. STENHOLM, Mr. CRAMER, Mr. MCCRERY, Mrs. MALONEY, Mr. NADLER, Mr. NEUGEBAUER, Mr. WILSON of South Carolina, Mr. BEAUPREZ, Mrs. BLACKBURN, Mr. SCHROCK, Mr. SHADEGG, Mr. PENCE, Mr. GUTKNECHT, Mr. BURR, Mr. REYNOLDS, Mr. WELDON of Florida, Mr. WELLER, Ms. WOOLSEY, Mr. PALLONE, Mrs. LOWEY, Mr. LIPINSKI, Mr. LANGEVIN, Mr. KANJORSKI, Mr. HALL, Mr. BLUMENAUER, Mrs. JOHNSON of Connecticut,

Mr. BURTON of Indiana, Ms. BORDALLO, Ms. HART, Mr. CARTER, and Mr. WEXLER.

H.R. 1914: Mr. ADERHOLT, Mr. BEREUTER, Mrs. BIGGERT, Mr. BILIRAKIS, Mr. BOEHNER, Mr. BOSWELL, Mr. BOYD, Mr. BURTON of Indiana, Mr. BUYER, Mr. COLLINS, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Mr. DEAL of Georgia, Mr. HAYWORTH, Ms. HOOLEY of Oregon, Mr. HYDE, Mr. ISSA, Mrs. JOHNSON of Connecticut, Mrs. KELLY, Mr. LAHOOD, Mr. LUCAS of Kentucky, Ms. MCCARTHY of Missouri, Ms. MILLENDER-MCDONALD, Mr. MURPHY, Mr. PENCE, Mr. PUTNAM, Mrs. TAUSCHER, Mr. TAYLOR of Mississippi, Mr. WELDON of Pennsylvania, Mr. WELDON of Florida, Mr. FLETCHER, Mr. GOSS, and Mr. BROWN of Ohio.

H.R. 1915: Mr. HINOJOSA.

H.R. 1919: Mr. THOMPSON of California, Mr. MCDERMOTT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WEXLER, Mr. WAMP, Mr. STRICKLAND, Mr. TIERNEY, and Mr. STEARNS.

H.R. 1958: Mr. SCHIFF, Mr. MCDERMOTT, Mr. CROWLEY, and Mr. FRANK of Massachusetts.

H.R. 1998: Mr. PALLONE.

H.R. 2022: Ms. LOFGREN.

H.R. 2038: Mr. WATT.

H.R. 2045: Mr. HUNTER, Mr. BURR, Mr. BUYER, Mr. TAYLOR of Mississippi, and Mr. SCHROCK.

H.R. 2052: Ms. MCCOLLUM, Mr. NEAL of Massachusetts, Mr. WU, and Mrs. TAUSCHER.

H.R. 2087: Mr. ROGERS of Michigan and Mr. CALVERT.

H.R. 2125: Mr. NADLER.

H.R. 2176: Mr. SCOTT of Virginia.

H.R. 2260: Mr. DEFAZIO, Mr. HONDA, Mr. KENNEDY of Rhode Island, Ms. NORTON, Ms. SLAUGHTER, and Mr. WAMP.

H.R. 2264: Mr. ENGEL and Mr. SMITH of New Jersey.

H.R. 2300: Ms. SCHAKOWSKY and Mr. GUTIERREZ.

H.R. 2303: Mr. DEAL of Georgia.

H.R. 2318: Mr. HALL.

H.R. 2327: Mr. CANTOR.

H.R. 2347: Mr. MILLER of Florida, Mr. SAM JOHNSON of Texas, Mr. PENCE, and Mr. CHABOT.

H.R. 2365: Mrs. MYRICK and Mr. ROSS.

H.R. 2401: Mr. KIRK, Mr. DEUTSCH, and Mr. LAHOOD.

H.R. 2422: Mr. GRIJALVA.

H.R. 2456: Mr. LYNCH.

H.R. 2462: Mrs. TAUSCHER.

H.R. 2490: Mr. GUTIERREZ.

H.R. 2570: Mr. HINOJOSA and Mr. LANGEVIN.

H.R. 2625: Ms. HOOLEY of Oregon and Mr. FATTAH.

H.R. 2635: Mr. OTTER.

H.R. 2671: Mr. PUTNAM, Mr. LEWIS of Kentucky, and Mr. GERLACH.

H.R. 2699: Mr. SESSIONS and Mr. PITTS.

H.R. 2700: Mr. HOEFFEL.

H.R. 2705: Ms. LOFGREN and Mr. SHUSTER.

H.R. 2728: Mr. BOEHNER, Mrs. BIGGERT, Mr. BALLENGER, Mr. HOEKSTRA, Mr. KELLER, Mr. KLINE, Mrs. BLACKBURN, Mr. ISAKSON, Mr. MANZULLO, and Mr. SCHROCK.

H.R. 2729: Mr. BOEHNER, Mrs. BIGGERT, Mr. BALLENGER, Mr. HOEKSTRA, Mr. KELLER, Mr. KLINE, Mrs. BLACKBURN, Mr. ISAKSON, Mr. MANZULLO, and Mr. SCHROCK.

H.R. 2730: Mr. BOEHNER, Mrs. BIGGERT, Mr. BALLENGER, Mr. HOEKSTRA, Mr. KELLER, Mr. KLINE, Mrs. BLACKBURN, Mr. ISAKSON, Mr. MANZULLO, and Mr. SCHROCK.

H.R. 2731: Mr. BOEHNER, Mrs. BIGGERT, Mr. BALLENGER, Mr. HOEKSTRA, Mr. KELLER, Mr. KLINE, Mrs. BLACKBURN, Mr. ISAKSON, and Mr. SCHROCK.

H.R. 2733: Mr. SPRATT and Mr. ISSA.

H.R. 2743: Mr. WILSON of South Carolina.

H.R. 2759: Mr. MCDERMOTT.

H.R. 2813: Mrs. NORTHUP.

H.R. 2824: Mr. CANTOR.

H.R. 2828: Mr. PEARCE.

H.R. 2829: Ms. LINDA T. SANCHEZ of California.

H.R. 2843: Mr. PASCRELL.

H.R. 2900: Mr. BACHUS, Mr. VITTER, Mr. SCOTT of Georgia, Mr. JOHN, and Mr. GIBBONS.

H.R. 2908: Mr. GREEN of Texas and Mr. PAYNE.

H.R. 2932: Mr. NADLER.

H.R. 2938: Ms. HART and Mr. EHLERS.

H.R. 2966: Mr. LUCAS of Kentucky.

H.R. 2998: Mr. CRENSHAW, Mr. MCINTYRE, Mr. MATHESON, Ms. DUNN, Mr. THOMPSON of California, Mr. KOLBE, Mr. SOUDER, Mr. HONDA, Mr. NEUGEBAUER, Mr. CARSON of Oklahoma, Mr. SHAYS, Mr. BACHUS, Mr. LOBIONDO, Mr. CUMMINGS, Mr. DELAHUNT, Mr. RAMSTAD, Mr. SCOTT of Virginia, Mr. SMITH of Washington, Mr. NADLER, Mr. ROGERS of Michigan, Mrs. MUSGRAVE, and Ms. ROYBAL-ALLARD.

H.R. 2999: Mr. SOUDER and Mr. SMITH of New Jersey.

H.R. 3012: Mr. ISRAEL, Mrs. MCCARTHY of New York, Mr. ACKERMAN, Mr. CROWLEY, Ms. SLAUGHTER, Mr. FOSELLA, and Mr. HOUGHTON.

H.R. 3023: Mr. LARSON of Connecticut.

H.R. 3043: Mrs. CAPPS.

H.R. 3052: Mr. PAUL.

H.R. 3054: Mr. SOUDER and Mr. PLATTS.

H.R. 3058: Ms. SLAUGHTER, Mr. WICKER, Mr. BOSWELL, Mr. WATT, Mr. PETERSON of Minnesota, Mr. GINGREY, Mr. MCINTYRE, Mr. TIBERI, Mr. BURNS, and Mr. GREEN of Texas.

H.R. 3080: Mr. FROST.

H.R. 3106: Mr. BARTON of Texas.

H.R. 3119: Mr. STRICKLAND, Mr. GILLMOR, Mr. OXLEY, Mrs. TAUSCHER, Mr. LATOURETTE, Mr. LATHAM, Mr. TIBERI, and Mrs. JONES of Ohio.

H.R. 3130: Mr. KING of Iowa, Mr. RYUN of Kansas, Mr. FRANKS of Arizona, Mr. HOSTETTLER, and Mr. MILLER of Florida.

H.R. 3133: Ms. JACKSON-LEE of Texas, Ms. LEE, Mr. HOEFFEL, Mr. GRIJALVA, Mr. GEORGE MILLER of California, Mr. FRANK of Massachusetts, Mr. HINCHEY, Mr. HONDA, Ms. DELAURO, and Mr. CASE.

H.R. 3140: Mr. SHIMKUS, Mr. PITTS, and Mrs. BONO.

H.R. 3149: Mr. GOODE.

H.J. Res. 45: Mr. SHERMAN.

H.J. Res. 46: Mr. CARTER.

H.J. Res. 56: Mr. GOODLATTE, Mr. ALEXANDER, and Mr. TANCREDO.

H.J. Res. 60: Mr. PLATTS.

H. Con. Res. 37: Mr. WALSH and Mr. MARSHALL.

H. Con. Res. 111: Ms. JACKSON-LEE of Texas.

H. Con. Res. 126: Mr. HOEKSTRA and Mr. CHOCOLA.

H. Con. Res. 183: Mr. LAHOOD.

H. Con. Res. 247: Mr. CRAMER, Mr. PLATTS, and Mr. KILDEE.

H. Con. Res. 254: Mrs. LOWEY, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. GUTIERREZ.

H. Con. Res. 274: Mr. LINCOLN DIAZ-BALART of Florida, Mr. CARDIN, Mr. ROHRABACHER, Mr. KINGSTON, Mr. DREIER, Mr. CHABOT, and Mr. GALLEGLY.

H. Con. Res. 275: Mr. FROST and Mr. BROWN of Ohio.

H. Con. Res. 282: Mr. FROST, Ms. JACKSON-LEE of Texas, Ms. MCCARTHY of Missouri, Mr. MOORE, Mr. NEY, Mr. RYAN of Ohio, Mr. SERRANO, and Mr. MCDERMOTT.

H. Con. Res. 285: Mr. MCCOTTER.

H. Res. 103: Mrs. MCCARTHY of New York.

H. Res. 136: Mr. BEREUTER.

H. Res. 198: Mr. EVERETT, Mr. ROGERS of Alabama, Mr. HOSTETTLER, and Mr. SAXTON.

H. Res. 373: Mrs. MALONEY.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 857: Mr. PETERSON of Minnesota.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

Vol. 149 WASHINGTON, WEDNESDAY, SEPTEMBER 24, 2003 No. 132

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable SAM BROWNBACK, a Senator from the State of Kansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray:

Eternal Father, the fountain of all blessings, with grateful hearts we enter Your courts today. We thank You for ordering our steps and directing our paths. Lord, we have lived long enough to know that we can't escape Your presence or Your love. We have sought fulfillment on destructive avenues, but Your love has always found us. Thank You for showing us the way to abundant living. Use Your Senators today to make the world a better place. Provide a shield for our military and comfort those who mourn. Lord, give wisdom to the leaders of our world. We pray this in Your strong name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SAM BROWNBACK led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 24, 2003.

To the Senate:

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

TED STEVENS,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. FRIST. Mr. President, this morning the Senate will conduct a period of morning business to allow Senators to speak. Following morning business, at approximately 10:35, the Senate will begin consideration of the DC appropriations bill. I know there is one issue that will require some debate and a vote, but it is my hope we can complete this bill in a relatively short period of time. Typically, this is an appropriations measure that has not consumed a great deal of floor time. Senator DEWINE will be ready at a little after 10:30 this morning, and we will monitor progress on this legislation, with the hope of finishing soon.

I also add that we hope again to be receiving from the House some of the completed appropriations conference reports. Once those reports are received, I will be speaking to the Democratic leader about scheduling those measures for floor action. Again, I hope we can move quickly on those items and get them to the President's desk for his signature as soon as possible.

Finally, I also want to remind Members that we will continue to schedule votes on available nominations throughout the week. We have eight judicial nominations pending on the Executive Calendar. Four of these nominations should be ready for Senate action, and we will schedule them over the course of the next day or so. As always, we will keep Members apprised of the voting schedule and as to when the first vote is ordered today.

Some people have asked about next week. I have already told people that we will be voting on Monday of next week. I mention that because a number of people have asked me.

IRAQ RECONSTRUCTION REQUEST

Mr. FRIST. Mr. President, very briefly, I want to make a comment on the President's comments yesterday before the United Nations.

The President of the United States and leaders from across the globe gathered yesterday at the United Nations headquarters in Manhattan to receive the President's address. It is worth pausing to consider just where that was. The address yesterday was in New York City, in the heart of Manhattan, a few dozen blocks from Ground Zero. The world's leaders were able to safely assemble and freely debate their proposals in a city that had borne the tragedy of September 11. Many were able to exercise more freedom yesterday in New York than is allowed in their own countries.

President Bush, in his address, boldly challenged the assembly to support the cause of liberty in Iraq. His case was powerful, and his case was powerful in part because the cause of freedom itself is so powerful. Some of my colleagues have basically questioned again and again the overall war on terror. There is this magnification of each setback along the way, and many people dismiss the many advances that are being made each and every day. There seems to be this attempt to discredit the war on terror.

Some people say we have acted unilaterally. We know that is false. The truth is we were joined by 49 countries to depose Saddam Hussein and remove his regime. Now we hear increasingly that there was a lack of broad international support on the ground. That is

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

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not true. We know there are 31 nations that currently have troops deployed to Iraq. British troops are leading a multinational division, as are the Polish troops; and the President hopes to have at least one more international division helping to bring stability and security.

I think those people claiming the President has lost opportunities to make his case before the American people ignore the many times the President has spelled out his case and argued his case before the American people, to this Congress, and, indeed, multiple times now to the United Nations.

The President's opponents continually move the goalposts further and further, so that never is there enough detail or never are there enough specifics. But we have these claims. These claims are specious; they can be rebutted one by one.

I think the most powerful rebuttal is what the Iraqi people feel and what they say. Finally free to speak their own minds in a remarkable poll—the first of its kind—conducted in August and published by the Wall Street Journal, the Iraqi people themselves say loudly and clearly that they want us to stay and they want us to finish the job.

They are optimistic about the future. Seven out of ten say they expect that their country and their personal lives will be better 5 years from now. A third say much better. When asked about which country they would prefer as a political model out of five—Syria, Saudi Arabia, Iran, Egypt, or the United States—the most popular by far is the United States.

A majority of those who hold an opinion have a negative view of terror leader Osama bin Laden, and 74 percent of respondents want to see Saddam's henchmen punished. They want us—not Saddam or Osama bin Laden—to stay and help make their country whole.

The President has submitted a reconstruction plan to us with three clear objectives: to improve security by aggressively hunting down the terrorists; to expand international participation; and, finally, to help Iraq and Afghanistan become free, democratic, and stable nations.

This week, there are a number of hearings being conducted on both the Senate side and the House side to closely examine the President's proposal and to assess what is needed in a thoughtful way. These proceedings give us all the opportunity to ask questions and allow the administration to demonstrate how, when presented accurately, carefully, and clearly, we can achieve the objectives we have set out in the war on terror.

The debate, I hope, will continue to be dignified and serious, and in good faith I believe we can complete consideration of this emergency request by the end of next week. There are a lot of questions being asked. I encourage that. Ultimately, I am confident we will overwhelmingly support the President's request.

Mr. President, we will stand by the Iraqis. We will help them build a free, prosperous, and democratic country. Their future security—indeed, our security—and the security of civilized people everywhere depends on it.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, for not to exceed 60 minutes, with the first 30 minutes under the control of the Senator from Texas, Mrs. HUTCHISON, or her designee, and 30 minutes under the control of the Democratic leader or his designee.

Who seeks time?

The Senator from the great State of Texas.

Mrs. HUTCHISON. Mr. President, I am very pleased to call on the Senator from Mississippi for the first 10 minutes or so of my time, after which Senator MCCONNELL and then Senator SESSIONS will speak, all of them for up to 10 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi is recognized for up to 10 minutes.

SUPPORTING PRESIDENT BUSH AND OUR TROOPS

Mr. LOTT. Mr. President, I rise this morning in support of President Bush and our troops as this Nation continues to fight and win the war on terrorism in Afghanistan, Iraq, and around the globe.

We all know there are many great attributes in our United States of America. The people of America will rise to any occasion and will do what is necessary to protect freedom and opportunities for themselves and future generations. But there are some attributes on which sometimes we fail a little bit. One of those is we are a bit short sometimes in our memory, remembering back to what happened a few years ago. Sometimes our patience is a little short and we want immediate action. We will rise to any occasion, fight off any chaos, but then we want to deal with that situation and move on to something else.

I think that is a little of what we are seeing now as we listen to what I consider to be sometimes overheated rhetoric in questioning motives and resisting doing what is necessary to complete the job: a little patience, a little commitment to support freedom and democracy which we are trying to assist in Iraq and in the war on terrorism.

I said we seem to have forgotten. What happened to that era of the great Senator Vandenberg who stood up and said, when it comes to foreign policy and war, partisanship ends at the shoreline, or something to that effect; that when we are dealing with an international problem, a conflict, a war, we are all together. Or even more recently, Lyndon Johnson aggressively supported the policies of President Eisenhower even though the leader of the Republicans at the time, Senator Taft, did not necessarily go along with it. But there was a bipartisan policy.

We have had that in our efforts to deal with these very difficult issues in Iraq and Afghanistan and homeland security, but it seems to be a little frayed right now. I think that is dangerous. I don't think it is good for America. I don't think it is good for what we are trying to achieve in fighting terrorism around the world. I don't think it is good for our troops.

Also, how short is our memory that we don't even remember the debate that was going on 1 year ago? We were discussing what to do about Iraq. The President was then going to the United Nations, and Secretary Powell had been to the United Nations. We were demanding more information. We were saying the President needed to go to the United Nations. And in each incident, he actually did what people were asking him to do. He did it. He went to the United Nations. He made the plea. Unfortunately, the United Nations didn't support what they said for 10 years in a dozen resolutions. They said: We can continue to negotiate; more inspections, more inspections. They would not step up and take action against this brutal tyrant, Saddam Hussein. But we did. America did. The President did. The Congress did. That is the point I am trying to make.

We had this debate. We knew what we were going into. We had looked at the intelligence. Was the intelligence perfect? No. Is it ever? It is always subjective. But we voted in this body 77 to 23 for the Iraq resolution. The House of Representatives voted almost 300—296—to 133. So we should not forget that vote. We should not forget the tremendous successes that have been enjoyed in terms of getting Saddam Hussein out of his position where he was spending money on palaces and allowing the people to suffer. He was murdering his own people and his neighbors. The infrastructure was just decaying beyond repair. We stepped up, and we did the same in Afghanistan. Our troops did a great job. Now are we going to say, It's your problem? Do we really expect the French to do the job? I don't think so. We are going to have to stay the course. We are going to have to do this job, and there is nobody else going to do it for us.

Oh, when the problem is in their immediate neighborhood, such as Bosnia or Kosovo, the Europeans say: You must lead; you have to come in. We supported that operation. Almost every action that was requested by President Clinton we supported, sometimes very reluctantly. I remember thinking: OK,

I support the bombing of the site in Afghanistan and the Sudan, because we thought they had chemical precursors. They didn't have them. But generally we came together and we provided leadership.

I saw a lady from England on TV this morning. Somebody asked her: Why do the Europeans and other people in the world not feel good about Americans right now? She said: It is because you are leaders; the world expects you to do the job. You do the job, and they are jealous of you. They want it, but they don't like it. It is human nature. We should not be too hard on them. I called on cooling the overheated rhetoric, and I want to remember that myself. We all overspeak and overstate our positions sometimes, but this is serious stuff with which we are dealing.

We called on the President a month ago: Mr. President, you have to step up and remind us what the vision is. He did. He went on TV. He rocked us back on our heels. He didn't ask for $55 billion or $65 billion to do the job as we thought he would. It was $87 billion. Oh, yes, I was a little stunned. I don't like the deficits we are beginning to have. They were caused by the economy, 9/11, by the stock market problems—all kinds of situations. Still, that kind of money deserves some close examination.

I have been saying for several days now I want some answers. As representatives of the people, we should ask for answers. We deserve that. Exactly how is this money going to be broken out? Fifty-one billion dollars will go for the Iraqi campaign; $11 billion for the Afghanistan campaign. It is not over. Are we are going to follow the example of generations of failure in Afghanistan or are we going to finish the job there? Of course, Noble Eagle, $4 billion for homeland defense. The job goes on.

We have the list of where the money would go for reconstruction, and I have asked questions. Mr. President, there is $5 billion for border enhancement. We need that because terrorists are coming into that country from all over the region to attack our coalition troops—the Americans, the British, the Poles, and the United Nations. We need to do more—basic electricity services, water and sanitation services, transportation, oil infrastructure.

Some people have said and I have said: Why don't the Iraqis do more on their own? They are going to have this oil coming in; they are going to have oil. They don't have it. They are broke. The infrastructure is more decimated than we ever dreamed. So I have questioned this money, but I have looked at it. I have thought about it. I listened very carefully to Ambassador Bremer yesterday, and I am convinced we have to do this. We have to have the money for our troops to do the job, for homeland security, for the reconstruction, and we have to do it now. It is a critical part of restoring security right now.

Leaders who are working with us are being intimidated, assaulted, and murdered. People from whom we had been getting information, who were helping us get people into the police and developing a force for the future, have withdrawn because they are a little concerned whether we will stay the course.

A lot of it is affected by the people's attitude. Right here, in the DC area, we have people without power. It weakens defenses. So we need to move in there quickly without going through an international organization, without trying to hassle through a loan arrangement, and provide the money so we can get the power back on, so we can get the water flowing.

There should be a process that others join in. Surely, countries of the United Nations, if it is worth anything, will help the Iraqis with their humanitarian needs as they continue to rebuild the infrastructure, as they try to develop their own government. Can the United Nations help with that? I hope so. I would like to give them a chance. I have not seen a lot yet, but they could.

After we get over this initial phase, I think the reconstruction money right now is every bit as important as the security money. It is a part of the security. We want to stop the assault on our troops. We want to begin to get the border under control. We have to do it and we have to do it now. A year from now it will be worse, maybe impossible.

So I came this morning to say I did not just leap to accept this amount of money. I did question how it could be done, but I am convinced if we do not do this, others will not follow suit. We are going to be going to other countries around the world that should be of assistance, Japan and countries such as Turkey that can hopefully provide some troops. We are going to ask them to ante up and kick in. But we are going to have to set an example. If we haggle over the details of this arrangement, they will not do their job. Then we are going to have to go to countries such as Russia, France, and Germany and say they have to forgive the debt that they have accumulated over a period of years because they were working with Saddam Hussein. We have to lead. We have to set an example, but it is tough.

I am going to support the whole package. We should do it quickly because if we do not, this moment could get away from us, and we could just walk away, leave that country and those people, that region, in chaos. In the end, if we do not stop it here, over there it will be here. So I urge my colleagues to stand up; let us do what we did last year. Let us do the right thing; let us finish the job.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who seeks time?

The Senator from the great State of Alabama.

Mr. SESSIONS. Mr. President, I express my appreciation for the comments of the distinguished Senator from Mississippi, Mr. LOTT. He has been in this body a long time. He has wrestled with a lot of difficult issues. He knows that a lot of times, one just has to lead. They have to stand up and be counted and do the right thing. Once a nation commits itself, a Congress commits itself, there is no way we can turn around and waffle around next week based on some polling data or some comment from France or the U.N. That is not the way great nations behave.

I am proud of the United States of America. We have stood up. We have been counted. We have been on the side of right in the world. When should look at the wars and decimation that has occurred in Afghanistan. I was there a few weeks ago and they are rebuilding houses, using the same procedure of straw, mud, and brick covered with a mud stucco, that they have used for 2,000 years. They are building everywhere in Afghanistan after 20 years of oppression, war, and destruction, to a degree that few nations in the world have ever seen.

These are good and decent people, but Afghanistan was used as a base from which to attack the people of the United States of America. The Government of Afghanistan would not renounce that, would not say they were going to stop it, so the United States of America led. We have changed that Government. Anybody who has seen President Karzai, as I had the opportunity to do—and we have seen him on television—knows that he is a man of vision, talent, and decency. He loves the people of Afghanistan. He wants to see them succeed and do better.

The same is true of Iraq. I was there also, and I saw the oppression, the total devastation of a country that had every opportunity to be so much better. The people should have had a better life than they did, but Saddam Hussein took his people into war after war. He developed weapons of mass destruction. His megalomania led him to believe that he could be the next Nebuchadnezzar and take over the Middle East, then rule the world. Do not think his goals did not include developing the most dangerous weapons the world has ever known. He was prepared to do that, and he did that.

When he would not renounce these weapons or demonstrate that he did not have those weapons, so we moved against him and his sinister aims. We have liberated that country.

There have been a lot of complaints, and we debated this on the Senate floor many times. Those who complain have expressed concerns of all kinds. They said there were going to be problems in the Arab streets, the Arab nations would all turn against us, there would be street-to-street fighting in Iraq, we would lose thousands of soldiers, it would take months and months to succeed, the weapons of mass destruction would be used against our troops, we would bog down, there would be a humanitarian disaster, there would be

starvation and refugees everywhere by the millions, and we did not have enough troops to win the battle.

All of those things and more were raised. We talked about them. We debated them, and everybody had their say. We had open hearings and closed hearings. We read, we talked, we debated for months on end. There was not any secret about it. It was not any plan hatched in Texas. It was a plan voted on and debated in this body. We voted 77 to 23 to commit the United States of America to this action. Our military performed better than anybody could ever have imagined. Decisively and swiftly they defeated the Iraqi army, ousted them from power completely, put Saddam Hussein on the run, put an end to his evil sons, and have set about to establish a good government there.

I was in Mosul and was introduced to the city council. They have an Arab, a Turk, a Christian, and others on that council. They were men of ability and wisdom. We talked. They love the city of Mosul and the country of Iraq, and they want an open, free society where people with whatever beliefs can be able to function. They want to renounce and turn away from the past of Saddam Hussein. That is true all over this country, but it is difficult. It has proven to be a challenge for us, no doubt about it, to completely have peace and order in that large country.

I am pleased when I go and see soldiers from my State of Alabama, many of them National Guardsmen—I had dinner with them and talked with them. They believe they are making a difference in this area of the Middle East, where there has been so much disorder, so much oppression, so much killing, particularly in Iraq. Millions have died as a result of Saddam Hussein's wars and oppression at home. One can go there and see the graves. With the energy and dedication of these fine soldiers, I think we are going to be successful.

I am glad President Bush went to the United Nations. It is an organization that deserves our respect. It is entitled to courtesy, and President Bush has given it that. The Christian Science Monitor today said President Bush went to the U.N. yesterday with a message of both reconciliation and resolve, and that is exactly what he ought to do. Reconciliation, we want to talk to them and deal with their concerns, but we are resolved.

What then is our difficulty with the U.N.? I will share a couple of thoughts. The first is, the U.N. is incapable of taking decisive action. It has not done so in Iraq. It has never done so in its history. Why? Well, the Security Council requires unanimity in order to act. Russia is on the Security Council, as well as France, Germany, and others. Some rotate on each year or two, and they serve a period of time. The idea that they can get a unanimous vote is almost impossible. So decisive action is not possible. It has never happened, and it is not going to happen with the U.N. But President Bush did get a resolution that Secretary Colin Powell worked so hard on, which in my view—authorized us to take military action.

Then they said they wanted another resolution, and we sought that. Then France flipped on us, and Germany said no. France even lobbied other countries around the world and blocked a further vote.

What were our options then? Do we just stop and not defend our legitimate national interests? Do we not carry out the foreign policy we believe is in our interests? Should we make it our policy to cede the decisionmaking authority the American people have vested in us, our elected President, our elected Congress, to some world body that has proven incapable of decisive action? I don't think so.

I believe we are on the right track in with the U.N. The President is showing respect to this group, but we are not going to allow the decision making power of our country to be shifted to the U.N. We are not going to turn over our military that the American people have supported, funded, and created, the finest military the world has ever known—we are not going to turn it over to them. In Kosovo, that is basically what we did. The NATO nations met to deploy our Air Force. We did that, and they kind of liked that. Maybe they think that is what the world is going to be like from now on, but it is not. We have a responsibility to lead.

As Tony Blair asked the question: Why America? Why now?

He said: My answer to you is that it is your destiny, it is your time. Who else can do it?

I believe in the values of this country. I trust our wisdom. I trust our good judgment. I believe in what we are doing, and I believe it is good for not only America but the world. I don't apologize for that, and I don't believe some socialist leftover Marxist veto in the U.N. should stop us from doing what is necessary for the world.

I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, we all watched with great interest the President's remarks at the U.N. yesterday. When one looks at the U.N., it is impossible not to have kind of a mixed view. Certainly the U.N. has, on many occasions over the years, done worthwhile work. But rarely, if ever, has it taken the lead on anything of significance.

The reason for that, obviously, is that the membership is so diverse. Many of the governments that are represented there of course are not democracies; they are not particularly interested in what America stands for, so it is not entirely surprising that the President's decision—and the support of Congress for that decision was 77 out of 100 votes to change the regime in Iraq—was viewed with mixed reactions at the U.N.

Had the United States waited on the U.N., Saddam Hussein would still be in power. But that is not what the President decided to do. The President led a coalition of 19 willing governments to liberate the people of Iraq. Although many in the U.N. actively opposed and many others were just completely ambivalent about that effort, there is no question that the world is better off with Saddam Hussein gone.

Make no mistake about it, that regime is no more. The only Iraqis who are not immensely better off are those who perpetrated crimes against humanity on a massive scale and abetted in the murder of 300,000 innocent Iraqi civilians. Not since Saddam Hussein was in power have innocent Iraqis been hauled off in the middle of the night to rape rooms and torture chambers. Not since Saddam Hussein was in power have innocent Iraqis been summarily executed. Not since Saddam Hussein was in power have ethnic and religious minorities been gassed or murdered at will by a tyrannical regime. And, yes, Saddam Hussein no longer provides succor and support to international terrorists who plot the murder of Israelis, Americans, and everyone who opposes their radical interpretation of Islam.

There are no more terrorist training camps in Iraq, and Saddam Hussein no longer cuts checks to support suicide bombings in Israel. The Iraqi regime is no longer pursuing weapons of mass destruction, and it will never be able to use them against its own people, not ever.

Are there problems in finishing the job in Iraq? You bet. But free Iraq remains hostile to terrorists and to tyranny. President Bush noted yesterday that there are still challenges in Iraq and they are challenges that confront all free nations. The terrorists are making a desperate last stand in Iraq and, frankly, I would rather be fighting them there than fighting them here.

The world's challenge now is to secure Iraq. We know nobody else is going to do that job for us. That is an American responsibility. We would like to have help from others, and we are going to get help from others, whether the U.N. officially endorses some kind of American effort here or not. But we are going to lead this effort and we are going to finish the job.

We are going to have a great debate here next week about providing the funds to finish the job. There will be a lot of amendments offered, a lot of amendments voted on, a lot of speeches made. But at the end of the day, with a bipartisan, overwhelming majority, the Senate is going to give the President the money to finish the job. We are helping the Iraqis round up terrorists and the Baathist thugs who oppose liberty for the Iraqi people. We are helping the Iraqis to rebuild roads and schools and hospitals. We are helping the Iraqis to build for themselves a multiethnic moderate democracy in the very heart of the Middle East.

This is a great cause. We ought to be rallying behind it. This is everything for which America has stood for several hundred years. Everything we believe in, we are promoting in Iraq. The Iraqis will be better off. The world will be better off when we finish this job.

Failure is not an option. Waffling around here just because the going is a little tougher than some had expected—and others had anticipated—is not what is called for at this particular time. Going home early is surely the way to reinvigorate al-Qaida and to make it possible for some other kind of thuggish regime to come to power there in Iraq.

Given the magnitude of the threat the proliferation of Islamic radicals and terrorism pose, not only to us but to the entire world, I am a little mystified that this seems to have become so controversial. As Senator LOTT was pointing out just a few moments ago, we have very short memories. Just 2 years ago, 3,000 of our people were killed in New York and in Washington. That is what this is all about: Taking the war to the terrorists where they are rather than here on the streets of the United States.

So, yes, we will have our debate. It will be vigorous. But at the end of the day, I am confident that the Senate, on a bipartisan basis, is going to do what is right for the Iraqis, for the United States, and for the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I heard and appreciate Senators LOTT, SESSIONS, and MCCONNELL speaking this morning about the importance of what we are doing in Iraq. We are preparing in the Senate to take up a supplemental appropriations bill at the request of the President to try to make sure we do two things:

First and foremost, to give support to our troops in the field. I visited them in the middle of August. I have seen how they live, and I have seen what they are doing. They deserve to have the troop support which allows them to do the job—the equipment, the living conditions, and troop protection. Everything we can do to allow them to do their jobs more effectively we are going to do. That is what the major part of this supplemental appropriations will do. We are going to support our troops in the field.

The second thing the President is asking for is money to rebuild Iraq. We will not be able to rebuild Iraq if we continue to have the ongoing terrorist attacks that tear down everything we have built. So we want to go in there with a full plan to get the electricity grid going, to get the water supply going, and to try to start building the economy by rebuilding the oil infrastructure.

We are going to support the President in his request. I have no doubt about it. We must win this war, and we must win the peace. We must stabilize Iraq if we are going to keep the terrorists out of our country and stop them where they are.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

REBUILDING IRAQ

Mr. DASCHLE. Thank you, Mr. President. I will use my leader time this morning so as not to take away from the allocated time in morning business for the Democratic caucus.

I wanted to come to the floor this morning to respond perhaps in part to the comments made by our distinguished colleagues.

I will start by emphasizing that there are many areas for which there is absolutely no disagreement. I don't think you will find any disagreement in the Senate today that it was a good thing that Saddam Hussein was removed from power. We acknowledge that it was a good thing. Saddam Hussein posed serious threat to the region, to his country, and to the United States. His absence is a positive development.

There is also broad recognition that we owe a deep debt of gratitude to our troops and to the military overall for the extraordinary challenge they face and the success with which they face it.

Let us also recognize that there is little disagreement that it is important to Iraq and this country that we allow for the reconstruction of Iraq. I think many of us are very concerned. This is where some of the disagreement and differences may begin to arise about the extraordinary lack of planning that went into the reconstruction effort. Some have suggested that we planned for months—maybe years—for the military effort, and it shows. It was a great success.

I have been told—and I will not say that this is confirmed, but I have been told—that we planned for less than a month on efforts to reconstruct Iraq. That also shows, if that is true. I think it is a fact that reconstruction has certainly not met with the same success and with the same degree of support within our own country that the military effort itself has.

That is where we come to our point of disagreement. I regret that the President lost the opportunity that he had yesterday in making his presentation to the United Nations. He lost an opportunity to make the case for broader involvement in the world community. He didn't ask for more troops. For whatever reason, he didn't ask for more resources. He failed to build the broad coalition that will be required if ever we are successful in the future reconstruction of Iraq. There is no disagreement whatsoever that it is in our interest to find ways to engage the world community more effectively and to make a better effort at public relations required to do it successfully in Iraq.

There is a front-page story in the Sioux Falls Argus Leader this morning about an Iraqi businessman from Sioux Falls who, months ago, left Sioux Falls to work in his hometown in Iraq as they began to rebuild. He became very involved in the creation of a new government. He was an ardent opponent to Saddam Hussein. He commented this morning that he comes back with grave regret about what he has seen. He said that, unfortunately, more and more Iraqis are losing their confidence and trust in the reconstruction effort; that more and more we are losing the public relations battle.

While we all want to find a way to ensure that we are successful, it would be wrong for us to bury our heads in the sand, to plow forward, to salute the flag, and say: Look, everything is just great. All we need is more money.

We can't do that. We have to make an honest assessment of our circumstances, acknowledge that there is work to be done, and be honest with ourselves and the world community on how we accomplish all that we have set out to do. To do it successfully requires candor first and honesty second. Unfortunately, we have not seen enough of that today.

We are being told that we are going to rush through this request for resources, $87 billion—a couple of days of hearings, a quick markup, a couple of days of floor debate and, bang, it is done. I have to say that isn't going to happen. We have to be deliberative.

As the Senator from Kentucky suggested, we have to consider alternatives, offer amendments, have a good debate, and make sure this $87 billion was committed appropriately.

I say that the President missed his chance to speak candidly yesterday. I would have hoped that he could have laid out a plan, and that he could have been very specific with regard to how we more effectively put this coalition together. We hear so much discussion about the involvement of other communities. We are told that we would expect the world community to produce about $55 billion in resources to match the $87 billion requested by the President by the United States. Yet, again, yesterday Ambassador Bremer had to acknowledge that out of that $55 billion expectation, the world community has only provided $1.5 billion.

I would have hoped the President could have been more specific with regard to our plan for troops. What will they be doing? How long will they be there? To what extent will we have to keep them there, and for how long?

Over the course of the next couple of weeks, it would be my hope that the President could come to the Congress with very specific requests with regard to that $87 billion and with regard to the resources he says he needs. I hope he could lay out with some specificity what his plan is for the reconstruction of Iraq. We were told by Ambassador Bremer yesterday that the $20 billion

over and above the $65 billion request for our troops is the last, final installment. There will be no more additional requests for Iraq from here on out.

I wish I could believe that. I wish I knew they had that level of confidence that not one dollar more would be requested.

I wish I could better understand their opposition to a proposal made by the distinguished Senator from North Dakota, Mr. DORGAN, and others who have suggested we collateralize the oil revenues in Iraq for the next 20 years. We are told that could be upwards of $160 billion. Collateralized through an IMF loan may not necessitate the need for $20 billion or $30 billion on the part of the United States. They may have the second most formidable oil supply in the world. Why we would not collateralize and find ways with which to utilize the resources available to them is something the administration needs to more thoroughly explain.

Mr. REID. Will the Senator yield?

Mr. DASCHLE. I am happy to yield.

Mr. REID. Is it true that the request of the President, if granted, will cause the United States sometime next summer to increase the debt ceiling of this country?

Mr. DASCHLE. Unfortunately, I have to acknowledge to the Senator from Nevada, that is what we are now being told. I was going to address that in a moment, but the Senator is absolutely right. We have been forced to address the debt ceiling this year for the second time. We will be called upon within this Congress now to address it the third time. We are told by CBO that we could see in excess of $6,000 billion of debt by the end of this decade. Some have suggested that if all of the tax cuts that are now scheduled to be implemented go into effect, that number would reach $10,000 billion by the end of this decade.

The CBO, in a very rare moment, in my view—we do not often hear them editorializing on things of this matter; they usually give us the fact and leave it at that—used the word ''unsustainable.'' That $10,000 billion, even $6,000 billion, of debt is unsustainable.

The American people have said, if we are going to be mired in unsustainable debt, somebody better start asking questions about whether this $87 billion or the $22 billion for reconstruction, or whatever other additional expenditures, will not so seriously undermine the investments in our own country—education, health, and social security—it could be one of the most damaging things to our own security, ironically, that we could be considering.

Mr. REID. Will the Senator again yield?

Mr. DASCHLE. I am happy to yield to the Senator from Nevada.

Mr. REID. I ask, through the Presiding Officer to the distinguished Democratic leader, this question. It is true, is it not, in the first gulf war there were 200,000 troops supplied by other countries? It is also true, is it not, that 90 percent of the cost of the war was borne by other countries? It is also true in this war that 90 percent of the costs or more are being borne by the United States, 90 percent of the casualties, 90 percent of the troops on the ground is the United States.

There is a tremendous difference between the first gulf war and the second gulf war; is that true?

Mr. DASCHLE. Unfortunately, the Senator in his question makes a very important point. We talked about international involvement. I call it more cosmetic than real. As he has noted, there has been minimal involvement in a broad coalition of countries that oftentimes are considered Third World, countries that economically, militarily, do not have the weight and the breadth and depth of power and potential that countries that are traditional allies of the United States have always had.

For whatever reason, we cannot involve Europe, we have not involved Russia, we have not involved China, we have not involved India, we have not involved countries in a meaningful, substantive, and consequential way. As a result, as the Senator has noted, the lion's share—over 90 percent of the responsibility financially, militarily, organizationally—has fallen upon the United States.

I talked to a young woman in Brookings, SD, on Saturday. She told me she is leaving for Iraq within the month, that she was going to be gone anywhere from 8 to 13 months. She has a family, a job, and she is prepared to do that as a member of the National Guard. She has the right to be very proud of the extraordinary contribution our members of the Guard have made, but they and we have a right to ask, Where is the help from others? Where are the Europeans? Where are the Chinese? Where are the Russians? Where are the Japanese? Why is it that we are asking that young woman to provide 90 percent of the sacrifice?

Where is the sacrifice even in this country among some? Those at the top, the top 1 percent, who will be getting an average of $283,000 in a tax break this year, where is the sacrifice? Should they not be required to help share the burden of paying for the war, if nothing else?

Every single dollar we will be considering next week, every single dollar, will be borrowed. We were told yesterday in the New York Times that every dollar we borrow costs $3.60 to pay back—not over 10 years but over 6 years. So one could say that this is not an $87 billion cost to the Treasury; it is more like $300 billion because that is what it will take to pay back over a 6-year period of time alone.

That is why I say it is very important we ask these questions; that the President come forth with greater clarity and far more substance with regard to his specific plans on how this money is going to be used and with far more transparency.

Some generals recently noted that we have no appreciation, no real understanding of where this money is going now. We spend $1 billion a week and no one can tell us on what with any clarity. We know some goes to troops; we know some goes for reconstruction. We do not know how fast it is being spent down or where the money is going with regard to payment for other countries for their involvement, nor do we know what kind of profiteering is going on.

There was a report in the New York Daily News yesterday that Halliburton could generate more than $7 billion in one contract right now—that is billion, with a B, $7 billion. Should there be more competitive bidding and transparency with regard to the contracts? Of course there should.

We will continue to persist with our questions. We will offer amendments. We look forward to the debate.

I yield the floor.

Mr. DURBIN. I ask to be recognized in morning business.

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

Mr. DURBIN. Mr. President, I thank the Democratic leader for his statement. It raises some critical issues.

I listened as my colleagues on the Republican side came to the floor this morning when they had the opportunity to talk about the situation in Iraq. The premise of many of their statements is undeniable, and that is the fact we cannot walk away from Iraq. As expensive as it may be, as dangerous as it may be, as many lives as it may claim, the fact is, once the decision was made to invade Iraq and topple the government, we have a responsibility there. For us to leave now and let Iraq descend into chaos to become a training ground for more terrorism in the region and against the United States is totally unacceptable.

The fact is, for good or for ill, we are in a situation where we are faced with this responsibility. It is a substantial responsibility. As we look to the reasoning that led us into Iraq, there have been a lot of revelations over the last 3 or 4 weeks. You may recall initially the administration said: We believe that Iraq is in a position where it can build nuclear weapons that could threaten the world; these nuclear weapons could be used for terrorist purposes. In fact, the President of the United States in the State of the Union Address spoke of this fissile material coming into Iraq from Niger, an African nation.

Further investigation leads us to conclude that perhaps we were wrong. The President has conceded his statement in the State of the Union Address was wrong. There was no evidence of fissile material coming from Africa into Iraq.

Frankly, today, 5 months after the end of military operations, there has been no evidence uncovered to suggest there were nuclear weapons in Iraq when the administration told us. That was one of the reasons we had to go to war.

Of course, the other reason that was raised—with some frequency—was weapons of mass destruction, chemical and biological weapons that could threaten the region and the world. In fact, at one point in time someone in the administration said—I believe it was the President—that within 45 minutes the Iraqis could launch an attack on the United States with chemical and biological weapons.

Well, we know where we are today. Five months after the military hostilities have ended, those overt hostilities, we have found no evidence of weapons of mass destruction. None. Our troops went in, in full gear, prepared to confront chemical and biological warfare, and it never happened. The administration has said that is really irrelevant; the important consideration is the fact that many years ago Iraq had chemical and biological capability.

I have to remind them, that is not what they told us before we invaded Iraq: It was a real threat, an imminent danger, and one that had to be preempted, that we had to move on, even before the Iraqis showed any hostilities directly toward the United States.

Today we are emptyhanded. Today we can find no evidence of weapons of mass destruction. Perhaps something will be found.

I always qualify my remarks thinking, How could we have missed it? How could we have said that we identified 550 sites of weapons of mass destruction before the invasion of Iraq and today, after thousands of inspectors on behalf of the United States have combed through Iraq, after the end of the military operations, we find nothing. I still think we are going to find something, but as the days go on and weeks go on and months go on and nothing turns up, it becomes more and more apparent that the weapons of mass destruction threat in Iraq was grossly exaggerated—exaggerated far beyond reality. And it was one of the real bases for our invasion of Iraq.

The third one was a miscalculation by some people in the administration to associate Saddam Hussein with 9/11 and to suggest that Saddam Hussein and Iraq had something to do with it.

Well, there is no evidence of that. Despite the fact that loose rhetoric by members of the administration led some to conclude there was a linkage, that somehow Saddam Hussein was supporting the al-Qaida terrorists who attacked the United States, despite that loose rhetoric, there is no evidence of it.

Last week or the week before, the President came out and publicly said that. He said his Vice President was wrong on ''Meet the Press.'' They could find no linkage between al-Qaida and Saddam Hussein.

So those three elements that led us to invade Iraq have all virtually disappeared.

The one that remains, the one that the Democratic leader alluded to, I do not quarrel with. Saddam Hussein was a terrible man, a terrible leader, and a terrible threat to the people in his region. The fact that he is gone is good for Iraq and good for the world. That is a positive thing.

But all of the other justification that led to such a substantial vote for use of force in Iraq, all of that justification has evaporated right before us. That is the reality. It appears that the facts have changed pretty dramatically from what the administration told us we would find in Iraq.

But when I listen to my Republican colleagues on the floor, their arguments about the invasion of Iraq have not changed.

This much we do know. Our military did an outstanding job. Let me add, parenthetically, that during the course of the Presidential campaign, then-Governor Bush, now President Bush, alluded to the fact that our military was so weak and so hollow and so unprepared because of deficiencies of the Clinton administration that they did not do a good job in the Department of Defense, they did not prepare our military.

Well, look what happened when that Clinton-prepared, Clinton-equipped, Clinton-financed military went to war in Iraq. They did a spectacular job. The bravest, most skilled men and women in uniform in the world, with the best technology, rolled over Iraq in 3 weeks—an amazing military victory, a tribute to their skill and their planning.

Let me underline that word ''planning'' because you have to say that at the end of these open hostilities, May 1—the conquest of Baghdad and the military victory in Iraq—we have to say, from that point forward we have not seen the same skill and we have not seen the same planning. Exactly the opposite has been the case.

It is apparent to us, as we listen every single day to reports, tragic reports about the loss of American life and more American casualties, that little planning took place to anticipate what we would find in Iraq.

Do you remember the scenarios painted by the Bush administration about what would happen after Saddam Hussein was gone—how the Iraqis would cheer us in the street with open arms, putting flowers into our rifle barrels, and all the rest?

Unfortunately, that celebration was short-lived. In a very brief period of time, the Iraqis, who were glad to see Hussein gone—and I am sure that is the overwhelming majority—also asked that we leave. When we did not, more tension was created, and that tension has led to a loss of American lives. More lives have been lost in Iraq since the President declared the end of military operations than occurred during the course of the invasion and war in Iraq. That is a sad reality.

It is clear the Bush administration did not have a plan to deal with Iraq after the war was over. That is so obvious and so evident. Frankly, I think the President's speech of 9 days ago told that whole story. The President came to the American people—and Presidents rarely do this—on a Sunday evening and announced we needed $87 billion in an emergency supplemental appropriations for Iraq.

The American people were stunned, stunned by the size of that number. Now, when you break out that number, you see that some $67 billion is going to go for our troops. I think I can say without fear of contradiction that there will not be a single Senator—Democrat or Republican—voting against that. We are going to give our troops in the field every dollar they need to be successful, to be safe, and to come home. That money will be appropriated by this Senate with very little debate. There will be some questions about how it will be spent, but I believe, when it is all said and done, the $67 billion will come racing through the Senate, as it should. We should never shortchange our sons and daughters and relatives and friends and family who are serving in the military of the United States.

But it is the rest of the appropriation that has raised so many questions and so much concern—$20 billion for the construction and reconstruction of Iraq. Five billion dollars goes for a police force. I am for that. The sooner we can get American soldiers out of the jobs of directing traffic, keeping order and law in place in marketplaces, guarding banks and guarding universities, the sooner we can get American combat soldiers out of that role the better. Iraqi policemen should do that job. But that is $5 billion.

The remainder is $15 billion for the construction and reconstruction of Iraq for a variety of things—the draining of the wetlands in Iraq, the refurbishing and construction of 1,000 new schools in Iraq, the building of new hospitals, railroads, telecommunications, electric supply, water and sewer—a massive infrastructure investment.

Yesterday, the man who is responsible for that, Ambassador Paul Bremer, came to speak to us just a few yards away from this Chamber. He addressed our senatorial luncheon on the Democratic side. I asked him a few direct questions.

First, I asked him: We gave you some $79 billion for the troops and reconstruction just a few months back. How long will that money be there for you to use? When will you run out of the $79 billion we have already appropriated?

Ambassador Bremer said: December the 1st.

Now, that is an important date to remember because you are going to hear from the Republican side of the aisle that we need to pass this supplemental emergency appropriations bill by the end of next week, at the latest by the end of next week. Well, that would be by October 3.

By my calculation, that is 2 months away from when the money is actually

needed. So if we take another week to ask some questions about how this money is being spent, it certainly is not going to be at the expense of either our troops or our efforts in the reconstruction of Iraq today. I think we owe that to the American people.

I then asked Ambassador Bremer: What is the total cost for construction and reconstruction in Iraq?

He said: The World Bank estimate is $60 billion.

We are pledging, with the new $87 billion appropriation, $20 billion of the $60 billion, so that leaves some $40 billion that needs to be found.

I said to him: Where will we find the additional $40 billion?

He said: From donors around the world.

I am very skeptical of that. I think the American people should be. The President found yesterday that his visit to the United Nations did not result in countries around the world standing in line queuing up to send their troops and their treasure to help us in Iraq.

They have their own concerns and their own problems and their own financial priorities. In fact, we asked Ambassador Bremer, the total amount pledged by the world to help us in Iraq for reconstruction to this point does not even reach $2 billion, so we have a shortfall of some $38 billion in the planned reconstruction of Iraq. I said to the Ambassador: I assume then that the $20 billion you are asking for now from the American people is just a downpayment. You are going to be back for more?

Oh, no, he said. This is it. This is all we are going to ask for, $20 billion.

I doubt it. I am skeptical of that. What are we going to do if the other countries around the world don't put their money into the reconstruction of Iraq? Are we going to give up on that and walk away? I started this statement by saying that is unacceptable. We can't do that. It is our responsibility. Once the President and this country made a decision to invade, we had a special responsibility, as painful and expensive as it may be, to Iraq. That was the administration's decision. That is where we find ourselves today.

This, incidentally, is the plan of the administration, ''The Coalition Provisional Authority in Baghdad, Achieving the Vision to Restore Full Sovereignty to the Iraqi People, an Overview.'' I first saw it yesterday. It is dated July 21—2 months ago. We asked Ambassador Bremer: Why is this plan for the future of Iraq just surfacing now?

He said: I thought we had sent that out to every Senator and Congressman.

Well, none of my colleagues with whom I have talked saw it until just within the last day or two.

When you look through this plan, you start asking a lot of questions. Let me go to an early part of the plan, on page 7: ''Resources to Rebuild Iraq.'' Let me quote from the plan:

> It is difficult at this point to quantify the external assistance needed to support Iraq's transition to representative government in a market economy. Eastern European experience suggests that a substantial international commitment will be needed.

It goes on to say:

> Only a coordinated international effort can bring prosperity and stability to the Iraqi people and contribute to a lasting peace in the Middle East.

I don't quarrel with that conclusion, but the facts today say this so-called plan by the Bush administration isn't going to work. If we could only raise some $2 billion from around the world to deal with the reconstruction of Iraq out of a total cost of $60 billion, where is the significant commitment that is needed from countries around the world? It isn't there. Once again, it is going to fall on the shoulders of America's taxpayers. It is going to fall on the shoulders of American families to deal with.

It couldn't come at a worse time, when we are dealing with America's economy today. We have lost more jobs under this President than any President in the last 70 years. More jobs have been lost under President George W. Bush, 3 million more jobs lost, than under any President since Herbert Hoover in the Great Depression.

I feel it in my State, where we have lost about 20 percent, and one out of every five are manufacturing jobs that have gone overseas, to China and other places. Other States around the Nation are experiencing the same.

We are also dealing with a failed effort by the Bush administration to revive the economy and get it moving. They initiated all of these tax cuts which are pushing America beyond the brink of bankruptcy, tax cuts that are driving us into a deficit hole the likes of which we have never seen in the history of the United States, tax cuts that go primarily to the highest income individuals. What have they achieved? They have created record deficits.

Think of this: When this President took office, he was dealing with a record surplus left over from the Clinton administration. Now, in just 3 short years, he has taken that surplus and turned it into a record deficit, aggravated by the cost of sustaining what is inevitable in Iraq.

What does it mean when that deficit comes down to our own budget here at home? It means cutbacks in education and health care. If you followed the Senate debate 2 weeks ago about the appropriation for education, you would have found us day after day, hour after hour, voting down amendments—supported by Democrats, opposed by Republicans—to put more money into education. We offered one amendment that said we want to take the President's promise for No Child Left Behind and make it a reality. Senator ROBERT BYRD offered an amendment that we would take the $6 billion shortfall in the President's promise to school districts around America and we were going to appropriate it. It was voted down by the Republican side of the aisle. Why? They said we couldn't afford $6 billion for American schools.

Think about that for a second: $20 billion for Iraq reconstruction. Yes, the Bush administration says we must. But $6 billion as promised for American schools? The answer was: No, we can't do it.

As a matter of fact, the $87 billion requested by the President for Iraq is more than the total we will spend next year on education and homeland security in the United States. Think about that for a second.

There is another element, too. We are financing the war in Iraq with deficits. We are borrowing money to pay for that war. We are not cutting spending. We are not raising taxes. We are borrowing the money from the Social Security trust fund. We are endangering Social Security. We are limiting the reserves and resources of Social Security at a time when millions of baby boomers are just years away from showing up for their Social Security checks. It is the height of irresponsibility.

The President's tax cuts have pushed us to this point of bankruptcy and deficits, the deepest deficits in the history of the United States, at the expense of health care, education, and the solvency of the Social Security trust fund. All of those things are part of the Bush package over the last 3 years. Yet this President came to us 9 days ago and said: We need to dig deeper; we need $87 billion more to pay for the war in Iraq.

When you ask the American people what is a good way to pay for the war in Iraq, they say: Why don't you eliminate or at least postpone some of the tax cuts for the wealthiest people in America that the Bush administration has pushed for?

That certainly seems reasonable to me. If someone happens to be making $1 million a year and are receiving $38,000 or more in tax cuts, is it too much to ask that person making $1 million a year to give up that tax cut to deal with our deficit, to pay for our war in Iraq? I don't think it is unreasonable. But, frankly, the administration says that is totally unacceptable. They want even bigger tax cuts, more permanent tax cuts for people in higher income categories. It is the height of irresponsibility.

The American people understand this. Our economy is weak. We have lost a record number of jobs. Our deficit is growing at a pace unrivaled in American history. We find health care and education being cut back, Social Security endangered, and the President wants $87 billion for Iraq, a pricetag without a plan.

This is no plan. What we have been handed by the administration is, frankly, a wish list of ideas that isn't backed up in reality. There is no explanation here of what we will do in Iraq if other countries around the world don't join

us, don't come to our side and our alliance in terms of the future of Iraq. There is no plan whatsoever. Without that plan, there are a lot of questions that need to be asked here in the Senate.

I sincerely hope my Republican colleagues who fashion themselves as fiscal conservatives will come to understand what we are faced with. They have voted for tax cuts which have bankrupted America. We now find ourselves in a position where the bankruptcy hole is getting deeper and deeper. We need to ask the hard questions. Some of them are painful.

We will never scrimp when it comes to paying for the support of our troops, nor should we; we will give them all the money they need. But when it comes to rebuilding Iraq, we need to ask some hard questions.

One question that needs to be asked, front and center, is the question of profiteering in Iraq. It is unconscionable, it is unexplainable, it is indefensible that Halliburton, Vice President CHENEY's former corporation, stands to gain up to $7 billion in no-bid contracts for Iraq where they, in fact, are the single bidder on contracts. When we asked the Department of Defense, Why in the world are you giving Halliburton so much work to the exclusion of all the other companies in America, they said: We would like to tell you, but it is top-secret classified information.

Excuse me. I don't believe that. I think, frankly, having competitive bidding for work to be done in Iraq is only reasonable. It should be a supreme embarrassment to this administration that the company that continues to pay the Vice President, a company which had a close, personal, financial tie to him for so many years, is the company that continues to profiteer in Iraq.

There have to be other companies in America capable of doing this work that should at least be allowed to bid on the contract. But that has not taken place. Unless and until it does, I am afraid a lot of people will be skeptical about this plan to rebuild Iraq.

There is one last point I wish to make. The President basically announced on May 1 that military operations in Iraq were over. Recently, the American people were asked if they believe the war is over. By a margin of 89 to 10, the American people said, no, the war in Iraq is not over. When you wake up every morning, turn on your radio or television, and the lead story is another American soldier being killed, you realize the war is not over. When you reflect on the pricetag of $1 billion a week to sustain the military operation in Iraq, you know the war is not over. When the President asks for $87 billion in a deficit-ridden economy for a plan that doesn't exist to rebuild Iraq, you know, sadly, that the war is not over.

We can do better as a nation. We need to come together as a nation. We need to plan to find a way to bring security to Iraq in a responsible fashion.

I yield the floor.

The PRESIDING OFFICER. Does the Senator yield back the remainder of his time in morning business?

Mr. DURBIN. Yes, Mr. President.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2004

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 2765, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2765) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, and for other purposes.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

AMENDMENT NO. 1783

Mr. DEWINE. Mr. President, I have a substitute amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. DEWINE] proposes an amendment numbered 1783.

Mr. DEWINE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

(The amendment is printed in the RECORD under ''Text of Amendments.'')

Mr. DEWINE. Mr. President, as chairman of the District of Columbia Subcommittee, it is my pleasure to present to the Members of the Senate this morning a bill that has been approved by the Appropriations Committee.

Let me first thank the Senator from Louisiana, Ms. MARY LANDRIEU, my colleague, for her excellent work on this bill. She has worked very hard with me. I thank her for her efforts in drafting this appropriations bill that is before us this morning.

This bill provides $545 million in Federal funds for the District of Columbia, and it also includes the city's own local budget of $5.7 billion. The funds in this bill focus on a number of key priorities for the District of Columbia. I wish to highlight four of those priorities.

First is improving the lives and opportunities for children in foster care.

Second is enhancing educational opportunities for inner-city students.

Third is reducing and preventing crime in the District of Columbia.

Fourth is increasing the security in our Nation's Capital.

Mr. President, I wish to discuss the first priority at some length—improving foster care in the District of Columbia. No one who is familiar with our Nation's Capital needs to be reminded about the sorry state of the foster care system in the District of Columbia. No one who reads the Washington Post, no one who lives in the District of Columbia, no one who listens to the radio needs to be reminded of this. The foster care system in the District of Columbia is a scandal; it is a crime; it is a tragedy. The fact that it exists in our Nation's Capital makes it even worse. We have an obligation as Members of the Senate and this Congress to do something about it.

Senator LANDRIEU and I started well over a year ago to focus on the foster care system. We decided to have a series of hearings, where we would bring in experts from the District and from across the country to look at the foster care system in the District of Columbia. Our goal was to try to find out as much as we could about the foster care system in the District of Columbia, try to find out what was wrong with it, and try to find out what we could do as Members of the Senate, what the Federal Government could do to try to be of assistance.

This bill represents the first attempt by the Federal Government to directly impact this foster care system in a very meaningful way. What we did was listen to the testimony, listen to the foster parents, listen to the experts, and take their suggestions. What you will find in this bill are the ideas that came from these parents, from the experts, from the people who see this system day after day. We have provided some money, which we believe will help with these ideas and begin to change this system. It is the right thing to do.

As Members know, over the years, the District of Columbia has had an abysmal record in protecting the lives and well-being of the children in the District's care. Children in foster care have died, been abused, or they have languished for years in foster care, often bouncing from foster home to foster home without ever finding permanent placement with a loving family.

The statistics are shocking. Children in foster care in the District spend an average of 5 years in foster care before they achieve a permanent placement. I will repeat that. The children in the District of Columbia spend an average of 5 years before they ever find a permanent home. Obviously, that means some children languish in foster care much longer than 5 years. That is wrong, and we must do something about it.

During our subcommittee hearings, we found that the District of Columbia is unable to track its children in foster care. They cannot even keep track of them. We have this very sophisticated—supposedly—computer system, yet inputs are not being made, the tracking is not taking place, and complete data is not even available in the child and family services computer system for over 70 percent of children in foster care today. How can we keep track of these poor kids and determine their well-being when much of their personal information is not ever entered into this automated computer system? This simply must change.

While putting together this bill, Senator LANDRIEU and I learned a lot. We

learned that only about one-third of the children in foster care who need mental health services are actually receiving the services. Moreover, many children who come into care wait for weeks and weeks, or months and months, before they even receive that first mental health assessment.

Let's understand that these are not just your average children. These are children who, many times, have been neglected, abandoned, physically or sexually abused, or they have witnessed, many times, terrifying domestic violence. These are obviously children who need some initial, at least, assessment in regard to their mental health problems. For them to wait months before an assessment is just wrong. It makes no sense. It is just asking for trouble.

Clearly, we all understand that these kids, after experiencing trauma and abuse and neglect, are in desperate need of mental health services. We need to provide those services quickly to these children.

Furthermore, during our committee hearings on foster care, Senator LANDRIEU and I learned that there is a severe shortage of social workers in the District. That should not have been a revelation to anybody. We know that from articles we have read in the newspapers. But it was brought home even more starkly in the hearings we held—the shortage of well-trained social workers in the District of Columbia. Many of these workers are carrying extremely high caseloads, making it very difficult for them to do their job. Also, many of these caseworkers simply are not being provided the tools they need to get their jobs done.

We found there are several critical needs that, if addressed, could certainly go a long way in improving the lives of thousands of children in the District's foster care system, and it would expedite their placement in stable, loving homes. Therefore, this bill does contain $14 million in new money to address these needs.

Let me explain what these new programs and ideas are.

No. 1, we provide for intensive early intervention. This means when a child comes into care, the case will be treated as an emergency situation. Just as hospitals triage medical trauma, the District's child and family service agency triage the emotional trauma facing children who are brought into their care. The earlier a child is stabilized, the better his or her chances of avoiding long-term damage. If a child can remain with an appropriate or qualified family member, he or she will face much less emotional trauma.

Some of the funds provided in this bill will allow the agency to staff such an early intervention program and will establish a flexible fund for the purchase of beds, clothing, and other items to ensure that a relative can bring a child into his or her home immediately without forcing the child to stay in a group home or foster home.

Second, early mental health evaluations and timely mental health services for all children in foster care. What does this mean? The bill provides $3 million for the District's Department of Mental Health to ensure all children receive mental health assessments within 15 days of coming into foster care; further, that all mental health assessment reports are provided to the court within 5 days of assessment and that all children receive mental health services immediately after the court orders those services. This will help alleviate the current intolerable situation.

According to the District of Columbia Family Court, in most child abuse and neglect cases where mental health services have been ordered, there are long delays in providing these services to the child or to the family. It can often take up to 6 to 8 weeks, or longer, to complete an evaluation and up to 60 days after the evaluation before the mental health services are actually provided, even in very serious and dangerous situations. Under this bill, that would change.

The third provision of this bill will provide for the recruitment and retention of qualified social workers and will begin to deal with this problem. How do we do this? The bill will provide $3 million in new money for the repayment of student loans to encourage social workers to enter or to stay in the field. It will allow this money to be provided as an incentive to pay back student loans if the young social workers agree to continue to stay and work. It will take that burden away from that social worker.

One of the problems, of course, is a person wants to be a social worker, they want to do good, they want to stay in the field, but because of this low rate of pay and they have this big burden, this big debt, they cannot stay in the field very long. They have to do something elsewhere where they can make more money to pay back the debt.

This bill will help them ease that burden. It is no surprise that the higher the caseload per social worker, the lower the quality of service to each of the children.

The District, like many cities, suffers from a high turnover of social workers. That is not good for the kids. In fact, the national current turnover rate has doubled since 1991. Clearly, the relatively low pay and difficult working conditions of social workers have resulted in a child welfare workforce crisis in the District. Without doubt, steps must be taken to encourage more social workers to enter the child welfare workforce and we must improve the salaries, we must improve the working conditions and the training of workers, and we want to retain more of the qualified and experienced social workers. The reality is, the longer a social worker is there, the more experience they get, and we want to retain the experienced social workers.

The fourth provision of this new program is recruitment and retention of foster parents. The bill provides $1.1 million to recruit and retain foster parents. CFSA has experienced difficulties with recruiting and retaining an adequate number of appropriate foster care parents. One reason for this is lack of availability of respite care for foster parents. This is one of the items Senator LANDRIEU and I heard foster parents tell us—good people who were very much overburdened. One mom who came in was taking care of many children. She said: If we just had the opportunity for a few hours to have a break, this would be of great help.

Foster parents do not have the same opportunities for respite as biological parents many times do. The funds in this bill would provide emergency respite, planned respite, and ongoing regularly scheduled respite care. This is critical to provide foster parents the rest they need to continue to stay on as foster parents.

The fifth provision is to improve computer tracking of all children in foster care. I talked earlier about the situation of the computer system and how bad it is. The bill provides $3 million to move the agency's current client-server system to a Web-based architecture and to provide laptop computers to all CFSA social workers.

The subcommittee heard testimony from the General Accounting Office that CFSA's database lacks many active foster care cases and the system is often down. In addition, social workers do not have access to the database via laptop computers when they are with children, foster families, or while waiting in court. This would be a great opportunity to better utilize the precious time of social workers so they can use that time sitting in court or, when they are out in the field, to put the data directly, immediately into that computer. This is to better utilize the precious time social workers have.

Social workers now must return to the office late at night and enter the data of children in care. With laptop computers and Web-based access to information, social workers would then be able to enter key data from off-site locations. We want social workers to use that precious time hands on, dealing with kids, dealing with families. That is most important. Using technology better will enable them to spend more time with these families. We want them to spend time on case plans and working with the families. This will enable them to do that.

I spoke at length about the foster care initiative in this bill because it is so very important. It breaks new ground. It does something about which Senator LANDRIEU and I feel very passionately. We feel passionately about it because we learned so much about it in the hearings we held. This subject deserves this Congress's time. It deserves our attention. It deserves our money.

As chairman of this subcommittee, I and the ranking member, Senator

LANDRIEU, have listened to far too many horror stories about children dying or being abused in the District's foster care system. As a Federal partner with this city, I believe it is imperative we provide funds and seek ways to protect the lives of these very precious children. It is our duty and it is our moral responsibility to do so.

The second priority which this bill funds is enhancing educational opportunities for inner-city kids. This bill provides a total of $40 million new money—I emphasize ''new money''—for three interrelated components: $13 million to promote excellence in traditional public schools in the District of Columbia; $13 million to expand choice through high-quality charter schools; and $13 million for opportunity scholarships for low-income students in failing schools to attend private schools; and $1 million for administrative fees. That is $40 million in new money for the District of Columbia's children to help educate them.

This is a balanced approach. It is balanced because, as I said, it is $13 million, $13 million, and $13 million. It is evenly divided. The charter schools, $13 million; public schools, $13 million; and $13 million for the new scholarships.

Let us make no mistake about it. This is new money. It is not taking it from the public schools. It is not taking it anywhere else from public education. This is money that Senator GREGG has worked long and hard to come up with, other Members have worked long and hard to come up with, to put together in a package that is balanced, that is reasonable, and that we will be talking about more on the Senate floor later.

It is for the kids in the District of Columbia and it makes sense. This is a plus-up in funding. This is new money. It is for the kids in the District of Columbia.

Turning to the bill itself, I will read directly from the language of the bill. We will be discussing this later. I think the bill says it very well on page 21, when we talk about these scholarships. It provides students and their families with the widest range of educational options, because that is really what we are talking about: public schools, charter schools, and, with this additional $13 million to scholarships, options for the parents, options for the students.

I am pleased to report that this three-sector approach to improving DC schools is wholeheartedly supported by Mayor Anthony Williams. He has been out front in leading the charge for this plan. He was on Capitol Hill yesterday very eloquently describing why this is needed for the District of Columbia.

The plan for the District has wide support, but the most important supporters for this program are the thousands of low-income parents of schoolchildren in this city whose children are languishing in failing schools. Under this bill, the priority for children to be able to get these scholarships is children who are in what are described as the failing schools. These parents want an opportunity to try a new approach. I believe they deserve that opportunity. Their hope is for a brighter future for their children.

The third priority funded by this bill is reducing and preventing crime in the District of Columbia. The Federal Government entirely funds the DC courts and the Court Services and Supervision Agency. This bill provides a total of $377 million for these agencies, which is $18 million more than the President's budget request. Most of these additional resources are to integrate the 18 different computer systems that track offender and litigation information.

In addition, the bill provides additional resources to allow the Court Services and Supervision Agency to enhance its supervision of high-risk sex offenders, as well as offenders with mental health problems and offenders with a history of domestic violence. I submit that these are the most dangerous offenders. These are offenders who are the most likely to cause harm and damage to the citizens of the District of Columbia, and to the tourists and visitors who come here every single day.

Senator LANDRIEU and I held a hearing. We heard from the people in the Government of the District of Columbia and the Federal officials who are charged by law with supervising these individuals who are out on parole and probation. What they told us was these are the most high-risk offenders. They are out on the streets. Right or wrong, they are out on the streets. They told us these are the most dangerous individuals.

I must say from my experience years ago as a county prosecutor that there is no doubt these are the most dangerous offenders. What we learned is that the ratio of the supervisors to these offenders today is only 42 to 1, many times. In other words, 42 offenders to 1 supervisor. What our bill would do is to take that ratio down to 25 to 1. It is the right thing to do, and we are going to do it with this bill. We are targeting those dangerous offenders. This is a boost to safety in the District of Columbia.

Additional resources also will expand the Agency's use of GPS-based electronic monitoring equipment to ensure that offenders are not near locations such as schools or specific residences.

The fourth priority in this bill is increasing security in the Nation's Capital. Since September 11, we all understand the importance of security in the District of Columbia. Therefore, the bill includes security funding, including resources to complete a Unified Communications Center which will be the center for coordinated multiagency responses in the event of regional and national emergencies.

Funds also are included to continue to prepare the District's largest hospital, Washington Hospital Center, and its only dedicated children's hospital, Children's National Medical Center, for bioterrorist and chemical attacks. We began this process last year and further funding is in this year's budget.

The bill also continues to provide funds to reimburse the District for increased police, fire, and emergency personnel costs associated with the presence of the Federal Government.

Let me again thank Senator LANDRIEU, who is the ranking member of the subcommittee. It is always a pleasure to work with her. She has done a great job on this bill. She and I share the same concerns for the children and the residents who live in our Nation's Capital. We have worked very closely together on this bill. I believe we have put together a bill that is within budget. It is a bill that focuses on improving the well-being of the District's children and protecting the safety of all those who live and work here.

So I thank Senator LANDRIEU, I thank the Chair, and I will at this point yield to Senator LANDRIEU.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I begin by thanking the chairman for the breadth and depth of those excellent opening remarks, which demonstrate beyond any doubt his commitment to the budget before us and to the plans that it supports.

I also acknowledge our strong working relationship and commend him for his leadership on so many important issues for the District and also for the Nation at large. He has gone into great detail about the child welfare issues, which is one of the issues that he has led on not just in the District but in his home State and around the Nation.

We have been working together now for almost 3 years, sharing the chairmanship, depending on the majority of this Senate. It has been a joy to work with someone who shares so many of the same goals and objectives.

As Senator DEWINE has outlined, our bill is small in size but it often carries a powerful punch, because it is a bill that supports a city but also a symbol. It is a city of 500,000 residents but it is a symbol in many ways of this great Nation and home to the Federal Government. Because of that, oftentimes on this bill—and we will experience that over the next couple of days—there will be some rigorous debates about issues surrounding this bill, which is understandable because this is a budget for a city but also a symbol.

I hope, as we move through the debate on this bill, that we can provide more light than heat, and I hope colleagues from both sides of the aisle will come to the floor with that in mind.

I want to begin my brief opening remarks saying that Senator DEWINE and I in many instances share not only the same views about the District, but we also share the same priorities, which makes for a great working relationship and very smooth operations. One of the subjects he and I feel very strongly about is committing to the financial stability of the city. We both recognize

the great work the Mayor, the City Council, and Congresswoman ELEANOR HOLMES NORTON have contributed, as have other officials who have the hands-on responsibility for the financial support and operations of the city. I commend them for their work.

This is particularly important because this city in just recent history was under the direction of a Control Board, established by this Congress because the city was in a huge deficit position. Mismanagement was rampant and that became necessary. Senator DEWINE and I served at the time when that Control Board has been moving out, so it has been an imperative, and our first priority, that the safeguards and guidelines and parameters that keep this city moving in the direction of surplus and strength continue. I am proud to say that we have accomplished that goal in partnership with the city leaders, who get the most credit for keeping their city in a strong financial position. That is so, even with the very difficult times the city has faced, in terms of being a target, in some cases the No. 1 target, of terrorism in the whole Nation.

Along those lines, one of my priorities, shared with the leadership as well as the other Members—Senator KAY BAILEY HUTCHISON, Senator DICK DURBIN from Illinois—we have put into this bill a $25 million infrastructure investment because we want to be a strong, reliable partner for the financial security of the city. That is on top of the $50 million that was put in last year, which helps one of the major infrastructure challenges of the city, which is to clean up the Anacostia River. We have to remember this region is a region of two rivers, not one. We hear a lot about the Potomac but not a lot about the Anacostia. Both are great and contribute a lot to the health and vitality of the region, and the cleaner these are, for esthetics, for health and recreation, is important.

The city cannot do this on its own. It is a regional effort, and we are proud to step up, in the place of a State because there is no State, to serve in that role on the budget, to help them with these great infrastructure needs. I am thankful for the allocation of funds for that effort to the chairman of the Appropriations Committee and the ranking member, Senator BYRD, who has been strongly in favor of this particular undertaking, which will cost hundreds of millions of dollars, to be done over the course of the next couple of years.

The next issue on infrastructure, briefly, is one on which we are making some progress. We have budget constraints and we do not have, as much as we would like, unlimited money. We have budget constraints because there is not much money, but wisely the chairman has allocated funds to infrastructure initiatives—parks, recreation, and some help with transportation. Again, transportation is not just a challenge for the District residents, but it is a real challenge for the region. We have at least begun to lay down a small mark for help with transportation. I will get back to why that is so important at the end of these brief remarks.

Helping with the financial strength of the city, continuing to improve it, making sure the CFO is supported and his office is independent, streamline the management, and helping keep the city on a strong financial course is something I am proud of and is reflected in this bill.

The second important focus—and these are not in terms of priorities because they are all sort of equal, but I wanted to reflect, maybe, perhaps this is one we would agree is the top priority—is security for the Nation's Capital. Again, our bill reflects an ongoing commitment for investments in bioterrorism and investments, last year particularly, in the bill for interoperability for police officers in the District and the Federal agencies, as the District remains the No. 1 target in the Nation. That commitment is also found in this bill. It is an ongoing commitment I share with the chairman.

Senator DEWINE did a beautiful and thorough job describing the child welfare initiatives in this bill. I will not repeat what he said. I will only say thank you to the Washington Post, particularly, for continuing to bring to light the deficiencies in the child welfare system, to thank my own staff and all the Members who contribute, and to say the District of Columbia is not alone in its struggle with reforming its child welfare system and improving foster care and increasing adoptions and establishing a family court. All cities, all communities, and all States are struggling with those same challenges.

Because budgets are tight, when budgets are cut, the first things, of course, that are cut, in many instances, are the services for children and courts and judicial systems that help to support excellent child welfare services in the Nation.

We are trying to fight against those budget reductions, adding money to this bill, with accountability, with mandates for new management, and with a new system to try to increase reunifications where possible, so children are not separated endlessly from their families and to give those families support. If that is not possible—and in many instances, as the chairman knows, it is not possible—then to move those children quickly through a caring and loving system that enables those children to get safely into a new family who will raise and nurture and love them, and to minimize the time in foster care.

That is not done by waving a magic wand or by rhetoric or by bumper stickers or by slogans. There is no substitute for that kind of work other than just tough slogging in terms of new policies and new investments. No one has done that better than this chairman. I thank him for that. This bill reflects a significant increase, in partnership with the District, working with them, to create a new court system, to create new opportunities in the child welfare system.

The fourth area the chairman and I focused a lot of time on, and I think we are making some progress, although it will be the subject of much of the debate on this bill, is in the area of education. I want to say what is in the underlying bill is a significant improvement over the shortsighted and very problematic education initiative that was placed in the House bill on the District of Columbia. What the chairman has laid down is a significant improvement over that shortsighted and problematic initiative which was basically a vouchers-only, take-it-or-leave-it approach by the House, which is going to be rejected pretty unanimously here in the Senate.

In its stead, there is a three-sector improvement approach offered by this bill which, in my opinion, still needs some significant work. But, as I said, it is a major improvement over the take-it-or-leave-it, vouchers-or-nothing approach by the House. The three-sector approach, as the chairman has outlined, is an equal amount of money distributed to charter schools, to public schools, and then to private scholarships for low-income children who are struggling.

Let me talk about charter schools for a minute and say something on the record. I will get back to this at a later time, when the debate gets underway.

There is not a district in this country, not one, not in Ohio, not in Louisiana, not California, not New York, that has made a stronger and better effort for charter schools than the District of Columbia, and that needs to go on the record as this debate starts.

There are more children per capita in charter schools in this District than any place in the Nation. With limited resources and with a relatively small jurisdiction, this community is making a superior effort in charter schools. Every one of them is excellent. We know they are trying new things that are important. They don't get enough credit for that. I want the Mayor and ELEANOR HOLMES NORTON, who has been a strong supporter of charter schools and public choice, and Mr. Chavez, members of the DC Council, and members of the school board who have supported this charter school initiative to feel proud of what they have done. They do not get as much credit as they should. Those charter schools provide a real choice and real opportunities.

I am proud that in the bill last year Senator DEWINE and I helped fund, at the request of many of our colleagues, the first urban boarding school for low-income children in the Nation—the first low-income boarding school for children in the Nation—so they can stay in school Monday through Friday and have an opportunity to go home on weekends, if they choose. Sometimes their home life is not conducive to academic excellence and achievement.

With accountability and oversight, we created that school. I am proud to say those children are extremely happy. And some of them were able to go to Greece because of the generosity of the Greek Ambassador. Nothing could thrill me more than to see real progress being made in opening up new educational opportunities for children.

The charter school movement is healthy and underway, and it doesn't need our criticism and it doesn't need our undermining; it needs our support.

The other leg of that is the investment in public schools. The progress is slower but it is still substantial, as is true of all major cities struggling with this issue throughout the country. But any number of improvements have been made. Later on in the debate, that information will be spread on the RECORD. But those two legs of the investment are universally supported.

There are additional investments. Leave No Child Behind does not meet the full requirements to which the District is entitled, but at least it is a $13 million increase to help the public school system meet the new accountability requirements and excellence that we seek in all of our schools when we are using public funds, and to help support charter schools.

The piece on the scholarship program sector, as I said, needs improvement. But because it is a three-sector approach and not just vouchers and take it or leave it, it is far superior to the House provision. With some adjustment, it could potentially receive votes of some Members on the Democratic side and have universal support on the Republican side. We will get to that later in the day.

Let me say in closing that the last 2 years have been unprecedented in the amount of discretionary Federal dollars that have gone to this city. Just this year alone, this budget reflects $124 million over the President's request for the District of Columbia. That is a substantial amount. That reflects the confidence that is being built in this Congress in the leadership of this city and the willingness to step out on issues that can help this city be the great city it was intended to be, and it is well on its way to being—across the board, whether it is in health care, transportation, public services, education, et cetera.

Nobody deserves more credit as a group than the city leadership collectively. They have done a very good job working together in that regard.

I close, however, with a challenge that Senator DEWINE and I are faced with this year; that is, the landmark report that this city faces a structural deficit of $400 billion to $401 billion between their revenue capacity and their cost of providing services. This report was done by an objective agency. It was conducted by the GAO at the request of Congresswoman NORTON and myself and others to really look at the structural deficit, if there were such a thing as a structural deficit, even though the city is in surplus, even though they are moving in the right direction by streamlining their operations. If you look at the path for the next year or two, there are dark clouds on the horizon. We want to basically know what the reason is for those dark clouds. Is it something that is under the control of the city or the Congress to fix?

I will paraphrase the study and will submit it for the RECORD.

While the city could continue to adjust and streamline its practices and make sure that fraud and abuse are taken out of the system, there is in fact a structural imbalance. Even if they did that perfectly—and no city does—they still would have a structural imbalance because their tax base is strained to almost a breaking point. That means their sales taxes are high, their property taxes are high, their fees are high. To continue to go back to the residents of the District and ask them to contribute more would be detrimental to the economic growth and vitality of this city.

We have in this bill a marker—basically a $3 million Federal share to contribute to the infrastructure, which is a small but I think substantial marker that the chairman and I are willing to lay down to say we understand there is a structural deficit, that we don't have the money right now to fix it, and that we are not even sure how to fix it nor have the answer but recognize there is one. Hopefully, that will be the subject of future hearings to help the city of Washington be the best city and the symbol for the Nation.

Finally, let me summarize. As the chairman said, this bill also includes $172 million for the operation of the DC courts, an $8 million increase over the President's request. We talked about that. There are certain things for which we are directly responsible. One of them is the Court Services and Offender Supervision Agency. I am very proud that the chairman has gotten that ratio down from 40 to 1 to 25 to 1, which will help. I again commend the Washington Post for their excellent series that helped to call our attention to this glaring and terrible problem. It is a tragedy that exists in the District. More work needs to be done.

But this bill and what it represents I think is a significant compliment to the city and its leadership. The considerable investment in the future for the residents of the District is something of which our people around the Nation can be proud.

I urge our colleagues as we move into the afternoon and the debate regarding education that we attempt to fill this Chamber with light and heat because this issue, the children who depend on our deliberations, their families, and the taxpayers deserve no less.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. MURKOWSKI). Without objection, it is so ordered.

RECESS

Mr. DEWINE. Madam President, I ask unanimous consent that the Senate stand in recess until 1 p.m.

There being no objection, the Senate, at 12:10 p.m., recessed until 1:01 p.m. and reassembled when called to order by the Presiding Officer (Mr. HAGEL).

The PRESIDING OFFICER. The Senator from Ohio.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2004—Continued

Mr. DEWINE. Mr. President, as we proceed with the District of Columbia appropriations bill, I again thank Senator LANDRIEU for her great work on this bill. We will be proceeding later on today on the issue of the District of Columbia vouchers. I thank Senator LANDRIEU for her contribution to this discussion.

We are working on some possible amendments, but I wish to take this moment, if I can, to also thank Senator FEINSTEIN for her contribution to that section of the bill. As I have stated publicly in the past—I said it yesterday in a press conference—that section of the bill which has to do with vouchers, the scholarship section was significantly improved because of what my colleague from California, Senator FEINSTEIN, contributed to the bill.

She came to me and Senator GREGG and said: I have some suggestions; I have some changes; I have some ideas that I think need to be in this bill to improve the bill, to bring more accountability; to ensure the bill's constitutionality; and also to make sure that the Mayor of the city of Washington is much more directly involved in running this scholarship program.

We took those suggestions from Senator FEINSTEIN. She drafted sections of the bill, and we incorporated them in the bill. Those changes are now in the bill that is now before the Senate. I appreciate very much her work.

I yield, without losing my right to the floor, for a question from Senator LANDRIEU.

Ms. LANDRIEU. Mr. President, I thank the Senator for his comments. He is correct that there have been some improvements made to this section of the bill, but it remains a work still in progress. There are many Members on the Democratic side and some Members on the Republican side who are still not comfortable with the language. There are some who are absolutely opposed to the underlying concept of private school vouchers or scholarships.

I thank the chairman for remaining open and working on some amendments and language. That is taking

place at this time. We will proceed with the debate later in the afternoon.

Mr. DEWINE. Mr. President, I take back my time. I look forward to working with Senator LANDRIEU to try to accommodate the concerns she has. I know she is well intentioned, certainly dedicated to the children of the District of Columbia, as I talked about earlier today.

I believe the bill before us is a good bill. I believe the scholarship program before us is a good scholarship program. I believe it is clearly constitutional. I believe it is a good program in the sense, as I discussed earlier this morning, that it is value-added. It is a balanced program. It is a program that provides a third of the money for scholarships for the children, $13 million. This is all new money, $13 million new money for the District of Columbia schools, and $13 million additional money for charter schools. It is a three-pronged approach, a very balanced program. I think the language is good language. The bill before us is a good bill.

In deference to my colleague, with whom I have worked so very closely on this bill over the last few years, certainly we can take some more time to see if it is possible to reach any kind of compromise or accommodation with regard to any additional language that would satisfy her. I am more than happy to take some time to try to do that. I do believe we have a good bill right now. It is a bill that I think is good for the children of the District of Columbia.

Mr. WARNER. Mr. President, I rise today in support of the limited private school choice provisions in the District of Columbia Appropriations bill.

As you know, private school choice, also commonly known as a voucher, refers to the use of public money to allow a limited number of students to attend a K–12 private school.

As a strong supporter of our Nation's public schools, I certainly appreciate the views of those who believe that public money should be used to improve only public schools.

However, as a member of the Senate's Education Committee, I also strongly believe that if our educational system is to improve, as needed, we cannot remain stuck in the status-quo. We must look for innovative ways to improve our schools. While providing additional money into an educational system can help—money alone is never enough.

I commend the Mayor of Washington, DC—Mayor Anthony Williams—who along with others have all come together in support of an innovative idea to improve the educational system in the District of Columbia: an infusion of money into the public school system along with a limited private school choice option for the District of Columbia.

How fortunate we are to have the leadership of Mayor Williams in the District of Columbia.

The legislation before us does just what Mayor Williams has requested. It adds an additional $40 million in education spending in the District. $27 million of that $40 million will go to the District's public schools and charter schools. The remaining $13 million will be used for the limited private school choice option provided in this bill.

And while some may be critical of spending $13 million on private school choice, I believe it is important to view this money in the context of other education spending.

In comparison to the $13 million we will spend in this bill on private school choice, the Federal Government currently spends about $12.5 billion on the Pell Grant program. And as we all know, the Pell Grant Program provides grants to students to help them afford the cost of tuition at an institution of higher learning, regardless of whether the institution is a public or private one.

Similarly, the proposal before us today will allow certain low-income students in the District to attend private K–12 school.

More specifically, the school choice provisions in this legislation will provide scholarships of up to $7,500 to allow 2,000 low-income students the opportunity to attend private school.

These scholarships will be sufficient in dollar amount to cover the cost of tuition at approximately two-thirds of the private schools in the District. It is my hope that the remaining one-third of private schools in the District, whose tuition is more expensive than $7,500 a year, will consider making special exceptions to also open their doors to the low-income students in the District who are scholarship recipients.

In my view, the proposal supported by Mayor Williams and put forth in this legislation is a win-win situation. The school system gets more money and low-income students are given a unique educational opportunity.

Over 50 years ago, I was given a similarly unique opportunity to obtain a quality education as I was a recipient of the GI bill. The education that I was fortunate enough to receive as a result of the GI bill has allowed me to achieve most of the dreams to which I have aspired. Without the GI bill, I certainly would not be standing here today.

Similarly, the private school choice proposal before the Senate today will provide certain students in the District with an opportunity to receive a strong education. And, along with that education, these scholarships will provide these students the same opportunity I had to achieve my goals in life.

I commend the work and leadership of the chairman, Senator DEWINE, my colleague in the Virginia congressional delegation, TOM DAVIS, Mayor Anthony Williams, the local media, and other philanthropists and community leaders who have worked closely together in support of this private school choice initiative.

It is my intention to support this limited private school choice initiative, and I urge my colleagues to do the same.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate be in a period for morning business until 2 p.m.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. DOLE). Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. DEWINE. Madam President, I ask unanimous consent that the Senate remain in morning business until 3 o'clock.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. FEINSTEIN. Madam President, I ask unanimous consent to speak for up to 10 minutes.

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

Mrs. FEINSTEIN. Thank you very much, Madam President.

DO NOT CALL REGISTRY

Mrs. FEINSTEIN. Madam President, I come to the floor because I have just learned of a decision made by an Oklahoma district judge that the National Do-Not-Call registry is invalid. This is amazing to me.

This is the result, apparently, of a lawsuit filed by the Direct Marketing Association, U.S. Security, Chartered Benefit Services, Global Contact Services, and in InfoCision Management Corporation challenging the Federal Trade Commission's authority to implement the wishes of millions of

Americans who have gone on the Federal Trade Commission's web site and signed up to say to telemarketers they don't want to be called.

I would like to read into the RECORD a statement of FTC Chairman Timothy Muris. He said:

Late last year, the Federal Commission issued rules creating the National Do Not Call Registry under the Telemarketing and Consumer Fraud and Abuse Prevention Act. On February 13, 2003 the Congress passed the Do Not Call Implementation Act, which authorized the FTC to collect fees from sellers and telmarketers to ''implement and enforce the provisions relating to the 'do-not-call' registry.'' The President signed this bill on March 11, 2003. Moreover, on February 20, 2003, the President signed the Omnibus Appropriations Act, which authorizes the FTC to ''implement and enforce the do-not-call provisions of the Telemarketing Sales Rule.''

Despite this clear legislative direction, the U.S. District Court for the Western District of Oklahoma has ruled that the FTC exceeded its authority in creating the National Do Not Call Registry.

This decision is clearly incorrect. We will seek every recourse to give American consumers a choice to stop unwanted telemarketing calls.

This registry is due to go into effect in a week. A Federal judge has essentially prevented it from going into effect. In a week, tens of millions of Americans who have registered their names not to be called by telemarketers are going to find out that it is all a myth. They are going to get called in any event. I think they are going to be very angry.

I also believe this decision strikes a blow against the basic privacy interests of millions of Americans. Presently, these people are subjected to unwanted marketing calls to their homes at all times of the day, including the dinner hour. The FTC's Registry will give Americans who want to avoid these unsolicited sales pitches an option to stop their telephone from ringing.

As I mentioned, tens of millions of Americans have registered more than 50 million phone numbers for this program. Ultimately, the Federal Trade Commission expects 60 percent of the Nation's households with approximately 60 million home phone lines to sign on to the registry. This registry is crucial because it puts consumers in charge of the number of telemarketing calls they receive. Telemarketers who disregard the Registry could be fined up to $11,000 per call.

The district court today ruled that the Do Not Call Registry is ''invalid''—that is the word the judge used in his decision—because it was created without congressional authority.

This conclusion I find surprising since Congress passed H.R. 395, the Do-Not-Call Implementation Act on February 13th of this year. The legislation clearly authorizes the Federal Trade Commission and the Federal Communications Commission to collect fees sufficient to implement the Registry. And the Appropriations Committee granted $18 million for the program.

I also note that the FTC's rule came after the most extensive deliberations. The FTC announced its plan to proceed with the Registry on December 18, 2002, after receiving 64,000 comments. The overwhelming majority of these comments favored the creation of the Registry. Millions of Americans were promised protection from annoying, unwanted telemarketing calls starting October 1. They are truly going to be outraged by this.

There are two ways of going about this. The first is to let the FTC appeal the case, which they have just said they are going to be in the process of doing. The other is to perhaps unanimously adopt and pass legislation which clearly authorizes, specifically authorizes—and in bold letters authorizes so that no Federal judge can misunderstand it—and get this done as quickly as we can. I have asked my Judiciary counsel to prepare this legislation. We will be submitting it before the end of the day.

I would like to invite all of my colleagues to join as cosponsors. Then, hopefully, we will be able to move this through very quickly, particularly in view of the fact that we believed we did authorize it earlier, the President did sign it earlier this year, and we believed it was a concluded issue.

I ask unanimous consent to have printed in the RECORD the judgment of the Western District Court of Oklahoma which finds that the portion of the final amended rule that pertains to the National Do Not Call Registry is invalid.

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

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA

U.S. SECURITY, ET AL., PLAINTIFFS, VS. FEDERAL TRADE COMMISSION, DEFENDANT

NO. CIV–03–122–W—JUDGMENT

Pursuant to the Order filed this date, the Court finds that judgment should be and is hereby entered as a matter of law in favor of the plaintiffs, U.S. Security, Chartered Benefit Services, Inc., Global Contact Services, Inc., InfoCision Management Corporation and Direct Marketing Association, Incorporated, on the plaintiffs' claims that that portion of the Final Amended Rule that pertains to the national do-not-call registry is invalid. The Court further finds that judgment should be and is hereby entered as a matter of law in favor of the defendant, Federal Trade Commission, on all remaining claims asserted by the plaintiffs.

Dated at Oklahoma City, Oklahoma, this 23rd, day of September, 2003.

Lee R. West, *United States District Judge.*

Mrs. FEINSTEIN. Madam President, I have concluded within the 10 minutes. I thank the Chair. I yield the floor.

Mr. COCHRAN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2004—CONFERENCE REPORT

Mr. COCHRAN. Madam President, I ask unanimous consent that the Senate now proceed to the consideration of the conference report to accompany H.R. 2555.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. REID. Madam President, reserving the right to object, we have been in touch with Senator BYRD, who is co-manager of this bill, and he has no objection to proceeding to this conference report. He simply wants to be able to be heard prior to our scheduling a vote on adoption of the conference report.

I have no objection.

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

The report will be stated by title.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2555), making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate and agree to the same, with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 23, 2003.)

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, it is my honor and pleasure to present for the Senate's approval today the conference report on H.R. 2555, the fiscal year 2004 Homeland Security Appropriations Act. As all Senators know, this is an historic occasion. Not only is this the first appropriations bill for the new Department of Homeland Security, but it is also the first of the 13 fiscal year 2004 appropriations bill conference reports to be presented to the Senate.

The conference agreement provides total new budget authority for the new Department of $34.9 billion, including $4.7 billion in advance appropriations for future fiscal years. Of the amount provided for fiscal year 2004, $29.4 billion is for discretionary programs. This is approximately $1 billion more than the level requested by the President. It is also $890 million more than the Senate-passed bill level, due to inclusion in the conference report of $890 million in fiscal year 2004 funding for biodefense countermeasures, so-called BioShield, as recommended in the House bill and the President's recently submitted revised budget request.

To further strengthen the capacity of the Nation's first responders to prepare for and respond to possible terrorist

threats and other emergencies, this conference report provides a total of $4.037 billion for the Office of Domestic Preparedness. This includes $1.7 billion for the State and local formula-based grant programs; $500 million for law enforcement terrorism prevention grants; $725 million for high-threat, high-density urban area grants; and $750 million for the firefighter assistance grant program which will remain a stand-alone program.

The conference report also includes $180 million for emergency management performance grants which will be managed by the Emergency Preparedness and Response Directorate.

The conference report includes a total of $4.5 billion for the Transportation Security Administration. Air cargo security was a priority of the conference committee, as evidenced by the fact that the conference report provides $85 million for air cargo security, which is $55 million higher than the President's request. This funding will allow the Department to enhance its efforts to identify and prohibit the transportation of high-risk cargo on passenger aircraft as well as to advance efforts to research, develop, and procure the most effective and efficient air cargo inspection and screening systems.

Additionally, $8.6 billion is provided for the defense of our borders; $9.1 billion for emergency preparedness and response; $6.8 billion for the Coast Guard; and $1.5 billion for research, analysis, and infrastructure protection.

The conference committee met and completed action on Wednesday of last week, and the conference report was filed yesterday, September 23. It was adopted by the House of Representatives earlier this afternoon by a vote of 417 yeas to 8 nays. Senate passage of this conference report today is the final step necessary to send this fiscal year 2004 appropriations bill to the President for his signature into law before October 1, the beginning of the new fiscal year.

I must acknowledge the assistance and important work by the ranking member of the subcommittee, the distinguished Senator from West Virginia, Mr. BYRD; also the chairman of the House committee, Mr. ROGERS, and the ranking member of the House subcommittee, Mr. SABO, for their substantial contributions to the development and writing of this bill throughout the year.

We began the year with extensive hearings, reviewing the proposals for the budget of all of the directorates and the individual agencies that are funded in this bill, which includes the Secret Service, the Coast Guard and others. A lot of time has been devoted to understanding the missions and responsibilities of the 22 Federal agencies that were brought under the jurisdiction of the new Department of Homeland Security.

We have also worked closely and consulted with the distinguished Secretary of the Department, Tom Ridge. In my judgment, Secretary Ridge is doing an excellent job of starting up this new Department, understanding the importance of the mission, and helping our country prepare for and prevent terrorist attacks, and prepare for and respond to natural disasters.

The chairmen and ranking members of the full committees have also been very helpful in the development of this legislation. We want to express our appreciation for their good work and their important assistance.

It is with pleasure and honor that I recommend to the Senate the adoption of this conference report.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Madam President, I understand other Senators, including Senator BYRD, may be speaking on this and will be here in a few minutes. I thought I would take the opportunity to make some comments on a specific provision in this conference report.

First, I am pleased that the Senate is considering this very important appropriations conference report for the new Department of Homeland Security, and I am pleased that the chairman of this subcommittee is my colleague from Mississippi. He has shown real leadership and stamina in getting this done, bringing it to the floor of the Senate, and holding the line on making sure that what we spend is what we need, a reasonable amount, and not allowing it to spiral out of control, which it could have very easily.

He deserves a lot of credit. It went right into conference and secured an agreement. This is going to be one of the appropriations bills that gets to the President for his signature early. That is the way this process should be done, because it is going to be finished before the beginning of the next fiscal year. There are not many appropriations bills that are going to do that this year or in most years.

I do have a concern and am disappointed with a particular provision in this conference report that affects the FAA reauthorization conference report. As chairman of the Aviation Subcommittee, we had extensive hearings, as I know this appropriations subcommittee did as well, in developing the legislation that led to the FAA reauthorization bill. It became very clear early on that one of the major issues that we had to confront was how to pay for security capital costs at airports. We have additional needs. There are additional costs. Many of the airports' lobbies are crowded because they have the new equipment that has been installed there to scan our luggage. A lot of additional costs have been heaped on the airports, local authorities, and, as a matter of fact, the TSA, the Transportation Security Administration.

The majority of the costs they are dealing with in the airports themselves are associated with modifying the airports to install explosive detection systems so that the baggage can be fully screened. Eventually, we will have to move them out of the lobbies because we have lines in airports now outside the buildings. That equipment is going to have to be moved.

The estimated cost associated with these modifications ran up to as much as $5 billion. I must say I gulped when I heard that. I have asked a lot of questions about just how much is needed and how are we going to fund it. That was the natural question to come up.

In the immediate aftermath of 9/11, as we worked aggressively to deal with tighter security at airports, the TSA was allowed to take $500 million out of the Airport Improvement Program. Those funds are supposed to go for improving the airports, for aprons, runways, security fences. But that money was diverted, $500 million of it, out of the normal AIP program into the security area.

The Transportation Security Administration came before the committee and said: We are going to need another $500 million, and we are going to need more and more and more. We made it clear that they could not take another $500 million bite out of the airport improvement program, which is what they intend to do. But we do see that we need probably at least $250 million a year to help airports fund these important security projects. So we had to also come up with a way to provide that money.

The way that has been done is a $2.50 security fee that has been assessed on all airline passengers. The airlines will tell you that the passengers are not paying that fee. They are just having to absorb it. Because if they raised ticket prices even a little bit, that would affect decisions that passengers make to go a different way or go on some other airline. So they maintain they are having to eat that fee. Regardless, the actual fee is supposed to be on the passengers.

I have some problems with that, particularly when you look at how that money is really being paid. It is a tremendous cost that is one of the issues affecting our airline industry and the ability of airlines to make a profit and to stay in business.

So I actually considered the idea of eliminating this fee. The other side of the coin is that we have to come up with some way, if we are going to provide for these security changes, to pay for them. While I think everybody has a responsibility to assume some of the cost—the Federal Government and local governments, perhaps, and airport authorities—the people themselves are getting additional security. So we decided to leave the fee in place.

Now, in my view, that is kind of like the highway trust fund. It is a fee charged for a specific purpose: aviation security. It should be used for that purpose, and that purpose should include airport security. For years, the highway trust fund money was held in the trust to make the deficit look lower than it really was. It was also quite

often used in ways other than highways and bridges, and it has continued to change. On the last highway bill, we had a big discussion about that. The budget people wanted to keep some of that money in the trust fund to help with the budget numbers; the appropriators didn't want to mandate that that money be spent, even though we needed highways and bridges. We came up with a compromise that the Budget Committee and appropriators could live with, and we spent more money and built more roads and bridges.

This is how I view a fee being paid for security at the airports. We said it would go into a fund where it would be earmarked for that purpose. The Appropriations Committee indicated that that was a problem for them because they don't like, understandably, that this money is earmarked in a particular area. They say the Appropriations Committee will look at that and make those decisions. Therefore, in the Homeland Security conference report, even though I thought we had worked our disagreement out, we originally had a fund of $500 million and we went to $250 million, leaving money that could be used for discretionary purposes, the appropriators chose to override the authorizing committee. That is the way it went through the Senate, with Senator COCHRAN raising concerns at the time the FAA Reauthorization was on the floor, but I thought it was with an understanding to allow the process to move forward.

Now the conference report knocks that provision out—it is kind of novel because the appropriations conference report knocks out a section in a bill that has not yet been passed. That was a little unusual, I thought. But I do think money that is paid by the passengers as a security fee for purposes such as airport security should be spent for that purpose, at a level designated by the authorizing committee. It should not be left to the discretion of the appropriators or anybody else to spend it at a level they see fit, although they may be spending the money on justified programs in other aviation areas of the Transportation Security Administration.

So I am concerned about this. This bill is too important for our country, it affects too many people, and there are too many things to be delayed. I would not do that. I wanted to go on record expressing my disappointment particularly in this section—how it was done—and say that if we are not going to mandate spending this money for airport security, it would be my desire to eliminate the fees. That may be where we will have to go next year. For now, this is a small part of a very large bill, although I think it is an important one. I had to raise my concerns and my objections, while not being prepared, of course, to delay this important legislation.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi, Mr. COCHRAN, is recognized.

Mr. COCHRAN. Madam President, I appreciate the comments made by my good friend and State colleague, who is chairman of the Aviation Subcommittee.

When the FAA bill was on the floor, I offered an amendment to strike that language, which would have reduced resources available to meet the Department of Homeland Security requirements for aviation security. That amendment was adopted without an objection.

Madam President, I would like to briefly explain the order in which these events occurred and the reason for providing the funding prohibition that was included in this conference report.

On June 12 the Senate considered H.R. 2115, the Vision 100–Century of Aviation Reauthorization Act reauthorizing Federal Aviation Administration (FAA) activities. The FAA reauthorization bill contained language that established a new entitlement for the Transportation Security Administration, an Aviation Security Capital Fund, by earmarking the first $500 million derived from the aviation security service fees which are currently available and relied on as an offset to funding appropriated by Congress for aviation security.

This provision would have directed $500 million used by the Transportation Security Administration to offset the funds appropriated by Congress for aviation security. During consideration of the bill, I offered an amendment with Senator BYRD that would instead ''authorize to be appropriated to the Fund up to $500 million for each of the fiscal years 2004 through 2007'' for security improvements at our Nation's airports.

This amendment was adopted by the Senate without objection. However, when the FAA reauthorization bill was reported from conference, the language of that amendment was reversed. The conference agreement included $250 million in direct spending, not subject to appropriation, to be taken from the offsetting fee collections. The concerns raised that the Department of Homeland Security would have to take a cut in its budget for aviation security to offset this new entitlement were not taken into consideration.

There is no argument that our nation's airports need the resources to make structural changes for the safety and security of the traveling public. We have provided funding to address these needs in this conference report. We would not have been able to do this without the inclusion of the provision prohibiting the reduction of offsetting collections.

I ask unanimous consent at this point that a letter to me from the Secretary of the Department of Homeland Security on this subject, dated June 11, be printed in the RECORD.

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

U.S. DEPARTMENT OF HOMELAND SECURITY, OFFICE OF THE SECRETARY,

Washington, DC, June 11, 2003.

Hon. THAD COCHRAN,

Chairman, Subcommittee on Homeland Security, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Administration appreciates the continued support of Congress for improvements in the security of the Nation's civil aviation system and supports Senate passage of S. 824, the Aviation Investment and Revitalization Vision Act (Air-V). However, the Administration opposes a provision in S. 824 that would divert fees collected for security activities for purposes other than the provision of direct security services.

With the Homeland Security Act of 2002, Congress identified the Department of Homeland Security (DHS) as the focal point of the federal government's homeland security efforts, with the mission of preventing terrorist attacks and reducing the nation's vulnerability to terrorism. While the Department welcomes and appreciates the assistance of other agencies in improving security, any diversion of security fees, such as that proposed in S. 824, would directly undermine the Department's ability to fulfill its mission. Air-V would establish an Aviation Security Capital Fund that is both outside the control of the Department and funded by diverting $500 million per year of passenger and air carrier security fees collected by the Transportation Security Administration (TSA). This would diminish the Department's funding capacity. As you know, the direct annual costs of operating the aviation security system are not fully offset by these fees, and diverting fee revenue for other purposes clearly weakens the intended financing structure of TSA set forth in the Aviation and Transportation Security Act. Diversion of the fees into a fund outside of DHS undermines the ability of the Administration to apply these resources to the most pressing security needs.

The Administration looks forward to working with Congress to ensure that the version of the bill presented to the President eliminates this objectionable provision.

The Office of Management and Budget has advised that there is no objection, from the standpoint of the Administration's program, to the submission of these views for the consideration of the Congress.

Sincerely,

TOM RIDGE.

Mr. COCHRAN. I think it is important for us to continue to discuss and consider the appropriate way to deal with these fees and funds that are used for airport security. I assure my friend from Mississippi that I want to consider his suggestions and thoughts, and those of his committee, as we proceed in the administration of these programs. I want to see that the fees are fair for the airlines, fair for passengers, that they achieve the results we all want, which are improved airport security and the security and safety of the traveling public. I hope we can do that and work out an appropriate way of handling this issue in the future.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BYRD. Mr. President, it seems to be the ill fortune—the ill fortune—of the present occupant of the chair to have to find himself in the chair when I make speeches. It seems that every time I make a speech, the Senator from Texas is in the chair.

Well, I am glad to see him there. He is a good Presiding Officer. He is alert to what is going on on the floor. He listens, and he is always very pleasant, congenial, and I congratulate him, because sitting in the chair while I speak makes it very difficult for any Senator to carry on his other necessary activities—the work in his office and meeting with constituents and so on. So I not only congratulate him, I also thank him.

Mr. President, this afternoon, the Senate finds itself with the first Homeland Security appropriations conference report before it. I thank Senate Chairman THAD COCHRAN, House Chairman HAROLD ROGERS, and the ranking member on the House Homeland Security Subcommittee, Representative MARTIN SABO, and all of the House and Senate conferees for their hard work on this important legislation. We all share the goal of ensuring that the new Homeland Security Department has the resources it needs to secure the homeland.

The conference report that is before the Senate provides $29.4 billion for discretionary programs for fiscal year 2004 for the new Department. With the limited resources that were made available under the budget resolution, the conference agreement is fair and balanced. And so much of that is due to the fair and balanced approach that the distinguished chairman here, Senator THAD COCHRAN, always displays. It comes as a habit to him. It is just second nature.

This bill provides a $1 billion increase over the President's request, and it makes a number of significant improvements in the organization of the Department.

In particular, I am pleased that the conference agreement includes language that will ensure that the new airline passenger screening system, known as CAPS II, will not be deployed before February 15, 2004, until the General Accounting Office has had the ability to review and report on the personal privacy protections, including an appeal process for individuals who are prevented from flying because the system has identified them as a security risk.

Funds are included, consistent with the Senate bill, to enhance border security—none of which were requested by the President—including funds for an additional 570 Border Patrol agents and funds to establish a northern border air wing.

Mr. President, $60 million is included to begin the development of an antimissile device for commercial aircraft.

The conference agreement restates both House and Senate language regarding full funding of antidumping enforcement provisions as well as calling on the Bureau of Customs and Border Protection to rigorously enforce trade laws pertaining to steel imports.

The conference agreement is good for disaster-prone States. The bill contains $200 million for flood map modernization, which is the largest amount ever appropriated for this account. Further, the bill strikes a balance between premitigation and postmitigation grants. The bill contains $150 million for predisaster mitigation grants, so that States have access to funds that help them to plan for and prevent damage from disasters.

The bill also continues to fund postdisaster mitigation, which is made available to States as a percentage of disaster relief money received from FEMA. The President had proposed to eliminate funding for postdisaster mitigation.

The conference agreement provides $180 million for emergency management performance grants. These grants allow States and localities to develop basic emergency preparedness and response capabilities. This program is the only Department of Homeland Security grant program that is focused on all hazards, such as terrorist attacks, floods, and building collapses. The administration had recommended rolling this program into the ODP State grants program.

As Hurricane Isabel confirmed, we must make sure that this new Department of Homeland Security maintains its ability to respond to natural disasters, while preventing and responding to terrorist attacks. These are all significant improvements over the program proposed by the President.

Regrettably, even with these improvements, the conference agreement leaves significant gaps in the security of our homeland. After 9/11, Congress passed the PATRIOT Act, the Maritime Transportation Security Act, the Aviation and Transportation Security Act, and the Enhanced Border Security Act. The President signed these measures with great fanfare, but the President has done little to fulfill the promise of those laws.

The inadequate allocation given to the subcommittee has forced the conferees to underfund a number of these critical new authorities.

Last Wednesday, I offered an amendment in conference to add $1.25 billion of emergency funding to the bill to secure the homeland by funding some of the authorities that the President had signed into law after 9/11 but failed to fund. The amendment included funding for port security, aviation security, chemical security, first responder grants, and for the Coast Guard Deepwater Program. The White House opposed and the Republicans rejected the amendment.

On the same day, last Wednesday, the President sent to Congress a supplemental request for his war in Iraq that totals $87 billion. No funding was requested to help secure our homeland. Yet included in his request was $20.3 billion for the reconstruction of Iraq, of which $5.1 billion is for homeland security in Iraq.

If my amendment had been approved, the conference report that is before the Senate would have included $125 million more to hire 1,300 more Customs inspectors on our U.S. borders, $200 million more for first responder grants to equip and train police and firefighters here at home, and $100 million for the U.S. Coast Guard to secure our ports.

Instead, next week, the Senate will be considering the President's request for reconstructing Iraq, including $290 million for Iraqi fire departments; $150 million for Iraqi border enforcement, including 2,500 customs inspectors; $150 million for an Iraqi ''911'' emergency system; $499 million for Iraqi prisons; and $82 million for an Iraqi coast guard.

I continue to maintain that the Senate should take some time to review the President's supplemental request for the cost of the war in Iraq. We should hold further hearings in the Senate Appropriations Committee. We should hear from outside witnesses, not just administration witnesses. The Senate should not act as a rubberstamp for any President. I find it more than ironic that the Bush administration would oppose homeland security protections for American citizens but ask Congress to express dollars to Iraq for security efforts there.

With regard to the Homeland Security conference report that is before us, I again thank Chairman COCHRAN and his staff for their hard work in producing the first Homeland Security appropriations conference report. I also thank my own staff in this regard, and I thank all of the subcommittee members on both sides of the aisle and their staffs as well. While this conference report does not include sufficient resources to fund many of the new homeland security programs that this Congress authorized in response to the attacks of 9/11, it is a significant improvement over the President's request. I support its adoption.

The chairman would have done more if he had had more funds with which to do it. I again thank him for his many courtesies. I thank the floor staff and the Chair.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator from West Virginia for his kind words, his compliments to me and the members of our staff. He also devoted a great deal of personal attention and effort to the development of this legislation, and his experience and good judgment have been invaluable in the presentation of this conference report to the Senate today.

I know of no other Senators who are seeking to speak on the conference report at this time. Not wanting to leave anyone out of the debate who wants to join in, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LEVIN. Mr. President, I will support the Homeland Security appropriations conference report today because this funding is vital to our first responders and all of those responsible for protecting us. I am disappointed that the conference committee rejected additional funding for first responders, port security grants, aviation security, additional Customs inspectors at our borders and other protective measures. At a time when homeland security should be a top priority, we should not be underfunding these programs.

In addition to inadequate funding, the grant formula that is used to distribute funding under the Office of Domestic Preparedness State Homeland Security Grant Program is inequitable and needs to be changed. This program distributes funds using a minimum State funding formula that arbitrarily sets aside a large portion of the funds to be divided equally among the States, regardless of need. Many Federal grant programs provide a minimum State funding level to ensure funds reach all areas of the country. But the State minimum formula in this Department of Homeland Security appropriations bill, which is taken from the USA Patriot Act and sets aside 0.75 percent of the total funds as a base for each State, is unusually high and therefore inequitable. I will continue to work to change this formula so that funding is allocated in an equitable and reasonable manner.

I am also disappointed that this bill does not sufficiently address a problem known as ''corporate inversions.'' As young men and women are putting their lives on the line for us and our country, some corporations have put profits before patriotism by pretending to reincorporate in Bermuda or some other offshore tax haven to avoid paying their fair share of U.S. taxes. This process is called corporate inversion. It is unfair, it is founded on a deception, it mistreats the average American taxpayer, and it undercuts U.S. corporations that do pay their taxes. A company simply set up a shell headquarters in a tax haven, while all the benefits of living in America remain, all the benefits we would hope to provide in this bill—for instance, protection, homeland security, police, fire, port security. They take advantage of all the other services which are provided to these particular corporations. But because a shell headquarters has been opened up for a few of these corporations in Bermuda, they have avoided paying taxes.

I am disappointed that the conferees chose to allow a special benefit to these unpatriotic companies to continue to exist. Back in July, when this body debated the bill before us, the Senate adopted the amendment I offered with Senator REID that disqualified these unpatriotic companies from competing for homeland security contracts. Unfortunately, the conference committee dropped this amendment from the bill, so those who have engaged in these so-called inversion transactions in past years can still enter into homeland security contracts.

They continue to use our roads and our law enforcement, our education system. They use our free-trade laws. But then they avoid paying taxes by opening up a post office box and a computer in a tax haven.

Inversions are unfair to the taxpayers who are left holding the bag and unfair to the U.S. companies that are doing the right thing by not inverting but who nevertheless are at a competitive disadvantage because of these sham moves. Those that engaged in these specious inversion transaction in past years can still enter into homeland security contracts—the current prohibition in the law only applies to future inverters, not those that did so previously. The competitive advantage these inverters enjoy vis-a-vis every other U.S. company, therefore remains undisturbed.

Senator REID and I, along with other of our colleagues, have introduced a bill that would deny tax benefits to U.S. companies that invert by continuing to treat them as U.S. companies for tax purposes. This bill would not only level the playing field between these companies and their U.S. competitors, it would also save other U.S. taxpayers from having to make up an estimated $4.9 billion in lost tax revenues over the next 10 years.

I hope that we will soon have an opportunity to act on this legislation in order to address this problem.

Mr. NICKLES. Mr. President, today we are considering the conference report to accompany H.R. 2555, the Homeland Security appropriations bill for fiscal year 2004.

I commend the distinguished chairman and ranking member. They and their staffs need to be congratulated on successfully reporting and conferencing the very first Homeland Security appropriations bill.

The pending bill provides $30.2 billion in total budget authority and $31.0 billion in total outlays for fiscal year 2004. The Senate bill is $1.4 billion in BA and outlays above the President's budget request.

The pending bill funds the program of the Department of Homeland Security, including the Bureau of Customs and Border Protection, the Bureau of Immigration and Customs Enforcement, the U.S. Coast Guard, the Transportation Security Administration, the U.S. Secret Service, the Office for Domestic Preparedness, and several other offices and activities.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be printed in the RECORD.

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

H.R. 2555, DEPT. OF HOMELAND SECURITY APPROPRIATIONS, 2004: SPENDING COMPARISONS: CONFERENCE REPORT

[Fiscal year 2004, in millions of dollars]

	General purpose	Mandatory	Total
Conference Report:			
Budget authority	29,411	831	30,242
Outlays	30,110	847	30,957
Senate 302(b) allocation:			
Budget authority	28,521	831	29,352
Outlays	29,737	847	30,584
2003 level:			
Budget authority	28,269	889	29,158
Outlays	27,558	818	28,376
President's request:			
Budget authority	28,004	831	28,835
Outlays	28,581	847	29,428
House-passed bill:			
Budget authority	29,411	831	30,242
Outlays	30,500	847	31,347
Senate-passed bill:			
Budget authority	28,521	831	29,352
Outlays	29,737	847	30,584
CONFERENCE REPORT COMPARED TO—			
Senate 302(b) allocation:			
Budget authority	890		890
Outlays	373		373
2003 level:			
Budget authority	1,142	(58)	1,084
Outlays	2,552	29	2,581
President's request:			
Budget authority	1,407		1,407
Outlays	1,529		1,529
House-passed bill:			
Budget authority			
Outlays	(390)		(390)
Senate-passed bill:			
Budget authority	890		890
Outlays	373		373

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Prepared by SBC Majority Staff, 9/24/2003.

Mr. NICKLES. Mr. President, the conference agreement on the fiscal year 2004 appropriations bill for the Department of Homeland Security includes funding for the Project Bioshield proposal, a $5.6-billion initiative proposed in the President's 2004 budget to develop and purchase countermeasures to combat public health threats.

The appropriation itself is very unusual, providing 10 years' worth of discretionary program funding all at once, with $890 million for 2004 and essentially a gigantic $4.7 billion ''advance'' appropriation to cover the next 9 years. Further, this funding is being provided without authorization, since that bill, S. 15, has been blocked from consideration in the Senate by a small minority of Senators.

I am very concerned about appropriating this much money for any purpose without a proper authorization. I am equally concerned about protecting the integrity of the budget due to the proposal's unconventional use of advance appropriations authority. It is rare to provide 10 years' worth of appropriations to a program in one fell swoop, and it opens the door to future ''piggy-banking'' or redirection of those funds.

My colleagues may remember that Congress decided in the 2001 budget resolution to begin limiting the use of advance appropriations since they had become a way to avoid annual spending limits. The potential to abuse advance appropriations for scoring purposes was never more clearly illustrated that with the recent consideration of the Labor-HHS appropriations bill in the Senate, as amendment after amendment altered the timing of advance appropriations and claimed it as an ''offset.''

Since the potential for redirecting, rescinding, delaying, or accelerating the $4.7 billion Bioshield advance appropriation presents too great a temptation, the HELP Committee Chairman JUDD GREGG is working with me to prevent these abuses by creating a new scorekeeping rule to protect the unique purpose of this funding. The rule would ensure that any funding for Bioshield will be spent on that program, or not spent at all, by providing that any legislation changing the availability of the funds will not be scored for purposes of budget enforcement. However, until the authorization bill including our protections is enacted, the budget remains at risk.

Since the President originally requested that Bioshield be a mandatory spending program, the 2004 budget resolution did not provide for its consideration as a discretionary spending program. Thus, my colleagues should be aware that its inclusion in this bill subjects the entire bill to a 60-vote point of order.

I plan to take whatever steps are necessary this year, and in next year's budget resolution, to ensure that this program is properly authorized and that the integrity of the budget is protected. I look forward to working with our leader and my fellow committee chairmen in this regard.

Mr. MCCAIN. Mr. President, the primary purposes of the Department of Homeland Security, DHS, are to prevent terrorist attacks within the United States; to reduce America's vulnerability to terrorism; and, to minimize the damage and recover from attacks that may occur. The fledgling agency has begun to address many of the challenges presented it, including the monumental restructuring of 22 domestic Federal agencies. The Appropriation Committee's role is to provide the DHS the funds necessary to continue to carry out its important missions. I am pleased that, in this first homeland security appropriations bill, the agency's priorities were, for the most part, placed above the special interests'.

The conference report and the accompanying Statement of Managers is relatively free of objectionable provisions. There are, however, a couple of provisions that merit the attention of my colleagues.

One such provision would prohibit any funds from being used to implement section 44922(h) of title 49. Interestingly, there is no such section under existing law.

So why have the appropriators taken action to prohibit the implementation of a provision of law that doesn't exist? Well, the FAA reauthorization conference report, which has yet to be voted on by the full Senate, includes such a section that we expect will become law as soon as we can take final action on the bill and send it to the President for his signature.

The FAA reauthorization conference report provision would provide $250 million per year to airports for capital costs associated with security at our Nation's airports. We received testimony during our many oversight hearings on aviation security that such costs could total almost $5 billion. Therefore, the FAA conference report appropriately provides funding for such costs.

Do the appropriators disagree that such funding is needed? Apparently not, since the DHS conference report actually contains on appropriation of $250 million—exactly the same amount as the FAA bill—for such costs. So what is behind the appropriators' actions?

Given that the DHS conference report doesn't provide an explanation, one can only conclude they want to ensure complete and total control, as usual, even if it means taking action to nullify a provision not in their jurisdiction and that has not even been enacted.

The funding under the FAA conference report is taken from the revenue collected by the $2.50 security fee imposed on all airline passengers. That fee was first established by legislation originating in the Commerce Committee after the September 11 attacks. The legislation also specified that the revenue could be used by the appropriators to help pay for the costs of aviation security.

The FAA conference report simply expands the uses of the fee revenue to include capital security costs at airports. The report also makes the money available directly to the Secretary of Homeland Security without further appropriation.

Our Nation's security, including the very important issue of aviation security, which the Congress has spent considerable time and attention addressing, should not be jeopardized due to needless jurisdictional fights. It is unfortunate that such a provision was included in such an important funding bill without any consultation with the authorizing committee of jurisdiction. I would hope we could do better for the sake of our Nation's security interests.

In addition, I am concerned about a provision in the conference report that would transfer funding for the Assistance to Firefighters Grant program from the Department of Homeland Security's Emergency Preparedness and Response Directorate to the Office for Domestic Preparedness.

The Assistance to Firefighters Grant program is a highly successful Federal program created to meet the basic day-to-day needs of our Nation's firefighters. The program uses a competitive, merit-based review process to distribute funds directly to fire departments demonstrating the greatest need. Grants under this program are used for improving local response to ''all-hazards,'' including wildfires, hazardous materials accidents, tornadoes, floods, and structural fires, and are not solely for antiterrorism efforts.

I am greatly concerned about the effects of this transfer on the program. ODP has little experience at running merit-based programs, such as the Assistance to Firefighters Grant program. ODP is focused on counterterrorism, and may not have the experience necessary to understand the basic requirements of today's firefighter to deal with non-terrorism related disasters.

I understand that the administration's fiscal year 2004 budget submission seeks to transfer this grant program to ODP. However, changes to the Assistance to Firefighters Grant program should be made after a thorough review and subsequent legislative changes by the appropriate authorizing committees, not as a provision in an appropriations bill.

Compared to other appropriations measures, the conference report and Statement of Managers contain fewer objectionable provisions and earmarks. I would hope future appropriations measures follow suit.

Mr. COCHRAN. Mr. President, we have no other Senators who wish to speak on the adoption of the conference report on the Homeland Security appropriations bill. We are prepared to proceed to a vote on the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I am pleased that the Senate has acted favorably on this conference report. Before we leave the subject, I have to express my appreciation to the members of the staff of our subcommittee in the Senate on our side of the aisle who worked so hard to make this conference report a reality. This was breaking new ground; there is no precedent for this bill. This is a historic event and a lot of hard work went into writing the bill and guiding it to passage on the floor of the Senate and then working out our differences with the other body.

I am pleased that the Senate has unanimously adopted the conference report. I especially want to express my

appreciation to Rebecca Davies, chief clerk of the subcommittee, and to the other staff members who assisted her in the hard work that was done in furtherance of our efforts to get a bill, including Les Spivey, Rachelle Schroeder, Carol Cribbs, James Hayes, and Josh Manley. They all deserve our thanks and congratulations for a job well done.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. CAMPBELL. Madam President, speaking for the leader, as in executive session, I ask unanimous consent that at 5:30 p.m. today, the Senate proceed to executive session to consider the following nomination on today's Executive Calendar: Calendar No. 358, the nomination of Larry Burns to be a U.S. District Judge for the Southern District of California. I further ask unanimous consent that the Senate proceed to a vote on the confirmation of the nomination; that following the vote, the President be immediately notified of the Senate's action; and that the Senate then return to legislative session.

The PRESIDING OFFICER. Is there objection? The Democratic whip.

Mr. REID. Reserving the right to object, and I will not object, this is the 154th judge we have approved. As I recall, there are three we have not approved. It is 154 to 3. That is a pretty good record.

I also ask that the unanimous consent request be modified to allow Senator BOXER 2 minutes to speak prior to the vote on the nomination of Larry Burns.

The PRESIDING OFFICER. Does the Senator so modify his unanimous consent request?

Mr. CAMPBELL. I so modify the request.

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

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

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

UNANIMOUS CONSENT AGREEMENT—H.R. 2657

Mr. CAMPBELL. Madam President, I ask unanimous consent that when the Senate proceeds to the consideration of the conference report to accompany H.R. 2657, it be considered under the following time limitation: myself, 10 minutes, Senator DURBIN, 10 minutes, and Senator STEVENS, 10 minutes.

I further ask unanimous consent that following the use or yielding back of time, the conference report be agreed to and the motion to reconsider be laid on the table, with no intervening action or debate.

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

Mr. CAMPBELL. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

NOMINATION OF LARRY ALAN BURNS, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of Executive Calendar No. 572, which the clerk will report.

The legislative clerk read the nomination of Larry Alan Burns, of California, to be United States District Judge for the Southern District of California.

Mrs. BOXER. Madam President, we are about to have a vote on a judge. I wanted to take this time, 2 minutes, to offer my support for this nominee. I want to say this particular nominee for the Southern District Court of California, Larry Burns, is very qualified for this position. He is a native Californian. He is a graduate of Point Loma College and the University of San Diego Law School.

I want to emphasize the wide support Judge Burns has from law enforcement and civil rights organizations. His firm commitment to the law was well regarded while he was both a Federal and a State prosecutor. He has developed an equally respected reputation as a judge, due to his character and his legal expertise.

So I believe the Southern District will benefit greatly from the exemplary services of Judge Burns. I fully support confirmation of this nominee.

At a time when we have a lot of partisan discord, I think it is important to know that in California, Senator FEINSTEIN and I, working with the administration, have a wonderful process in place by which the two Democrat Senators get three people on a committee to pass judgment on these nominees and the administration appoints three people. Each nominee for the district court goes through our process and they are then recommended to the President on a majority vote.

What has happened is we have taken the politics, truly, out of this judicial selection process. We have come up with mainstream candidates. That is very important because I believed the President when he came forward and said he was going to govern from the center. When he puts forward judicial nominees who are from the center, who are not radical, who are not far to the right, I am the first one to support them, and I have supported well over 90 percent of them.

When it comes to voting for nominees who are off the scales and not representative of the values of America, I am the first one to say it is not right. We have a process in place for the district courts that I only wish we had for the higher courts—the circuit courts—because it isn't working that well. But it is working very well in the district courts.

Again, I urge my colleagues to vote yes on Larry Burns's nomination, and I hope it will be a unanimous vote.

Mr. LEAHY. Madam President, I am pleased that we are now turning to the nomination of Magistrate Judge Larry Alan Burns for the Southern District of California. This well qualified nominee is the product of the exemplary bipartisan commission that Senators FEINSTEIN and BOXER have worked so hard to maintain. It is a testament to their diligence that we have such stellar nominees heading to California's federal courts.

Judge Burns has been a United States Magistrate for the past six years in San Diego. Prior to becoming a Magistrate, Mr. Burns gained significant trial experience as a State and federal criminal prosecutor. Judge Burns has also served as a mentor to disadvantaged students, assisting them in achieving their educational and career goals. He was honored for his work in this area with a Faculty Mentoring Award from San Diego State University in 1996. In addition, he has taught legal courses at both the undergraduate and graduate school levels at several San Diego universities. In light of his remarkable record of public service and trial experience, it is not surprising that the American Bar Association was unanimous in its determination that Judge Burns is ''Well-Qualified'' to be a federal district court judge.

The Southern District of California the busiest federal district in the nation. Last Congress, in enacting the DOJ Reauthorization legislation, we created the seat that Judge Burns is nominated to in an effort to alleviate their staffing shortage. In light of their demanding caseload and corresponding staffing needs, the Judiciary Committee expedited nominations to the Southern District. Judge Burns was nominated on May 1, 2003 and was voted out of committee on September 4, 2003. It is unfortunate that Judge Burns and another nominee for this court have been pending on the floor all month but I am pleased that we are voting on Judge Burns today. The path of his nomination demonstrates that the fact that the Senate can act expeditiously when we receive well-qualified, consensus nominations on courts that need additional judges.

Another consensus nominee for another vacancy in that district remains on the Senate executive calendar awaiting action. I implore the Senate Republican leadership to allow a prompt vote on the nomination of Dana Makoto Sabraw. I expect that

vote to be unanimously in support, as well.

Senator FEINSTEIN also deserves much credit for working so hard to create these additional judgeships in the Department of Justice authorization we passed in 2002. These judgeships are among those we created for border districts that have a massive caseload and that needed more federal judges. We did what the Republican majority refused to do in the years 1995 through 2000 when there was a Democratic President, namely, create additional needed judgeships for the Southern District of California. We did so under Senate Democratic leadership with a Republican President. They have been available to be filled since July 15.

The Judiciary Committee held hearings of Magistrate Judge Burns and others just before the August recess and they were unanimously reported by the Judiciary Committee at our first meeting on September 4. That was three weeks ago. In addition to the nomination of Dana Makoto Sabraw, which is already favorably reported and on the Senate executive calendar awaiting action, two more nominees to two additional vacancies recently created for the Southern District of California should be considered and reported by the Judiciary Committee tomorrow.

I congratulate the California Senators on their outstanding work and this nominee and his family on this confirmation.

Mrs. BOXER. I ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Larry Alan Burns, of California, to be United States District Judge for the Southern District of California? The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from New Hampshire (Mr. GREGG), the Senator from Oklahoma (Mr. INHOFE), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from New Hampshire (Mr. SUNUNU) are necessarily absent.

Mr. REID. I announce that the Senator from Connecticut (Mr. DODD), the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''yea.''

The PRESIDING OFFICER (Mr. COLEMAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 0, as follows:

[Rollcall Vote No. 363 Ex.]

YEAS—91

Akaka	Dayton	Lugar
Alexander	DeWine	McCain
Allard	Dole	McConnell
Allen	Domenici	Mikulski
Baucus	Dorgan	Miller
Bayh	Durbin	Murkowski
Bennett	Ensign	Murray
Biden	Enzi	Nelson (FL)
Bingaman	Feingold	Nelson (NE)
Bond	Feinstein	Nickles
Boxer	Fitzgerald	Pryor
Breaux	Frist	Reed
Brownback	Graham (SC)	Reid
Bunning	Grassley	Roberts
Burns	Hagel	Rockefeller
Byrd	Harkin	Santorum
Campbell	Hatch	Sarbanes
Cantwell	Hollings	Schumer
Carper	Hutchison	Sessions
Chafee	Inouye	Shelby
Chambliss	Jeffords	Smith
Clinton	Johnson	Snowe
Cochran	Kennedy	Stabenow
Coleman	Kohl	Stevens
Collins	Kyl	Talent
Conrad	Landrieu	Thomas
Cornyn	Lautenberg	Voinovich
Corzine	Leahy	Warner
Craig	Levin	Wyden
Crapo	Lincoln	
Daschle	Lott	

NOT VOTING—9

Dodd	Gregg	Lieberman
Edwards	Inhofe	Specter
Graham (FL)	Kerry	Sununu

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President will be notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2004—CONFERENCE REPORT

The PRESIDING OFFICER. The clerk will report the conference report to accompany H.R. 2657.

The assistant legislative clerk read as follows:

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2657) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, signed by a majority of the conferees on the part of both Houses.

The Senate proceeded to consider the conference report.

(The Conference report is printed in the House proceedings of the RECORD of September 18, 2003.)

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. Madam President, I am pleased to present the conference report to accompany the legislative branch fiscal year 2004 appropriations.

I thank Senator DURBIN and his staff for all their help and hard work. He was certainly cooperative in this process. I also thank Chairman STEVENS, chairman of the full Appropriations Committee, who has been extremely helpful in getting the conference report to the Senate.

The legislative branch bill totals $3.549 billion, just 2.5 percent of the fiscal year 2003 level. Highlights of the bill include funding of $220 million for the Capitol Police for a total of 1,592 police officers. In addition, the police would have authority to hire 75 civilian personnel to improve administrative operations and move about 30 officers from desk jobs to field jobs.

Funding is included for a mounted horse unit which will provide enumerable benefits for the police department. I understand they are working out an agreement with the Park Service to house the horses with the Park Service horses.

The bill also includes language that will move forward the merger of the Library of Congress police force with the U.S. Capitol Police to improve the security of the entire Capitol complex.

The Architect of the Capitol: Funds total $405 million, which includes $47.8 million for the Capitol Visitors Center so we can finally move forward and fill up that big hole that is outside our front door. The Visitors Center project funding is partially offset by using unobligated prior year funds.

The Library of Congress: Funds total $528 million for the library with funding going to such important programs as the veterans history project and the audio-visual conservation center being built in Culpeper.

The Open World Program is funded at $13.5 million. This program has been very successful in showing firsthand democracy and how we lead a country in democratic institutions to emerging Russian leaders and has been expanded to include certain countries of the former Soviet Union.

Funds are also included for the General Accounting Office, the Congressional Budget Office, and the Government Printing Office, as well as the House and Senate.

The supplemental appropriations portion totals $937.6 million in title III of this bill for the emergency supplemental items, such as additional funding for FEMA, which has been doing such a terrific job facing the number of natural catastrophes we have had in America this last year.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I am happy to have worked with Senator CAMPBELL of Colorado on this fiscal year 2004 legislative branch appropriations bill. It is a good and fair bill. Considering our limited resources, I think it accomplishes many objectives.

The bill totals $3.547 billion, which is $27 million below the Senate and $36 million above the House. The Senate portion totals $717 million.

The Capitol Police funding totals $220 million. The Architect of the Capitol funding is $405 million, including $47.8 million for the Capitol Visitors Center. The funding for the tunnel from the new Capitol Visitors Center to the Library of Congress is capped at $10 million. This is pursuant to an amendment offered by a conferee, Congressman DAVID OBEY of Wisconsin.

The Library of Congress total funding is $528 million. The Open World Leadership Center is funded at $13.5 million. I am especially happy to see the Visitors Center fully funded. This was quite a challenge for Congress but well worth the effort. Beyond everything else this center has to offer, security remains the top benefit.

Many of us can still recall vividly September 11, 2001, when in the early morning hours we were forced to evacuate the Capitol for fear that this building, this symbol of our great country, was under attack. We learned later from some of the sources available to us that the plane that was brought down by the heroic passengers in Pennsylvania was destined to crash into the U.S. Capitol Building, undoubtedly resulting in a lot of innocent people dying. The heroism of the passengers and crew on that United Airlines plane saved our lives, and we are forever grateful to them and their families for their extraordinary feats of bravery.

I can recall that day, going down the steps of the Senate onto the lawn, and standing there with thousands of people who didn't know which way to turn. Elderly tourists came up to me and said: ''Where are we supposed to go, do you know?'' The obvious answer was that there was no place to go. You could hardly direct those people or the visitors and staff and Members working in this Capitol Building to a safe location.

At the time, it was my honor to serve as chairman of the Legislative Appropriations Subcommittee, and I felt at that moment that I had to do whatever I could to accelerate the conversation leading to the construction of the Capitol Visitors Center—a place clearly to be designed for security and designed to accommodate the needs of the growing responsibilities of the U.S. Capitol.

I am happy to report that President Bush agreed and the leaders in Congress came to a similar agreement. And if anyone has visited Washington since then, they know we have a massive excavation taking place outside the Capitol Building, which, over time—a reasonable period of time—will be filled with an extraordinary engineering feat, a Capitol Visitors Center, which will give us security and a lot of the space we dearly need to serve the people of the country.

I am glad that this appropriations bill, among others, appropriates some $48 million for that purpose. It makes certain we are going to maintain our responsibility in seeing this through to its completion. We simply cannot afford to put the security of those who visit the Capitol and those who work here in jeopardy. Having been here on September 11, 2001, seeing so many people at a loss as to where to turn for safety, I understand we are going to give them the answer—the very best answer—when it comes to security when they visit one of the most well-known and important buildings in our entire Nation. This project deserves to go forward as planned, and it will when this conference report is adopted for this legislative branch appropriation.

I also wish to say a few words about the Capitol Police. After September 11, we spent a lot of time acknowledging the overtime and extraordinary courage of these men and women who protect us every single day. They had to change their family lives, their personal lives, and make a career commitment to all of us who work here, and they did it. We can never thank them enough for all they have done. Since then, we have tried to increase staffing as necessary and make certain that those who were hired—men and women—met the highest standards of all who have served before them. I am happy to say that funding for the Capitol Police totals $220 million.

The key differences from the bill we passed include no additional hires of sworn officers until they have a final strategic plan. One of the other things we do, though, is really take an important step forward in integrating the security force of the Library of Congress with the Capitol Hill Police.

It is going to become, I hope, a seamless security force on Capitol Hill, and this is an important step forward.

We also provide for Library of Congress police officers to be hired by the Capitol Police and allow for their training by police officers in the Capitol Police Department.

We also make certain that several important projects at the Library of Congress are well funded: $528 million for the Library of Congress. There are funds for ''Adventures of the American Mind'' totaling over $8 million. From my personal experience, this has been a very successful project engaging the universities and colleges around the country and in my State of Illinois to discover what we have to offer at the Library of Congress. I encourage all who are following this debate to go to the Web site of the Library of Congress, and you will find an amazing array of opportunities for knowledge and information.

Mr. President, I am prepared to recommend to my colleagues when this conference report comes to the floor that they all vote favorably.

I thank Drew Willison, Nancy Olkewicz, and Pat Souders of my personal staff for their very hard work in helping prepare this legislative branch appropriations conference report. I think it is a product well worthy of the support of all Senators of both political parties.

I am prepared to yield the floor to my colleague from Colorado, if he is prepared to say a few words on behalf of the conference report. I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. COLLINS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. NICKLES. Mr. President, I take this opportunity to inform the members of this distinguished body about H.R. 2657, the legislative branch appropriations bill for FY 2004, as reported by the Senate Committee on Appropriations.

The pending bill provides $3.5 billion in new budget authority and $3.7 billion in new outlays for FY 2004 to fund the operations of the Senate and House of Representatives; the Architect of the Capitol; the U.S. Capitol Police; and the Library of Congress. With outlays from prior-years and other completed actions, the Senate bill totals $3.6 billion in budget authority and $3.8 billion in outlays.

For discretionary spending, which represents the bulk of the funding in this bill, the Senate bill is $73 million below the subcommittee's 302(b) allocation for budget authority, and is at its 302(b) allocation for outlays. The Senate bill is $312 million in BA and $130 million in outlays below the President's budget request.

In addition to providing appropriations for FY 2004 for the legislative branch, the committee-reported bill contains various supplemental appropriations for FY 2003. The FY 2004 concurrent resolution on the budget, H. Con. Res. 95, established levels for FY 2003 and provided an allocation, pursuant to section 302(a) of the Congressional Budget Act of 1974, to the Committee on Appropriations for FY 2003 in the joint explanatory statement accompanying the resolution, see page 130 of H. Rept. 108–71.

As a point of information, I would like to call my colleagues' attention to section 302(c) of the Congressional Budget Act. Section 302(c) provides that it is not in order to consider a bill making appropriations for a fiscal year until the Committee on Appropriations has made the suballocations required by section 302. It appears that the Committee on Appropriations has yet to file 302(b) allocations for 2003. This point of order may be waived, or a ruling of the Chair appealed, with 60 votes.

With regard to the emergency 2003 supplemental funding, the conferees did not fund all elements of the President's request, they did not exceed the total amount of his request, as adjusted for the supplemental FEMA appropriations already enacted in July.

I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be printed in the RECORD.

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

H.R. 2657, LEGISLATIVE BRANCH APPORPRIATIONS, 2004: SPENDING COMPARSIONS—CONFERENCE REPORT

[Fiscal year 2004, in millions of dollars]

	General purpose	Mandatory	Total
Conference Report:			
Budget authority	3,539	109	3,648
Outlays	3,737	109	3,846
Senate 302(b) allocation:			
Budget authority	3,612	109	3,721
Outlays	3,737	109	3,846
2003 level:			
Budget authority	3,620	104	3,724
Outlays	3,327	103	3,430
President's request:			
Budget authority	3,851	109	3,960
Outlays	3,867	109	3,976
House-passed bill:			
Budget authority	3,480	109	3,589
Outlays	3,599	109	3,708
Senate-passed bill:			
Budget authority	3,575	109	3,648
Outlays	3,689	109	3,798
CONFERENCE REPORT COMPARED TO—			
Senate 302(b) allocation:			
Budget authority	(73)		(73)
Outlays			
2003 level:			
Budget authority	(81)	5	(76)
Outlays	410	6	416
President's request:			
Budget authority	(312)		(312)
Outlays	(130)		(130)
House-passed bill:			
Budget authority	59		59
Outlays	138		138
Senate-passed bill:			
Budget authority	(36)		(36)
Outlays	48		48

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.
Prepared by SBC Majority Staff, 9/24/2003.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that all time be yielded back.

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

Under the previous order, the conference report is agreed to and the motion to reconsider is laid upon the table.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ORDERS FOR THURSDAY, SEPTEMBER 25, 2003

Mr. STEVENS. Mr. President, on behalf of the leader, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Thursday, September 25. I further ask unanimous consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period for morning business for 60 minutes, with the first 30 minutes under the control of the minority leader or his designee, and the remaining 30 minutes under the control of Senator HUTCHISON or her designee; provided that following morning business the Senate then proceed to the consideration of the conference report to accompany H.R. 2658, the Defense appropriations bill.

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

PROGRAM

Mr. STEVENS. For the information of all Senators, tomorrow, following morning business the Senate will begin debate on the Defense appropriations conference report for 2004. We do not anticipate a great deal of debate on that important conference report prior to a vote on its adoption. In addition, the Senate will resume consideration of the DC appropriations bill. Senators therefore should expect rollcall votes throughout the day, and Members will be notified when the first vote is scheduled.

ORDER FOR ADJOURNMENT

Mr. STEVENS. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order, following the remarks to be offered by Senator PRYOR.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

RATIFYING THE DO-NOT-CALL REGISTRY

Mr. PRYOR. Mr. President, I rise today to support legislation that would clearly allow the Federal Trade Commission to move forward with its national do-not-call registry. I have submitted an amendment to that effect, amendment No. 1786 to the DC appropriations bill, as well as cosponsored S. 1652, a bill to ratify the do-not-call registry provision of the telemarketing sales rule. As we have heard today, the U.S. District Court in Oklahoma issued a decision that the Federal Trade Commission lacked the authority to develop its national do-not-call list. The court ruled that, although Congress appropriated the funds to the FTC in order to have the program, it did not actually have the language necessary to authorize the establishment of the program and the implementation of the program.

Today, I rise in support of my proposal that would basically give the Federal Trade Commission the clear authority and the statutory responsibility to establish a national do-not-call program. In addition, it affirms the finding that the Federal Trade Commission was authorized in the Telemarketing and Consumer Fraud and Abuse Prevention Act to implement and enforce the national do-not-call registry.

Last, it specifically ratifies the do-not-call registry provision of the FTC's telemarketing sales rule.

Before I was elected to this august body, I had the great privilege of being the attorney general of my State. I remember back in 1998 when I ran for attorney general of Arkansas, everywhere I would go, every little town I would go into, and every time I would talk to a group, whether it was veterans or whoever it happened to be, senior citizens or townspeople at large, they would tell me: Please, please, if you can do anything about telemarketers calling us at home and bothering us and trying to sell us something over the telephone, do it.

I was proud to do that. When I was elected to the office and began serving in January of 1999, the first thing I did was pull the staff together at the attorney general's office and write the State's do-not-call program. It was very different from the one the Federal Trade Commission came up with but both are equally good. They both get to the problem and I think can be very effective fighting against unwanted telephone calls.

Listen, we have all been there. We have all received those calls. We have all been eating dinner, trying to put our children down, trying to do homework, or watching our favorite TV show, whatever the situation might be, when we have been subjected to these unwanted calls. For most people it is an inconvenience. They don't like to be bothered. They want us to find a way to respect the integrity of the privacy of their own homes. After all, they are paying the phone bill; they are paying for the service. They should be able to have some control on the amount of calls coming in and to put a stop to these unwanted calls. Some of the phone companies actually offer a service that blocks calls from people who block their caller ID. That is another subject. That can be fairly expensive for some consumers. It's not always expensive.

The Federal Trade Commission came up with an idea to do this nationwide, to do it free, and to do it by use of toll-free numbers and Web sites allowing people to sign on. In fact, I signed on in the first week because one thing I noticed in Virginia is they do not have do-not-call laws, as far as I can tell, and we get bombarded in our home in Virginia. Unlike in Arkansas where we signed up for the AG's list and we may get one or two telemarketing calls a month, in Virginia we get 3 or 4 a day, and it seems they always try to call at an inopportune time.

One thing I noticed, one fact that apparently is true, as I understand it, the Federal Trade Commission now has 50 million phone numbers that have been registered under the Federal do-not-call program. Fifty million Americans can't be wrong. They want relief. They want us, as their lawmakers, as their elected Representatives here in Washington, to do something to stop these calls.

The Federal Trade Commission, to its credit, and I appreciate them greatly for doing this, tried to come to their aid, come to their assistance, to make a national do-not-call registry a reality.

I think this is something the Nation is ready for. Fifty million people have already tried to sign up in the first few weeks after the announcement of the national do-not-call program. It is something we as Members of this body and as Members of the Congress, of the Federal Government, should try to do to ensure that the people of this country, if they want it, on a voluntary basis, can have some relief from unwanted telemarketing calls.

Congress mandated that this list be implemented on a national scale, and the President signed it into law. The legislation I am proposing now clarifies our intentions, and I certainly ask my colleagues to support the legislation in any way they can. I hope we will have a vote on this matter in very quick order.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. PRYOR. Mr. President, I ask unanimous consent that there now be a period for morning business.

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

THE INTERNET TAX NON-DISCRIMINATION ACT OF 2003

Mr. FRIST. Mr. President, S. 150, the Internet Tax Non-discrimination Act of 2003, will be referred to the Finance Committee for a brief 30-day review. As many of my colleagues are aware, this consensus legislation was unanimously approved by a voice vote by the Senate Commerce Committee on July 31. In addition, the House passed a similar measure on September 17. The current moratorium ends on November 1 and I am committed to acting before it expires.

As the strong bipartisan support of these measures indicates, there is a growing consensus that the Internet should never be singled out for multiple or discriminatory taxation. Rather, the unprecedented benefits of the Internet to our society and economy should be encouraged by policymakers. I am confident that the Finance Committee's review of this matter will confirm Congress' intent to permanently extend the moratorium, and I look forward to an expedited and non-controversial review of this matter as a member of the committee.

NORTHERN KENTUCKY UNIVERSITY'S METROPOLITAN EDUCATION AND TRAINING SERVICES PROGRAM

Mr. MCCONNELL. Mr. President, I rise to pay tribute to Northern Kentucky University's Metropolitan Education and Training Services, METS, program. The ceremony to formally dedicate the METS center is scheduled for this morning in Boone County, KY.

The rapid rate of economic growth in the Northern Kentucky / Cincinnati metropolitan area has created a need for better-trained workers. In an attempt to address this problem, Northern Kentucky University has developed an innovative partnership with the Tri-County Economic Development Corporation, the Northern Kentucky Chamber of Commerce, the Greater Cincinnati Chamber of Commerce, and Delta Air Lines. The partnership ensures that the workforce has the skills needed to promote the region's growth.

Businesses that need educational services or a certain skill-set for its employees can contact METS, who will work with Northern Kentucky University to design the appropriate curriculum. If Northern Kentucky University does not offer a particular set of classes, METS arranges for students to take classes at other institutions via the Internet or Tele-conferencing.

The opening of this new state-of-the-art corporate training center is exciting for the region's business community and Northern Kentucky University. I am confident that METS can serve as a model for rapidly growing metropolitan communities, and I am pleased that this facility is in the Commonwealth. I ask my colleagues to join me in recognizing the official dedication of Northern Kentucky University's METS center.

FCC MEDIA OWNERSHIP RULES

Mr. BAUCUS. Mr. President, I rise today in support of Senator DORGAN's effort to overturn the Federal Communication Commission's media ownership rules. I commend Senator DORGAN on his resolve to work with his colleagues in a bipartisan manner to bring forward a commonsense solution to this pressing issue.

Every 2 years the FCC is required to review its media ownership rules. This most recent decision to roll back media ownership limitations was the most sweeping in a generation. Was it in response to the American people asking for this reform? No, in fact over 2 million Americans contacted the FCC opposing the rule changes. In my office, I received over 1,000 letters from Montanans opposing the decision. It seems that the FCC turned a deaf ear to the will of the American public. I hear them loud and clear.

I support Senator DORGAN's effort for three basic reasons: diversity, localism, and economics. First, if America is to have a vibrant democracy, one where our citizens are free to express their views and have equal accessibility to the news, we as policymakers must protect that right. The FCC's decision allows large corporations that already have considerable clout over what we hear and see to further consolidate. The decision allows TV networks to own more stations reaching more Americans. Even worse, these same stations could own the local newspaper in the same market.

We as Americans must have access to diverse news and information. The FCC's decision runs contrary to this axiom and would allow a few large television stations to reach nearly one-half of the viewing public. If the UHF discount is factored, nearly 90 percent of our Nation's households could be covered by one entity. Diversity is jeopardized when one company has this much leverage over what we see and hear.

Senator DORGAN has pointed out that localism is being lost to the bottom line. I can not agree more. A generation ago, Americans sat around the radio and listened to local news. We huddled around the TV to watch our local news anchor give us the latest information about our communities. Today, news and information is being portrayed as local, when, in reality, it is being broadcast to us from hundreds or even thousands of miles away. Instead of broadcasting news about our communities from our communities, media companies are broadcasting about our communities even though they are nowhere near us. This is not localism and we should not stand idle to this emerging trend.

This decision has the potential to cause job loss in Montana. In Montana we have many ''mom-and-pop'' newspapers and television stations. Typically, these companies serve the rural areas of our State and do a tremendous job reporting about local activities and news. And they are often owned and operated by local citizens living in the communities they serve. And very often they are run on a very tight budget. The FCC's ruling jeopardizes our local stations and newspapers because these new larger companies will be able to squeeze these companies out of the market through advertising revenues with sheer economic clout. With additional leverage over the media landscape, these small, rural companies will find it harder and harder to compete and keep their doors open. As Montana's senior Senator, I will fight to protect our small TV and newspaper owners.

While I disagree with a majority of the FCC's decision, I would like to point out for small market broadcasters to survive, they may need the chance to utilize duopolies and other means to stay in business. And while I am concerned about the broad sweeping changes the FCC made, I remain cognizant of the fact that small market broadcasters may potentially need to utilize the very changes we may revoke today, and I will work with my colleagues to find market relief for these small broadcasters when warranted.

Over the next several months we will continue to argue the merits of this issue. However, I will only support any legislation that protects diversity, localism, and Montana's small businesses.

LOCAL LAW ENFORCEMENT ACT OF 2003

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

I would like to describe a terrible crime that occurred in Berkeley, CA. On May 12, 2003, the victim, a 23-year-old male Sikh wearing a turban, was assaulted while on an evening walk at the University of California. The attacker, and his two male companions, started to walk past the victim, then yelled, ''Taliban, look out!'' The suspect punched the victim in the nose then pushed him to the ground. The suspect later pulled the victim back to his feet and the men left the scene on foot.

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

CMS' PROPOSED CHANGES TO THE 75 PERCENT RULE

Mr. NELSON of Nebraska. Mr. President, I would like to express my concern with a proposed rule by the Centers for Medicare and Medicaid Services, CMS, that would threaten the ability of rehabilitation hospitals to continue to provide critical care.

In my home State of Nebraska, Madonna Rehabilitation Hospital in Lincoln is a nationally recognized premier rehabilitation facility that offers specialized programs and services for those who have suffered brain injuries, strokes, spinal cord injuries, and other rehabilitating injuries. If this proposed rule goes into effect, Madonna would not be able to offer the same critical care to its patients as it currently does.

When CMS first looked at whether facilities would qualify as an IRF, a list of criteria was created to determine eligibility. They current criteria, generally referred to as the 75 percent rule, were established in 1984 and have not been updated since then. To qualify as an IRF under the 75 percent rule, 75 percent of a facility's patients must be receiving treatment for one of 10 specified conditions. Because the rule has not been updated in almost 20 years, newer rehabilitation specialties are not reflected and, therefore, are not counted in determining facility compliance with the 75 percent rule.

Since the 75 percent rule was implemented, IRFs have argued that the list of conditions should be expanded to reflect advances in modern rehabilitation medicine. The need for new rehabilitation specialties to treat cardiac, pulmonary, cancer, and other conditions was not even foreseeable when the 75 percent rule was implemented. Yet CMS has repeatedly refused to update the rule—even after implementing a payment system that specifically recognizes many more conditions than the 10 listed in the 75 percent rule.

On September 9, 2003, CMS published proposed modifications to the outdated 75 percent rule. I commend CMS for recognizing the need to update the regulation. Unfortunately, I believe that the proposed changes do not go far enough and may have serious consequences for Medicare beneficiaries and other patients who need inpatient rehabilitative care.

On its face, it appears that CMS expanded the rule by increasing the number of conditions from 10 to 12 and by lowering the percentage threshold from 75 percent to 65 percent. However, this ''expansion'' is illusory. The proposed rule will, by CMS's own estimate, reduce Medicare payments to IRFs by $223 million annually and shift hundreds of thousands of patients—both Medicare and non-Medicare—into alternative care settings that may be inappropriate.

It is worth noting that Congress gave CMS a directive to implement the rehabilitation prospective payment system in a budget-neutral manner. Yet this rule—without any congressional directive—seriously cuts rehabilitation hospital funding.

Although CMS expanded the number of conditions from 10 to 12, it did so by replacing one of the existing conditions—polyarthritis—with three new conditions that collectively are much more narrow than the original condition. CMS acknowledges that the industry historically has understood hip and knee replacement cases to fall within the definition of ''polyarthritis.'' Unfortunately, CMS now proposes to count joint replacement cases only if the patient has made no improvement after an ''aggressive and sustained course of outpatient therapy.''

This means that, instead of being directly transferred from an acute care hospital to an IRF, the patient will be forced into a skilled nursing facility, SNF, and/or outpatient therapy before being eligible for inpatient rehabilitation. IRFs would become a setting of last resort, and patients who might have returned to function after a brief IRF stay will be forced to endure weeks if not months, of therapy in other settings that may be inappropriate before being admitted to an IRF.

CMS also proposes to lower the threshold from 75 percent to 65 percent for a three-year period to give facilities time to come into compliance with the new criteria. Although this change is an improvement, it simply does not go far enough to prevent a significant negative impact on rehabilitation patients and providers.

RAND data indicate that only about 25 percent of IRFs, at most, could meet a 65-percent threshold under the current list of 10 conditions. Since the proposed rule actually narrows the agency's interpretation of arthritis-related conditions, the percentage of facilities that could comply with the revised list of conditions is probably lower. This means that, even under a 65 percent standard, at least 75 percent of facilities will be deemed out of compliance if CMS finalizes the proposed rule.

The proposed rule glosses over the negative impact that this dramatic shift will have on patients by assuming that all sites of care are equally effective and equally available. But I am very concerned about the impact that the proposed rule would have on patients living in rural areas, where alternative sites of rehabilitative care may be unavailable or highly inconvenient. Where SNF beds are scarce and few home health providers offer physical therapy services, these patients could be forced to travel long distances for daily outpatient care in a weakened state, risking reinjury and rehospitalization.

Because compliance with the proposed rule will hinge on an IRF's total patient population, not just its Medicare population, CMS estimates that the proposed rule ''may have an effect'' on approximately 200,000 non-Medicare patients. CMS was not able to quantify or describe this effect because of inadequate information. In my opinion, it would be irresponsible to implement this rule without further studying its likely impact on Medicare beneficiaries, non-Medicare patients, rehabilitation providers, and the Medicare Program.

The Medicare Payment Advisory Commission, MedPAC, agrees that the rule needs to be updated. In a July 7, 2003, letter to CMS Administration Tom Scully, MedPAC Chair Glenn Hackburth proposed that CMS lower the threshold to 50 percent for at least a year to enable an expert panel of clinicians to reach a consensus on the diagnoses to be included in the 75 percent rule.

I agree with MedPAC and worked with Senator JIM JEFFORDS to file an amendment to the Labor, Health and Human Services and Education Appropriations bill that would have implemented MedPAC's recommendations.

I decided against offering my amendment for a vote, but I leave open the possibility of offering the amendment on another vehicle if CMS does not take appropriate action. I hope that the 75 percent rule can be updated to ensure that my constituents and all Americans continue to have access to necessary medical rehabilitation services.

CONTRACTING OUT IN THE DEPARTMENT OF INTERIOR

Mr. AKAKA. Mr. President, I rise today in strong support of the amendment offered by the Senator from Nevada, Mr. REID, to prohibit the use of fiscal year 2004 Interior funds to initiate public private competitions at the Department of the Interior, including the National Park Service. This amendment takes an important step to ensure that vital public services at Interior are not put at risk by the administration's aggressive plans to contract out Federal jobs.

As the ranking member of the National Parks Subcommittee, I view the administration's outsourcing policies as especially harmful to the National Park Service. I am particularly concerned that the outsourcing of Park Service jobs could target biologists, anthropologists and archaeologists.

During a Parks Subcommittee hearing this summer, Scot McElveen, the president of the Association of National Park Rangers testified that current outsourcing policies seriously threaten reliable, effective, and efficient service to the public.

Mr. McElveen said the administration's outsourcing plan is incompatible with the Parks Service's decentralized workforce. Furthermore, he noted that it would only worsen National Parks' current staffing and budgetary shortfalls by diverting funds for operations and maintenance to contract out jobs.

I agree with Mr. McElveen. I fail to see how outsourcing functions within the Parks Service will improve their mission to protect our national parks, historic sites, monuments, and other treasured places. Park Service employees have a strong sense of public service which cannot be replicated by the private sector.

I believe this amendment takes the measures needed to ensure that contracting out at the Department of the Interior does not come at the expense of our National Parks.

The Reid amendment is identical to language included in H.R. 2691, the House Interior Appropriations bill. I urge my colleagues to support this amendment.

HONORING OUR ARMED FORCES

Mr. MCCAIN. Mr. President, I was recently informed of the passing of MSG Al Bland, USAF Ret. This distinguished veteran of the United States Air Force served his country admirably for 20 years. His military career included service during World War II, where Master Sergeant Bland was ordered to beach defense on the Bataan perimeter. Captured at Bataan in April of 1942, Master Sergeant Bland survived the Bataan Death March, carrying another soldier for most of the journey. As a POW, Bland was imprisoned at Camp O'Donnell in the Philippines, later on a Japanese Hell Ship and finally in Manchuria. He was finally released from prison camp in 1945, after three torturous years. As a result of his combat, he was 100 percent service related disabled.

The list of awards Master Sergeant Bland received for his valiant service include the Bronze Star and the Purple Heart. Upon completing his service, Master Sergeant Bland became a leader on POW related issues for many years. He was instrumental in establishing the Andersonville National Park and was awarded the POW Medal by President Reagan in 1988. I was fortunate enough to work with Master Sergeant Bland and more importantly call him a friend. Master Sergeant Bland was a true patriot and he will be sorely missed and by a grateful nation.

DO NOT CALL REGISTRY

Mr. KOHL. Mr. President, regrettably, a Federal judge in Oklahoma has voided the Federal Trade Commission's national ''do not call'' list that was set to go into effect on October 1. This action frustrates the wishes of more than 48 million Americans who have signed up for the ''do not call'' list. Though a judge ruled that the FTC lacked Congressional authority to create the national list, I strongly disagree and believe that Congress explicitly granted the Commission both the authority and the funding earlier this year to create a ''do not call'' list.

Indeed, absent Congressional action, the FTC's ''do not call'' list would have failed to have become a reality this year. I recall discussing the matter with FTC Chairman Tim Muris at a hearing before the Antitrust Subcommittee last September. He asked me for help in getting Congressional authority in order to raise fees necessary to implement the ''do not call'' list. We were able to grant the Commission this authority in the Consolidated Appropriations Resolution which passed in February of this year. We further authorized the FTC's initiative in the Do-Not-Call Implementation Act on March 11, 2003.

These actions more than authorized the FTC's ''do not call'' list, in my view. That said, this bill will make it crystal clear that Congress endorses, supports, and authorizes the FTC to create a national ''do not call'' registry.

I commend the FTC's hard work to create a national ''do not call'' list. Such action was long overdue. The deluge of telemarketing sales calls is the number one consumer complaint in this country. It is a problem that has gotten out of control. The average American receives two to three telemarketing calls per day. I often receive even more than that. Some estimate that the telemarketing industry is able to make 560 calls per second or roughly 24 million calls per day. No wonder people feel like they are under siege in their own home. Therefore, we in Congress acted to ensure that the FTC's ''do not call'' list became a reality. Should we need to do more to overcome a court's objections, we can and shall do it.

Given the enormous response of nearly 50 million Americans who have signed up in less than 3 months, the ''do not call'' list is clearly needed. Though I am troubled by the court's decision, we can set the record straight and authorize the FTC's action. I urge quick passage of this legislation, so that the ''do not call'' list can start up as scheduled on October 1, 2003.

TRANSPORTATION EQUITY ACT FOR THE 21ST CENTURY

Mr. SHELBY. Mr. President, I rise today in support of H.R. 3087, the Surface Transportation Extension Act of 2003. This bill, which was crafted in a bi-partisan, bicameral fashion will extend the Federal transportation programs for an additional 5 months to February 29, 2004.

The Transportation Equity Act for the 21st Century expires on September 30 of this year. Legislation is necessary to carry on the essential functions of the highway, highway safety, motor carrier safety, transit and other programs that are recipients of highway trust fund money. This bill accomplishes just that. It funds the programs at five-twelfths of the fiscal year 2004 budget conference report level.

H.R. 3087 is a clean reauthorization of these programs. This bill contains no new projects and no new programmatic changes. It simply extends TEA–21 and current provisions of transportation law. As the chairman of the Banking Committee whose jurisdiction includes the reauthorization of the transit title of TEA–21, I was hopeful that, working with the chairman of the relevant committee, we would have achieved passage of a multiyear bill. As funding levels and an appropriate source for those funds have yet to be identified, that proved to be impossible.

While I am not overly confident that 5 months of negotiating will resolve this problem, I support this piece of legislation. I believe it is essential that we continue to authorize our Nation's highway and transit infrastructure. I think this necessary stop-gap measure is the way to achieve that. I recommend the bill to my colleagues and ask for their support.

ADDITIONAL STATEMENTS

HONORING JUDY HADLEY OF LINCOLN, RI

● Mr. CHAFEE. Mr. President, I would like to share with my colleagues a story demonstrating one person's ability to protect the environment from the threat of pollution, for the benefit of wildlife and human enjoyment, alike.

Thirty years after the passage of the Clean Water act, the Blackstone river has shaken off a legacy of neglect and re-emerged as a vital community asset. The water quality has improved, a bikeway is under construction, and mill buildings are being restored as apartments and condominiums. The National Park Service is promoting a new appreciation for the work and culture of the families who have made the Blackstone Valley their home. And just last week, I joined the Army Corps of Engineers in celebrating the restoration of wetlands in a floodplain that had been paved over for 50 years. So there is a great deal of activity on the banks of the Blackstone.

While the federal government has been a major player in the river's rebirth, none of these exciting developments would have been possible without the personal commitment of Blackstone Valley residents. It is their hard work and, more importantly, their heightened vigilance and renewed sense of ownership of the river, that have helped it to thrive.

Once such resident is Judy Hadley of Lincoln, RI—a town of about 21,000 people, located on the Blackstone River. As the chair of the Lincoln Land Trust, Judy is a staunch defender of her town's remaining open spaces and a passionate advocate on behalf of the Blackstone. She is active a number of other local organizations, including the Friends of the Blackstone River, the Blackstone River Watershed Council, and the Lincoln Tree and trail Commission. She has organized river cleanups and educated her fellow residents about the impact that stormwater has on the Blackstone and its wildlife population.

For many years, a 60-ton excavator sat abandoned on a manmade island in the river—a relic of an old gravel mining operation. It was an eyesore and a potential environment hazard. Two years ago, Judy Hadley went to work: canvassing State and Federal authorities, trying to find the best solution for this problem. No agency seemed to have the right equipment or the resources to handle such an unusual request, but Judy persisted. If she could have dismantled it herself and taken it away piece by piece, I think she would have.

Fortunately, Mr. President, it did not come to that. Last year, the Rhode Island Department of Environmental Management removed more than 300 gallons of diesel fuel and other fluids from the machinery. The excavator itself was finally taken away this summer by the Army Corps via a temporary land bridge, as part of the wetland restoration project that I mentioned earlier.●

IN TRIBUTE TO JOHN CARL WEST

● Mr. HOLLINGS. Mr. President, John Carl West was the smartest in our class of 1942 at The Citadel. I will never forget in the political science course COL Carl Coleman would pass around Time magazine's current accounts test. John was the only one who knew all the answers each time and he was long on common sense to go along with his brilliance.

At a later time I want to detail his contributions to our State and Nation, but the article in The State newspaper in Columbia, SC, appearing on September 21, has a pretty good summary of it. I that it be printed in the RECORD.

The article follows.

[From the State, Sept. 21, 2003]

WAY AHEAD OF HIS TIME

(By Aaron Gould Sheinin)

HILTON HEAD ISLAND.—At 81, former Gov. John West is no lion in winter, no aged warrior. He is, as he's always been, a dove.

Battling cancer, West goes to his Hilton Head Island law office each morning. He still wears a tie and his trademark horn-rimmed glasses.

Nearly 33 years after South Carolinians answered his campaign call to ''elect a good man governor,'' several projects are under way to ensure that West's legacy endures. That legacy will center on his progressive stands on race.

''My whole ambition and my whole thrust was to first get the state's racial relationship in better order,'' West says from his law office conference room, an expanse of saltwater marsh visible beyond a wall of windows.

A biography is in the works, and, at USC, an oral history and archive are complete. Also, a new program, called the West Forum, will perpetuate the Kershaw County native's interest in state government and policy.

As state senator, lieutenant governor and governor, West was out front on improving race relations when doing so meant you and your family got death threats from the Ku Klux Klan leader who lived less than a mile from your home. He also was out front on race relations in South Carolina when that meant you did not win elections.

And yet West did.

West, who once carried a pistol for protection, helped carry the state out of segregation. He created the state Human Affairs Commission and appointed Jim Clyburn to be the first black senior gubernatorial aide. He fought for better health care for all, for increasing teacher pay and stabilizing the education system.

West vetoed a capital punishment bill because, he said then, ''I do not believe man has the right to take a life that only God can create.'' For a state still escaping the scourge of lynchings, West's actions spoke volumes to blacks, African-American leaders say. The Legislature, however, overrode the veto.

Later, West was U.S. ambassador to Saudi Arabia under President Jimmy Carter, choosing the posting over more pleasant locales.

SAW ENORMOUS POTENTIAL IN BLACKS

Now, West has a new fight, against cancer. Kind and polite, he declines to talk about his illness. But he's being treated at MUSC in Charleston, where, he says, the Hollings Oncology Center is a terrific asset for the state.

A self-described ''old politician,'' West is pleased to remember the days when his beliefs were considered shocking by some. ''In the election of 1970, I probably wouldn't have been elected without the black vote,'' West says. ''The fact that we had relegated a large percentage of our people to service jobs, to limited education, limited opportunity, was just not smart. I felt that if we could unleash that potential, it would be a great boon for South Carolina. I like to think I was right about that.''

For today's Democratic candidates, attracting the black vote is necessity and norm. In West's heyday, it was ''almost revolutionary,'' he says.

Former President Carter and West became friends when both were governors, Carter in Georgia. Carter calls West a trailblazer in race relations. ''He was and has always remained way ahead of his time, not only in race relations, but also in a deep commitment to make sure that every citizen of South Carolina was given an opportunity for good education and health care,'' Carter says. ''His heart was in the right place and still is.''

WEST ''BELIEVED STRONGLY IN GOOD''

In his 1971 inaugural address, West said South Carolina must ''in the next four years eliminate from our Government any vestige of discrimination.'' Sitting in the crowd at the State House was newly minted state Rep. I.S. Leevy Johnson of Columbia, one of three African Americans elected that November to the House, the first blacks to serve since Reconstruction. West ''changed the course of South Carolina history'' when it came to relations between blacks and whites, Johnson says. ''People recognized him as a person who believed strongly in good.''

Clyburn believes he should have been in the crowd that day, too, as the fourth black House member. But the future congressman went to bed on election night believing he had won by 5,000 votes, only to wake up the next morning and be told that a counting error had been discovered. He'd lost by 5,000 votes.

When West asked him a week after the election to come to Columbia and work for him, Clyburn was reluctant. ''I told him,'' Clyburn remembers, ''that I didn't think it would be a good fit. I thought my politics and his may not have been suited for each other.'' But West ''looked at me and said something I've never forgotten. He said, 'If I had your talent and I was black, I'd be more militant than you are.' And so I went to work for him.''

After two years on the governor's senior staff, West appointed Clyburn to lead the Human Affairs Commission, the first state agency charged with fighting discrimination in employment, housing and public accommodations. Twenty years later, Clyburn became the state's first black congressman since Reconstruction.

''JUST A SENSE OF RIGHT AND WRONG''

Through the turbulent 1950s, '60s and early '70s, West was the rare politician for whom race had not been anathema. ''I had worked with blacks all my life,'' West says. ''I had plowed fields with them, went through the Depression with them. I had no hatred of blacks. I guess it was just a sense of right and wrong.''

It was that sense that led him to cross paths with the Klan. In the 1950s, when West was in the Senate, the doomed segregationist mantra of ''separate but equal'' was still the law in South Carolina.

The band at the white high school in Camden was accomplished and decorated. The

band at the nearby black high school was not. So the white band teacher offered to help the black band improve. He was beaten nearly to death by the Klan, West says. When the Kershaw County sheriff didn't seem too concerned, West approached J.P. ''Pete'' Strom, legendary director of the State Law Enforcement Division.

Strom's agents bugged a Klan hideout and within a week had made arrests. When a grand jury refused to indict the Klan leaders, West eventually worked against the Klan in a related civil suit. ''The Ku Klux Klan threatened my life, ran my wife off the road,'' West said. ''There were some questions there for a while of who was going to win, between me and the Klan.''

West's wife, Lois, also was not one to be intimidated. ''She was known as a crack shot,'' West says, emotion choking his words as he remembers his wife's brave actions at the time. ''She sent word to the grand dragon that if anything happened to me, don't worry about the grand jury—she was going to kill him.''

HELPED EASE RACIAL TENSIONS

In 1966, West was elected lieutenant governor.

In 1970, he ran for governor against Albert Watson, the state's first Republican congressman since Reconstruction. Watson had the backing of two top Republicans—U.S. Sen. Strom Thurmond and President Richard Nixon, who ''campaigned harder for my opponent than my opponent did,'' West says.

Watson spoke against forced integration of schools. Days before the vote, he rallied a group in Darlington County upset over court-ordered busing. Soon after, a group of whites overturned two buses of black children in what became known as the Lamar riot. Several children were injured and more than two dozen arrests were made.

In the 1970 election, West won nearly 54 percent of the vote as African-Americans went to the polls in record numbers. Just days later, Thurmond hired Tom Moss, the first black aide to work for a Southern U.S. senator. The segregationist Thurmond began his conversion then into a racial moderate, West says, and ''saw the light with that election.''

One biographer wrote ''when John West entered office, racial tensions had never been higher. By the end of his term, relations between blacks and whites had never been better.''

IT'S A PEOPLE GAME

About the time West was leaving office in 1975, Carter was running for president. ''There were 49 other governors,'' Carter says, ''and John West was my favorite of all.''

Carter thought so highly of West that he offered him an ambassadorship. He was told to pick a country where ''the living was nice,'' West remembers. Instead, he chose Saudi Arabia. The Middle East was just three years removed from the bloody war between Israel and its Arab neighbors. West wanted to be of use.

''People ask me how did I get along as well as I seemed to'' in Saudi Arabia, West says. ''I told them that the Saudis' religion was different, government was different, language, of course, was different.

''Politics was amazingly like South Carolina. It's a people game.'' Whatever it was, Carter says, West had it down. ''That was the most challenging place in the world then,'' says Carter, who negotiated peace between Israel and Egypt. ''The Saudis were a great potential problem for us,'' he says, ''but because of John's unprecedented good relations with the Saudi leaders, it was not.''

A GOOD MAN GOVERNOR

When West was still on the 1970 gubernational campaign trail, one of his closest advisers was Crawford Cook, a local Democratic activist still on the state's political scene. They needed a slogan, Cook remembers.

They tried several.

Then someone suggested ''probably the most appropriate slogan we ever put together,'' Cook said: ''Elect a Good Man Governor.'' Former Gov. Dick Riley, a West friend and supporter, says history books undoubtedly will say South Carolina did just that in 1970.●

HONORING DR. TODD PALMER

● Mr. HARKIN. Mr. President, today I come to the floor to pay tribute to Dr. Todd Risley of Palmer, AR on the occasion of his retirement.

I recall meeting with him a number of years ago regarding his book ''Meaningful Differences'' which taught us profound lessons about the processes by which children learn language. This seminal effort is a part of his lifetime of work that has improved knowledge and practice across a broad spectrum of issues in human development, especially for individuals with developmental disabilities.

Whether by developing innovative educational methods such as incidental teaching and correspondence training, or by designing major paradigm shifts and system changes in strategies for delivering services, his remarkable vision and prodigious research and writing have literally revolutionized the process and outcome of supporting people who challenge our knowledge and resources.

As a pioneer in the field of applied behavior analysis and through his decades of contributions since, he will always be remembered as a scientist with a soul.●

HONORING DR. MONTROSE WOLF

● Mr. HARKIN. Mr. President, I am pleased to honor Dr. Montrose Wolf of Lawrence, KS.

I share in the celebration of his remarkable career, one that has been singularly dedicated to the betterment of others, particularly children who have challenged our educational and clinical knowledge and services.

Dr. Wolf is universally acknowledged as a founder of the field of applied behavior analysis, its principles and its practices. As the creator of its premier journal and author of its most definitive articles, he disseminated this burgeoning science to professionals who theretofore were resigned to study human behavior in laboratory settings only. Of equal importance, his demonstrations of the power of these principles and methods in effecting significant positive outcomes in people with real challenges set the stage for all that followed in the educational and clinical practices in widespread use today.

Among many other notable contributions, Dr. Wolf's Teaching Family model revolutionized systems and supports for disabled, troubled and at-risk boys and girls, and enhancing the lives of well over a million youth through the Boys Town program and Teaching Family homes around the Nation.

Dr. Wolf's life and career have truly embodied the belief that the meaning of a good and worthwhile life is to give rather than receive. No one has given more of their talents and time. To his colleagues, consumers, and champions of children everywhere, he is a true hero.●

HONORING OUR ARMED FORCES

● Mr. LIEBERMAN. Mr. President, one of the most solemn duties that any Senator has is the memorializing of a constituent who has fallen in the line of duty in a far-away land. This is the fifth time I stand to do so, and on each occasion I am reminded of the remarkable character and quality of this generation of Americans; I would hope that their supreme sacrifice is noticed and remembered by their fellow citizens. But all too often the din of daily life in the 21st century threatens to drown out the news of the steady stream of allied casualties in Iraq. It is our duty to make sure that the rolls of the dead and wounded are read aloud: read, heard, and honored.

Therefore, Mr. President, I wish today to fulfill a sacred obligation, and to honor United States Army Sergeant David Travis Friedrich, of the 325th Military Intelligence Battalion out of Waterbury, CT.

Sergeant Friedrich was killed when mortar fire struck the base he was stationed at near the Abu Ghraid prison to the west of Baghdad. He died a true soldier; he died at his post.

Sergeant Friedrich was raised in upstate New York, he attended Brockport State University, and he was accepted into the forensics studies program at the University of New Haven in the Spring 2000. But while the Sergeant was a New Yorker by birth, his studies and work in Connecticut and his role in a Connecticut Battalion, the 325th to be precise, makes him an honorary son of our State.

It is a sad thing indeed for parents to bury their child, and I imagine that few words of solace spoken in this Chamber by the representatives of New York and Connecticut will penetrate the shroud of grief that must surround the Sergeant's family. With that in mind, however, I say this: know that as you grieve, a grateful Nation grieves with you. You are not alone in this time of sorrow, and your son's sacrifice will never be forgotten.●

NATIVE AMERICAN BUSINESSWOMAN OF THE YEAR, KARLENE HUNTER

● Mr. JOHNSON. Mr. President, I wish to publicly congratulate Karlene Hunter, of Kyle, SD, for receiving the Native American Businesswoman of the Year award at the National Indian Business Association Conference.

Karlene Hunter understands what many business owners have learned: owning a business requires talent, know-how, and a lot of hard work and perseverance. Karlene saw a need in her community and started Lakota Express, Inc., the only direct marketing and telemarketing company in the United States that is Indian-owned and operated. Lakota Express, Inc., employs trained professionals that have exceptional marketing skills. Because the company has provided telemarketing and direct mailing services for various organizations, it has an impressive track record of success.

Lakota Express, Inc., has become a valued member of the Pine Ridge community and is truly a South Dakota success story. For the past 5 years, Karlene has worked as CEO of Lakota Express, and has followed her dream of building a small business run out of her basement into the company that has raised $10 million to fund the Oglala Lakota College's first public library, as well as 10 college centers across the Pine Ridge Indian Reservation in South Dakota. Karlene and Lakota Express have also worked to build the first independent Indian-owned public radio station.

Lakota Express' mission is to operate a business that creates economic opportunities for the Lakota Nation and participates in social, educational, and political issues that empower the people and protect the earth. I would like to take this opportunity to acknowledge the staff of Lakota Express, Inc., who have helped Karlene achieve this remarkable accomplishment; Mark Tilsen, Betty Brave, Theresa Zottola, Jim Head, Stephanie Sorbel, Nick Tilsen, April Rosales, Nicole Pourier, Mary Under Baggage, and Marlene Mesteth. I know that all these individuals and countless others, who have contributed richly to the company's many achievements, take great pride in the personal and collective accomplishments that are recognized through this honor.

It is with great appreciation that I join with the community, the employees, the customers, and the many people who interact with the company, in congratulating Karlene Hunter on her years of service and success. I wish Lakota Express, Inc., enduring good fortune and prosperity in their continued pursuit of excellence.●

EPSILON CHAPTER OF ZETA TAU ALPHA FRATERNITY AT UNIVERSITY OF ARKANSAS, FAYETTEVILLE

● Mrs. LINCOLN. Mr. President, I wish to recognize the Epsilon Chapter of Zeta Tau Alpha Fraternity at the University of Arkansas at Fayetteville. Zeta Tau Alpha Fraternity was founded on October 15, 1898, by nine women at the State Female Normal School in Farmville, VA. The Epsilon Chapter of Zeta Tau Alpha, founded on December 18, 1903, at the University of Arkansas at Fayetteville, will celebrate 100 years of sisterhood from September 26–28 on the campus of the University of Arkansas at Fayetteville. The Centennial Celebration is expected to bring many Epsilon alumnae back to the campus, including Amber Elbert, a member of my staff and 1998 Epsilon initiate.

The Epsilon Chapter is unique in many ways. It is the first chapter in Zeta Tau Alpha history to reach a centennial mark and the first chapter founded west of the Mississippi River. Epsilon was also the very first chapter to be announced through the fraternity's official magazine, ''Themis.'' The first pictures ever used in ''Themis'' were those of Epsilon, its chapter room and the University of Arkansas. The University of Arkansas students who founded the chapter in 1903 were Elizabeth Kell Rose, Hattie Williams, Margaret Hutcherson, Grace Jordan, Bess Byrnes, Della McMillan and Mabel Sutton.

The mission of Zeta Tau Alpha is to make a difference in the lives of its membership by developing the potential of each individual through visionary programming, which emphasizes leadership development, service to others, academic success and continued personal growth for women with a commitment to friendship and the future based on the values and traditions of our past. Having been actively involved with Chi Omega Fraternity as both a collegiate member and an alumna, I have witnessed firsthand the lifelong benefit that can come from membership in a Greek organization, such as Zeta Tau Alpha.

On behalf of all Arkansans, I would like to extend congratulations to the Epsilon Chapter of Zeta Tau Alpha Fraternity for 100 years of excellence and enriching the lives of its members from Arkansas and across the Nation.●

COMMENDING WORK TO AID VICTIMS OF TORTURE

● Mr. COLEMAN. Mr. President, I wish to acknowledge the important work that is being done to aid victims of torture, in particular the work of the International Rehabilitation Council for Torture Victims, IRCT. IRCT will be honored in a ceremony today, in New York City, where the Dalai Lama will present them with the Conrad N. Hilton Humanitarian Prize.

Torture is a sophisticated form of social and political control designed to stifle dissent through terror. It violates the basic rights of human beings and is contrary to the principles of the U.S. Constitution and the fundamental nature of our republic.

Freedom from torture is a universal and fundamental human right. Yet torture continues to take place in more than 120 countries. It is estimated that one-third of the world's 12 million refugees are victims of torture. Politicians, journalists, teachers, students, religious leaders, trade union and human rights activists are all targets. The aim of torture is not to kill the victim, but to break down the victim's personality. Crippled, traumatized, and humiliated, the victims are returned to their communities as a warning to others.

That are an estimated 500,000 torture survivors in the United States alone—refugees and asylum-seekers who have fled repressive regimes. And in recent years, there has been a dramatic increase in the number of victims of torture seeking help at U.S. rehabilitation centers.

The IRCT has been a vital part of the global effort to aid torture victims. The Council began with a group of four doctors in Denmark who responded to a call by Amnesty International in 1973 to help diagnose torture victims. Today the IRCT is a global network of 200 rehabilitation centers operating in 80 countries to meet the needs of some 100,000 victims of torture each year. IRCT's mission is to support and promote the rehabilitation of victims of torture, to advocate for the prevention and eradication of torture worldwide, and to provide documentation and research that will ultimately bring perpetrators to justice.

Minnesota is home to the Center for Victims of Torture, CVT, the first comprehensive torture treatment center in this country—and third such facility in the world. The CVT helped establish National Consortium of Torture Treatment Programs, under which the 34 torture rehabilitation centers and programs in the United States operate. As mayor of St. Paul I worked together with the CVT to build a torture treatment center on the east side of the metro area.

The work of IRCT and the U.S. torture treatment programs is all the more relevant given pending legislation. I am proud to be the chief Senate author of the Torture Victims Relief Act, TVRA, of 2003, which will enable the U.S. to continue its leadership in caring for victims of torture. This reauthorization of the TVRA is included as an amendment to the fiscal year 2004 Foreign Relations authorization bill, and I look forward to the passage of this bill.

Once again, I commend the IRCT for their tireless work on behalf of torture victims in the U.S. and around the world.●

TRIBUTE TO VICE ADMIRAL JOHN TOTUSHEK

● Mr. COLEMAN. Mr. President, I am pleased to congratulate VADM John B. Totushek upon the completion of his career of service in the United States Navy and Naval Reserve. Throughout his 36-year military career, Vice Admiral Totushek served with distinction and dedication, ultimately becoming the first Naval Reservist Commander of the Naval Reserve Force to wear three stars, achieving the rank of Vice Admiral.

Vice Admiral John B. Totushek is native of Minneapolis, MN. A 1966 graduate of the University of Minnesota, he

earned his commission through a Navy ROTC scholarship and was designated a pilot upon completion of flight training in June 1968.

Vice Admiral Totushek began his Naval Aviation career in 1969 flying the F–4 Phantom with Fighter Squadron 41 based at Naval Air Station Oceana, VA. He continued his career as an F–4 instructor pilot and Landing Signal Officer with Fighter Squadron 101, also based at Naval Air Station Oceana. In November 1973, he resigned his regular commission and accepted a commission in the Naval Reserve. During the next 24 years, Vice Admiral Totushek served in numerous capacities with the Naval Reserve and several civilian companies.

As a Reservist, he served as commanding officer of three Virginia-based air-combat training squadrons, including Squadron Reinforcement Unit VC–1006, Squadron Reinforcement Unit VC–686, and Fighter Composite Squadron VC–12. He served as commanding officer of several Atlantic Fleet air support commands, including Naval Air Atlantic 1086 and Naval Air Forces Eastern Atlantic.

As his Reserve career advanced, he served in several senior strategic and management positions within the Navy, including command of the Atlantic Fleet's Logistics Task Force and the Naval Reserve Readiness Command Region Eight. Upon successful completion of these command tours, he served on the staff of the Chief of Naval Operations as the Deputy Director for Naval Air Warfare, Reserve Programs,

In early 1997, Vice Admiral Totushek was asked to return to active duty to lead the Navy's environmental, safety and occupational health programs. He then was selected as Commander, Naval Reserve Force on October 17, 1998. His duties include command of 88,000 Naval Reservists and 181 nationwide Reserve facilities. Vice Admiral Totushek also represents the Naval Reserve before Congress as Chief of Naval Reserve, and on the staff of the Chief of Naval Operations as Director, Naval Reserve. He was promoted to vice admiral on 24 May 2001, becoming the first Naval Reservist three-star admiral in history to lead the Naval Reserve.

During his tenure, Naval Reserve Forces were mobilized three times: the Kosovo Campaign in 1999, Operation Noble Eagle in 2001 and Operation Iraqi Freedom in 2003. Under his leadership, Naval Reservists served with great honor, dedication and sacrifice during the global war on terrorism, in war zones in Afghanistan and Iraq, and here at home as part of the homeland defense network.

His family and fellow shipmates can be proud of his service. Vice Admiral Totushek, his wife Jan, and children Courtney and Chris have made many sacrifices during his Naval and civilian careers, and we appreciate their contributions of conscientious service to our country. As he departs the Pentagon to start his third career, I call upon my colleagues to wish John and his family every success, and the traditional Navy ''fair winds and following seas.''●

THE DEATH OF MORRIS ''MOE'' BILLER

● Mr. LIEBERMAN. Mr. President, it saddens me to note the recent passing of an old friend, Moe Biller. Moe was, until 2001, the long-time president of the American Postal Workers Union, and a tireless advocate for the postal employees he worked with and represented.

I met Moe through my first Senate chief of staff, Michael Lewan, who was a long-time friend of Moe's from his days as a local union official in New York. Michael invited him to attend my Senate swearing-in ceremony, and we hit it off immediately.

Moe was one of a kind—some would say the last of the breed of old time labor leaders. He was passionate about the causes he believed in, but always remained just a ''regular guy.'' It's fair to say that Moe was a pioneer who created the modern labor movement for Federal and postal employees. Surely he paved the way for the establishment of those employees' rights—postal workers, in particular, had little clout until Moe came along.

He began his career as a substitute postal clerk in 1937 on Manhattan's Lower East Side, earning 65 cents an hour with no vacation benefits or sick pay. His success in negotiating a sick leave benefit for his fellow workers led to the beginning of his rise through the ranks of the union hierarchy, which culminated in his election as President of the national union in 1980.

However, his national reputation as a fiery, but effective, leader was solidified a decade earlier in 1970, when his efforts encouraged Congress to pass the landmark legislation that created today's United States Postal Service, the Postal Reorganization Act of 1970. Among the important changes instituted by this law was the right postal workers received to engage in collective bargaining over pay, benefits, and working conditions.

In addition to his vital work to improve wages and working conditions for postal workers, Moe was an active supporter of civil rights and women's rights. He also gave generously of his time, serving on numerous trade, charitable, and civic organization boards, including the Muscular Dystrophy Association and the United Way International.

Moe will be sorely missed by all of those who knew him, but I know that his achievements and his work will live on.●

75TH ANNIVERSARY OF MOTOROLA'S FOUNDING

● Mr. DURBIN. Mr. President, I rise today in recognition of the 75th anniversary of the founding of Motorola, Inc., which has been a significant icon in the history of America's heritage of innovation, while continually finding new ways to make things simpler, smarter, safer, synchronized, and fun.

On September 25, 1928, Paul V. Galvin and his brother, Joseph E. Galvin, opened the Galvin Manufacturing Corporation at 847 West Harrison Street, in Chicago, Illinois, with assets of $1,315. Galvin Manufacturing Corporation entered the electronics industry as a manufacturer of household battery eliminators and grew steadily throughout the 1930s and 1940s, introducing a wide variety of devices to the electronics market.

In 1930, Galvin Manufacturing Corporation introduced the first practical, affordable and commercially successful car radio, and founder Paul V. Galvin created the brand name ''Motorola,'' linking the ideas of ''motion'' and ''sound.'' In 1936, the Police Cruiser radio receiver was Galvin Manufacturing Corporation's first entry into the new field of mobile radio communications, and in 1937, Galvin Manufacturing Corporation entered the home entertainment business with a line of phonographs and table and console radios.

Galvin Manufacturing Corporation also made significant contributions to our Nation's efforts during World War II. In 1940, Galvin Manufacturing Corporation developed the Handie-Talkie SCR536 radio, a handheld two-way radio, and provided more than 100,000 units of this crucial communications tool to the Allied Forces. In 1941, company founder Paul V. Galvin was elected president of the Radio Manufacturers Association, where he helped lead the radio industry's war efforts in the United States. Also in 1941, Galvin Manufacturing Corporation introduced its first commercial line of FM two-way radio systems and equipment, installing its first FM system in Philadelphia, Pennsylvania. In 1942, Galvin Manufacturing Corporation helped organize and lead the procurement and production of quartz radio crystals, eventually subcontracting production to more than 50 crystal manufacturers who, with Galvin Manufacturing Corporation, supplied more than 35 million radio crystals to the U.S. War Department during World War II. Later in 1942, Galvin Manufacturing Corporation received the first of five U.S. Army-Navy ''E'' Awards for excellence in production achievements during World War II, the first ever awarded to a radio manufacturer.

In 1943, Galvin Manufacturing offered its first sale of public stock, and in 1947, Galvin Manufacturing Corporation changed its name to Motorola, Inc. Motorola continued to be an innovator, by introducing technologies which have significantly impacted Americans' lives. In 1947, Motorola's first television, the Golden View model VT71, was priced to sell for under $200 and was so well-received that 100,000

more units were sold in one year. In 1949, Motorola established a research and development operation in Phoenix, Arizona, to investigate the new field of solid-state technology, and by anticipating the enormous potential of the transistor, helped create the semiconductor industry and became one of the world's largest semiconductor manufacturers. In 1955, Motorola's new Handie-Talkie radio pocket pager selectively delivered a radio message to a particular individual, and pagers began to replace public announcement systems in hospitals and factories.

In 1956, Robert W. Galvin, Paul V. Galvin's son, became president of Motorola, Inc., serving the company devotedly, until his 2001 retirement. Robert W. Galvin currently serves Motorola as Chairman Emeritus.

Following the 1958 introduction of Explorer I, a 31-pound, Earth-orbiting satellite, Motorola provided radio equipment for most manned and unmanned U.S. space flights for the next 40 years. Also in 1958, Motorola introduced the Motrac radio, the first vehicular two-way radio to have a fully transistorized power supply and receiver, with such low power consumption that the radio could be used without running an automobile engine.

In 1961, Motorola developed low-cost techniques to produce silicon rectifiers used in automotive alternators, making the alternator an economical replacement for the less durable generator. In 1962, Motorola introduced the fully-transistorized Handie-Talkie HT200 portable two-way radio. In 1969, Astronaut Neil Armstrong's first words spoken from the moon were relayed to Earth by a Motorola radio transponder aboard the Apollo 11 lunar module.

In 1971, NASA's lunar roving vehicle used a Motorola FM radio receiver to provide a voice link over the 240,000 miles (386,000 km) between Earth and the moon, earning Motorola the credit for ''the first car radio on the moon.'' In 1974, Motorola's first microprocessor, the MC6800, contained 4,000 transistors and was used in automotive, computing and video game applications. In 1975, Motorola transponders were used aboard the historic Apollo-Soyuz ''Handshake in Space'' docking mission. In 1978, Motorola introduced its first computer-controlled radio systems and equipment using trunking technology to help radio operators use crowded radio frequencies more efficiently. Also in 1978, Dr. Daniel E. Noble, Motorola director emeritus and former chief scientist, was awarded the Edison Medal by the Institute of Electrical and Electronics Engineers, which provided recognition from his peers for his role as a founder of the modern land mobile radio and semiconductor industries.

In 1980, Motorola was one of the first to develop computerized, electronic engine control modules that reduced fuel consumption and emissions. In 1983, the world's first commercial handheld cellular phone, the Motorola DynaTAC phone, received approval from the U.S. Federal Communications Commission, culminating a 15-year, $100 million investment in the development of cellular technology. In 1984, Motorola developed the MC68HC11 8-bit embedded controller for use in everyday consumer, automotive and industrial products. In 1986, the historic Voyager airplane, the first aircraft to make a nonstop, non-refueled flight around the world, used a Motorola satellite radio. In 1987, Motorola initiated its Six Sigma Quality Initiative, which launched a global pursuit of manufacturing and other process-oriented quality initiatives and established Motorola as a role model for global corporations. In 1988, Motorola was a winner of the first Malcolm Baldrige National Quality Award, established by the U.S. Congress to recognize and inspire the pursuit of quality in American business. In 1989, Motorola introduced the MicroTAC personal cellular telephone, which was the smallest and lightest cellular phone on the market.

In 1990, General Instrument Corporation was the first to propose an all-digital high-definition television (HDTV) technical standard. In 1991, Robert W. Galvin, former Motorola chairman and CEO, was awarded the National Medal of Technology by President George Bush, the highest honor bestowed by the President of the United States for technological achievement, ''for advancement of the American electronics industry through continuous technological innovation, establishing Motorola as a world-class electronics manufacturer.'' In 1992, Motorola opened its first of more than 20 software centers. In 1995, Motorola developed the DragonBall MC68328 microprocessor that became widely used in consumer electronics applications, including handheld video games and personal digital assistants. In 1996, Motorola's 3.1-ounce (88 grams), StarTAC wearable cellular telephone was the world's smallest and lightest. Also in 1996, Motorola received the Albert F. Gore LifePage Achievement Award for donating 10,000 numeric pagers to patients waiting for organ transplants. Also in 1996, Motorola created the PageWriter pager, the world's first full-text two-way pager, which was selected for the permanent collections of the Smithsonian's National Museum of American History. Also in 1996, Christopher B. Galvin, grandson of Motorola founder Paul V. Galvin, was elected chief executive officer of Motorola, in 1996, assuming his responsibilities in 1997. In 1998, Motorola telematics automotive technologies provided vehicle occupants with location-specific security, information and entertainment services. Also in 1998, Motorola introduced the iDEN i1000 portable radio handset that combined two-way radio, telephone, text messaging and data transmission in a single unit.

In 2000, Motorola and General Instrument Corporation merged their businesses; the largest acquisition in Motorola's history. Also in 2000, Motorola implemented the world's first commercial General Packet Radio Service (GPRS) cellular systems in the United Kingdom and Germany, providing always-on access to the Internet. Also in 2000, Motorola conducted the world's first 700MHz wideband high-speed data trial with public safety users, enabling advanced mission-critical solutions.

In 2001, Motorola introduced the i.250 wireless chipset for GSM/GPRS (Global System for Mobile Communications/General Packet Radio Service) cellular handset manufacturers. Also in 2001, Motorola's Project 25 and TETRA-compliant IP-based wireless communications systems were designed to enable public safety and first response users to transfer pictures, fingerprints, video and Internet-based data using two-way radios. Also in 2001, Motorola introduced its first metal mobile phone, the V60 phone, which a year later became available in all three cellular technologies—GSM, TDMA and CDMA—and quickly became a worldwide best seller. Also in 2001, Motorola's Broadband Communications Sector received an Emmy Award from the National Academy of Television Arts and Sciences (NATAS) for outstanding achievement in the development of consumer digital set-top boxes, marking Motorola's seventh Emmy win.

In 2002, Motorola launched its first 3G nationwide voice and data network using Code Division Multiple Access 1X (CDMA 1X) technology with KDDI, one of Japan's largest wireless operators, enabling Internet access at speeds more than double that of existing networks. Also in 2002, the Motorola Instant GPS chip was the first single-chip Global Positioning System receiver solution, a breakthrough technology that enabled designers to add accurate location sensing features to portable consumer electronics products. Also in 2002, Motorola's Commercial, Government and Industrial Solutions Sector was honored with the Malcolm Baldrige National Quality Award. In 2002, Motorola had achieved $27.3 billion dollars in sales. On July 30, 2003, Motorola declared its 226th consecutive quarterly dividend.

Since 1974, Motorola has received more than 90 awards for workplace health and safety, community service and environmental stewardship from the United States Government and governments and non-government organizations worldwide. Motorola is today a global leader in wireless, automotive and broadband communications. Motorola is also a global corporate citizen dedicated to ethical business practices and pioneering important technologies that make things smarter and life better, honored traditions that began when the company was founded 75 years ago.

I would like to applaud the great impact that Motorola has had on the business, social, and cultural landscape for Americans and, indeed, citizens of all nations by virtue of its achievements throughout its remarkable 75-

year tradition of delivering on the power of technology to improve the way we live. I would like to recognize that Motorola's essence as an American icon has been and continues to be to link people's dreams with technology's promise.

I congratulate Motorola on finding new ways to make things simpler, smarter, safer, synchronized and fun for people around the world. I recognize that Motorola continues to demonstrate technological leadership, the highest standards of corporate responsibility and respect for the individual, all while continuing to lead the nation and the world into our technological future. I congratulate Motorola, on the achievements of its employees, retirees, suppliers, and distributors worldwide as they commemorate and celebrate the company's 75th anniversary while the company looks to deliver an even greater impact in the 21st century as a leading force in American technology superiority.●

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

THE IMPORTANCE OF WOMEN-OWNED SMALL BUSINESSES

● Mr. KERRY. Mr. President, I speak today to congratulate the 17 recipients of the Small Business Administration's Outstanding Women Entrepreneur Award.

These inventive and resourceful entrepreneurs are leaders in a national community of women's businesses, which continue to outpace all other companies in overall growth—in number of firms, employment and sales. Women-owned firms are constantly breaking down the barriers of our past and proving that the business world is no longer a boys-only club. As many in the small business community are aware, women-owned companies have become increasingly important to our Nation's jobs and economy. Today there are over 10.1 million women-owned firms, employing 18.2 million workers, and generating $2.32 trillion in sales.

With assistance from the SBA, these 17 women honored during last week's Small Business Week have created businesses that serve as remarkable examples of successful entrepreneurship in a variety of industries.

Patricia Miller, Barbara Bradley Baekgaard, Rebecca Matthais, and Dr. Taryn Rose all started their own businesses in the fashion industry, relying on the SBA for loans and counseling. Patricia and Barbara created Vera Bradley Designs, a company that produces a popular line of luggage and handbags. Rebecca's company, Mothers Work, is now one of the leading providers of maternity clothes of women across the country. Taryn combined her medical knowledge as an orthopedic surgeon with her love of fashion to create a footwear company that is projecting to reach over $20 million in sales this year.

The SBA has also helped several of these women break into male-dominated industries, like construction and defense. Donna Brinkmeyer-Asman of Clark Manufacturing, Lurita Doan of New Technology Management, and Carolyn Minerich of Carmin Industries have all created companies that have grown to include major defense-industry clients. Tina Cordova looked to the SBA's Small Business Development Center and SCORE programs to help her company, Queston Construction, expand from 2 to 26 employees.

Kathryn Freeland, Marilyn Melkonian, Patty DeDominici, Nikki Olyai, Jeannette Lee White, and Julie Morgenstern all looked to the SBA to help them create their businesses. Now they are advising much larger businesses on potential employees, technology, and management issues.

These women and their employees are not only beneficiaries of their companies' successes. In addition to starting and growing successful businesses, these women have made significant contributions to their communities. Blue Crab Bay, started by award recipient Pamela Barefoot, creates specialty food items for seafood lovers and uses its profits to give back to the Chesapeake Bay community. The company has given back to its community through scholarships, charity events, and donations to groups like the Chesapeake Bay Foundation.

I would also like to recognize the accomplishments of awardees Heather Howitt, Judy George, and Maria Welch. Heather, along with cofounders Tedde McMillen, Carla Powell, and Lori Woolfrey, recognized a potential market for their traditional Chai drink, and now their company, Oregon Chai, sells its chai tea lattes at stores in all 50 States. Maria's company, Respira Medical, is a leading respiratory and durable home medical care equipment distributor in Maryland. Judy's Domain home furnishings company was recently featured on the popular television makeover program ''Queer Eye for the Straight Guy.''

I commend these 17 women for their creativity in business, their leadership for women entrepreneurs, and their generous contributions to their local communities. As the number of women business owners continues to grow—currently the number of women-owned businesses is growing at double the rate of all U.S. firms—we must do everything we can to ensure that these businesses have every opportunity to flourish. To that end, we are working to pass the Small Business Administration 50th Anniversary Reauthorization Act of 2003, legislation that will protect the extremely effective and well-established Women's Business Center network. With this bill we will also reestablish the Interagency Committee on Women's Business Enterprise to give women in business a greater voice in Federal policymaking. The 2003 SBA reauthorization legislation also closes the loopholes in Federal procurement practice that have allowed agencies to bundle contracts and limit Federal contracting opportunities for small and women-owned businesses. In addition, this bill will strengthen all of the SBA's access to capital, entrepreneurial development, and contracting programs, including those that helped bring success to the 17 recipients of the Outstanding Women Entrepreneur Award.

I hope my colleagues in the Senate will join me and Senator SNOWE in recognizing the important contribution these women, and other women in business across America, make to our Nation's economy by passing the SBA Reauthorization Act of 2003 and fully funding the SBA's programs.●

MESSAGES FROM THE HOUSE

At 12:04 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2658) making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.

The message further announced that the House has passed the following bills, without amendment:

S. 111. An act to direct the Secretary of the Interior to conduct a special resource study to determine the national significance of the Miami Circle site in the State of Florida as well as the suitability and feasibility of its inclusion in the National Park System as part of Biscayne National Park, and for other purposes.

S. 233. An act to direct the Secretary of the Interior to conduct a study of Coltsville in the State of Connecticut for potential inclusion in the National Park System.

S. 278. An act to make certain adjustments to the boundaries of the Mount Naomi Wilderness Area, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1113. An act to authorize an exchange of land at Fort Frederica National Monument, and for other purposes.

H.R. 1209. An act to extend the authority for the construction of a memorial to Martin Luther King, Jr., in the District of Columbia, and for other purposes.

H.R. 1409. An act to provide for a Federal land exchange for the environmental, educational, and cultural benefit of the American public and the Eastern Band of Cherokee Indians, and for other purposes.

H.R. 2059. An act to designate Fort Bayard Historic District in the State of New Mexico as a National Historic Landmark, and for other purposes.

H.R. 2533. An act to designate the facility of the United States Postal Service located at 10701 Abercorn Street in Savannah, Georgia, as the ''J.C. Lewis, Jr. Post Office Building''.

H.R. 2826. An act to designate the facility of the United States Postal Service located at 1000 Avenida Sanchez Osorio in Carolina, Puerto Rico, as the ''Roberto Clemente Walker Post Office Building''.

The message further announced that the House has agreed to the following

concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 21. Concurrent resolution commemorating the Bicentennial of the Louisiana Purchase.

The message also announced that pursuant to 20 U.S.C. 2004(b), and the order of the House of January 8, 2003, the Speaker appoints the following Member of the House of Representatives to the Board of Trustees of the Harry S. Truman Scholarship Foundation: Mr. Skelton of Missouri.

At 1:30 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2555) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2003, and for other purposes.

At 3:12 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2657) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 1113. An act to authorize an exchange of land at Fort Frederica National Monument, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1209. An act to extend the authority for the construction of a memorial to Martin Luther King, Jr., in the District of Columbia, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1409. An act to provide for a Federal land exchange for the environmental, educational, and cultural benefit of the American public and the Eastern Band of Cherokee Indians, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2533. An act to designate the facility of the United States Postal Service located at 10701 Abercorn Street in Savannah, Georgia, as the ''J.C. Lewis, Jr. Post Office Building''; to the Committee on Governmental Affairs.

H.R. 2826. An act to designate the facility of the United States Postal Service located at 1000 Avenida Sanchez Osorio in Carolina, Puerto Rico, as the ''Roberto Clemente Walker Post Office Building''; to the Committee on Governmental Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 21. Concurrent resolution commemorating the Bicentennial of the Louisiana Purchase; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2059. An act to designate Fort Bayard Historic District in the State of New Mexico as a National Historic Landmark, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4328. A communication from the Under Secretary, Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Determining Eligibility Requirements for Free and Reduced Price Meals in Schools—Verification, Reporting, and Recordkeeping Requirements'' (RIN0584–AD20) received on September 23, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4329. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Exotic Newcastle Disease; Removal of Areas from Quarantine'' (Doc. No. 02–117–10) received on September 23, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4330. A communication from the Secretary of Agriculture, transmitting a draft of proposed legislation to authorize the Secretary of Agriculture, at the request of a participating State, to convey to the State, by quitclaim deed, without consideration, any land or interests in land acquired within the State under the Forest Legacy Program; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4331. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Bifenazate; Pesticide Tolerance'' (FRL#7328–1) received on September 22, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4332. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Imazapy; Pesticide Tolerance'' (FRL#7321–4) received on September 22, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4333. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Thiacloprid; Pesticide Tolerance'' (FRL#7325–8) received on September 22, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4334. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Etoxazole; Pesticide Tolerance'' (FRL#7324–8) received on September 22, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4335. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Flufenpyr-Ethyl; Pesticide Tolerance'' (FRL#7325–4) received on September 22, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4336. A communication from the Deputy Secretary of Defense, transmitting the report of a retirement; to the Committee on Armed Services.

EC–4337. A communication from the Acting Assistant of the Army, Civil Works, Department of the Army, transmitting a report relative to rehabilitation and modification of dams in Minnesota constructed by the Works Progress Administration, the Works Projects Administration, and the Civilian Conservation Corps; to the Committee on Armed Services.

EC–4338. A communication from the Deputy Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Matter of Federal-State Joint Board on Universal Service; Promoting Deployment and Subscribership in Unserved and Underserved Areas, Including Tribal and Insular Areas'' (FCC03–115) received on September 22, 2003; to the Committee on Armed Services.

EC–4339. A communication from the Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''TRICARE; Elimination of Nonavailability Statement and Referral Authorization Requirements and Elimination of Specialized Treatment Services Program'' (RIN0720–AA79) received on September 22, 2003; to the Committee on Armed Services.

EC–4340. A communication from the Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Changes Included in the National Defense Authorization Act for Fiscal Year 2003'' (RIN0729–AA85) received on September 22, 2003; to the Committee on Armed Services.

EC–4341. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the Secretary of the Army's report of the operational evaluation of the initial Stryker Brigade Combat Team (SBCT); to the Committee on Armed Services.

EC–4342. A communication from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled ''Regulation Z (Truth in Lending)'' (Doc. R–1157) received on September 23, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–4343. A communication from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled ''Regulation B (Equal Credit Opportunity Act)'' received on September 23, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–4344. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report on the national emergency with respect to persons who commit, threaten to commit, or support terrorism that was declared in Executive Order 13224; to the Committee on Banking, Housing, and Urban Affairs.

EC–4345. A communication from the Deputy Assistant Administrator for Operations, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Herring Fishery Management Plan Final Rule; Partial Delay'' (RIN0648–AI78) received on September 23, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4346. A communication from the Deputy Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Matter of 200 Biennial Regulatory Review—Requirements Governing the NECA Board of Directors Under Section 69.602 of the Commission's Rules and Requirements for the Computation of Average Schedule Company Payments Under Section

69.606 of the Commission's Rules'' (FCC03–151) received on September 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4347. A communication from the Assistant Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Matter of Access Charge Reform, Price Cap Performance Review for LEC's, Low-Volume Long Distance Users, and Federal-State Joint Board on Universal Service'' (FCC03–170) received on September 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4348. A communication from the Deputy Division Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers'' (FCC03–36) received on September 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4349. A communication from the Chief, Endangered Species Division, Office of Protected Resources, transmitting, pursuant to law, the report of a rule entitled ''Sea Turtle Conservation Requirements; Restrictions to Commercial Fishing Operations'' (RIN0648–AP91) received on September 23, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4350. A communication from the Chief, Endangered Species Division, Office of Protected Resources, transmitting, pursuant to law, the report of a rule entitled ''Sea Turtle Conservation Requirements; Pound Net Fishery'' (RIN0648–AP81) received on September 23, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4351. A communication from the Chief, Endangered Species Division, Office of Protected Resources, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife: Sea Turtle Conservation Requirements; Taking of Threatened or Endangered Species Incidental to Commercial Fishing Operations'' (RIN0648–AP40) received on September 23, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4352. A communication from the Chief, Endangered Species Division, Office of Protected Resources, transmitting, pursuant to law, the report of a rule entitled ''Sea Turtle Conservation; Summer Flounder Trawling Requirements'' (RIN0648–AM89) received on September 23, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4353. A communication from the Chief, Endangered Species Division, Office of Protected Resources, transmitting, pursuant to law, the report of a rule entitled ''Sea Turtle Conservation Requirements; Resuscitation and Safe Handling'' (RIN0648–AN64) received on September 23, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4354. A communication from the Chief, Endangered Species Division, Office of Protected Resources, transmitting, pursuant to law, the report of a rule entitled ''Sea Turtle Conservation Requirements; Restrictions to Commercial Fishing Operations'' (RIN0648–AP91) received on September 23, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4355. A communication from the Chief, Endangered Species Division, Office of Protected Resources, transmitting, pursuant to law, the report of a rule entitled ''Sea Turtle Conservation; Shrimp Trawling Requirements—Parker Soft TED'' (RIN0648–AK66) received on September 23, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4356. A communication from the Chief, Endangered Species Division, Office of Protected Resources, transmitting, pursuant to law, the report of a rule entitled ''Sea Turtle Conservation; Restrictions to Fishing Activities'' (RIN0648–AP63) received on September 23, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4357. A communication from the Deputy Chief, Policy and Rules Division, Office of Engineering and Technology, transmitting, pursuant to law, the report of a rule entitled ''Amend Parts 2 and 25 of the Commission's Rules to Permit Operation of NGSO FSS Systems Co-Frequency with GSO and Terrestrial Systems in the Ku-Band Frequency Range, Third Report and Order'' (ET Doc. No. 98–206) received on September 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4358. A communication from the Deputy Chief, Policy and Rules Division, Office of Engineering and Technology, transmitting, pursuant to law, the report of a rule entitled ''Amend Parts 2 and 25 of the Commission's Rules to Permit Operation of NGSO FSS Systems Co-Frequency with GSO and Terrestrial Systems in the Ku-Band Frequency Range'' (ET Doc. No. 98–206) received on September 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4359. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Okeechobee, Florida)'' (MB Doc. No. 03–89) received on September 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4360. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Fort Stockton and Sanderson, Texas)'' (MB Doc. No. 03–68) received on September 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4361. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Bunnell and Palm Coast, Florida)'' (MM Doc. No. 03–13) received on September 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4362. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Valliant, Oklahoma and Gainesville, Texas)'' (MM Doc. No. 01–216) received on September 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4363. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Pelham and Meigs, Georgia)'' (MB Doc. No. 03–58) received on September 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4364. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Lincoln City and Monmouth, Oregon)'' (MB Doc. No. 03–41) received on September 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4365. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Grants and Bosque Farms, New Mexico)'' (MM Doc. No. 01–78) received on September 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4366. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Port St. Joe and Eastpoint, Florida)'' (MB Doc. No. 03–21) received on September 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4367. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Sonora Texas)'' (MB Doc. No. 03–88) received on September 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4368. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (George West, Texas)'' (MB Doc. No. 03–86) received on September 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4369. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Dalhart, Kermit, and Leakey, Texas)'' (MB Doc . No. 03–52, –53, and –54) received on September 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4370. A communication from the Assistant Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Matter of Federal-State Joint Board on Universal Service'' (FCC03–164) received on September 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4371. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Magnolia, Arkansas and Oil City, Louisiana)'' (MB Doc. No. 02–199) received on September 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4372. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Clayton and Thomas, Oklahoma; Ghturie, Hebbronville, Premont, Roaring Springs, Rocksprings, and Sanderson, Texas)'' (MB Doc. Nos. 02–240 thru 02–249) received on September 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4373. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Ridgecrest, California)'' (MB Doc. No. 03–79) received on September 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4374. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Bridgeton and Pennsauken, New Jersey)'' (MB Doc. No. 02–382) received on September 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4375. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Noblesville, Indianapolis, and Fishers, Indiana)'' (MB Doc. No. 01–143) received on September 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4376. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Los Banos and Planada, California)'' (MB Doc. No. 02–186) received on September 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4377. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, DTV Broadcast Stations. (Cadillac and Manistee, MI)'' (MB Doc. No. 02–45) received on September 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4378. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, DTV Broadcast Stations. (Billings, MT)'' (MB Doc. No. 02–116) received on September 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4379. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Owens, Winconsin)'' (MB Doc. No. 02–120) received on September 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4380. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, DTV Broadcast Stations. (Christiansted, VI)'' (MB Doc. No. 03–20) received on September 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4381. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, DTV Broadcast Stations. (Odessa, TX)'' (MB Doc. No. 02–90) received on September 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4382. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, DTV Broadcast Stations. (Charleston, WV)'' (MB Doc. No. 02–155) received on September 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4383. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, DTV Broadcast Stations. (Burlington, VT)'' (MB Doc. No. 02–82) received on September 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4384. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, DTV Broadcast Stations. (Anchorage, AK)'' (MB Doc. No. 00–99) received on September 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4385. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Laramie, Wyoming and Timnath, Colorado)'' (MM Doc. No. 02–365) received on September 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4386. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Closing Directed Fishing for Pelagic Shelf Rockfish in the Western Yakutat District of the Gulf of Alaska'' received on September 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4387. A communication from the Executive Director, Consumer Product Safety Commission, transmitting, pursuant to law, the Commission's inventories of commercial and inherently governmental activities for 2003; to the Committee on Commerce, Science, and Transportation.

EC–4388. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, the Commission's Annual report for Fiscal Year 2002; to the Committee on Commerce, Science, and Transportation.

EC–4389. A communication from the Assistant Secretary for Communications and Information, Department of Commerce, transmitting, pursuant to law, a report entitled ''Electronic Signatures: Review of the Exceptions to the Electronic Signatures in Global and National Commerce Act''; to the Committee on Commerce, Science, and Transportation.

EC–4390. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Financial Assistance Regulations'' (RIN1991–AB57) received on September 23, 2003; to the Committee on Energy and Natural Resources.

EC–4391. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Compliance With Floodplain and Wetland Environment Review Requirements'' (RIN1901–AA94) received on September 23, 2003; to the Committee on Energy and Natural Resources.

EC–4392. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Value Engineering'' (AL2003–04) received on September 23, 2003; to the Committee on Energy and Natural Resources.

EC–4393. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Collection of Claims Owed the United States'' (RIN1901–AA98) received on September 23, 2003; to the Committee on Energy and Natural Resources.

EC–4394. A communication from the Director, Office of Congressional Affairs, Nuclear Material Safety and Safeguards, transmitting, pursuant to law, the report of a rule entitled ''Geological and Saismological Characteristics for Sitting and Design of Dry Cask Independent Spent Fuel Storage Installations and Monitored Retrievable Storage Installations'' (RIN3150–AG93) received on September 17, 2003; to the Committee on Environment and Public Works.

EC–4395. A communication from the Director, Office of Congressional Affairs, Nuclear Material Safety and Safeguards, transmitting, pursuant to law, the report of a rule entitled ''Consolidated NMSS Decommissioning Guidance, NUREG–1757'' received on September 17, 2003; to the Committee on Environment and Public Works.

EC–4396. A communication from the Director, Office of Congressional Affairs, Nuclear Material Safety and Safeguards, transmitting, pursuant to law, the report of a rule entitled ''Combustible Gas Control in Containment'' (RIN3150–AG76) received on September 17, 2003; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary:

Special Report entitled ''Report on the Activities of the Committee on the Judiciary During the 107th Congress.'' (Rept. No. 108–152).

By Mr. STEVENS, from the Committee on Appropriations:

Special Report entitled ''Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2004'' (Rept. No. 108–153).

By Mr. INHOFE, from the Committee on Environment and Public Works, with amendments:

S. 1640. A bill to provide an extension of highway programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century (Rept. No. 108–154).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CAMPBELL (for himself and Mr. JOHNSON):

S. 1647. A bill to amend title XVIII of the Social Security Act to provide for direct access to audiologists for Medicare beneficiaries, and for other purposes; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 1648. A bill to modify the date as of which certain tribal land of the Lytton Rancheria of California is deemed to be held in trust; to the Committee on Indian Affairs.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 1649. A bill to designate the Ojito Wilderness Study Area as wilderness, to take

certain land into trust for the Pueblo of Zia, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. STEVENS:

S. 1650. A bill for the relief of Katarina Galovic; to the Committee on the Judiciary.

By Mr. STEVENS:

S. 1651. A bill for the relief of Gustav F. K. Wallner; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself, Mr. DEWINE, Mr. LEAHY, Mr. KOHL, Mr. SCHUMER, Mr. FEINGOLD , Mr. HARKIN, Mr. LEVIN, Mr. LAUTENBERG, Mr. VOINOVICH, and Mr. PRYOR):

S. 1652. A bill to ratify the do-not-call registry provision of the Telemarketing Sales Rule, as amended by the Federal Trade Commission, effective March 31, 2003; to the Committee on Commerce, Science, and Transportation.

By Mr. INOUYE:

S. 1653. A bill to ensure that recreational benefits are given the same priority as hurricane and storm damage reduction benefits and environmental restoration benefits; to the Committee on Environment and Public Works.

By Mr. STEVENS (for himself and Mr. HOLLINGS):

S. 1654. A bill to ratify the authority of the Federal Trade Commission to establish a do-not-call registry; to the Committee on Commerce, Science, and Transportation.

ADDITIONAL COSPONSORS

S. 59

At the request of Mr. INOUYE, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 59, a bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft.

S. 429

At the request of Mrs. FEINSTEIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 429, a bill to amend the Internal Revenue Code of 1986 to regulate certain 50 caliber sniper weapons in the same manner as machine guns and other firearms, and for other purposes.

S. 617

At the request of Mr. LIEBERMAN, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 617, a bill to provide for full voting representation in Congress for the citizens of the District of Columbia, and for other purposes.

S. 623

At the request of Mr. WARNER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 623, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 852

At the request of Mr. DASCHLE, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 852, a bill to amend title 10, United States Code, to provide limited TRICARE program eligibility for members of the Ready Reserve of the Armed Forces, to provide financial support for continuation of health insurance for mobilized members of reserve components of the Armed Forces, and for other purposes.

S. 874

At the request of Mr. TALENT, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 874, a bill to amend title XIX of the Social Security Act to include primary and secondary preventative medical strategies for children and adults with Sickle Cell Disease as medical assistance under the medicaid program, and for other purposes.

S. 884

At the request of Ms. LANDRIEU, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 884, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 1222

At the request of Mr. NELSON of Nebraska, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1222, a bill to amend title XVIII of the Social Security Act to require the Secretary of Health and Human Services, in determining eligibility for payment under the prospective payment system for inpatient rehabilitation facilities, to apply criteria consistent with rehabilitation impairment categories established by the Secretary for purposes of such prospective payment system.

S. 1246

At the request of Mr. ROBERTS, the names of the Senator from Virginia (Mr. ALLEN), the Senator from Mississippi (Mr. COCHRAN) and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of S. 1246, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 1292

At the request of Ms. LANDRIEU, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 1292, a bill to establish a servitude and emancipation archival research clearinghouse in the National Archives.

S. 1353

At the request of Mr. BROWNBACK, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1353, a bill to establish new special immigrant categories.

S. 1510

At the request of Mr. LEAHY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1510, a bill to amend the Immigration and Nationality Act to provide a mechanism for United States citizens and lawful permanent residents to sponsor their permanent partners for residence in the United States, and for other purposes.

S. 1524

At the request of Mr. SANTORUM, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 1524, a bill to amend the Internal Revenue Code of 1986 to allow a 7-year applicable recovery period for depreciation of motorsports entertainment complexes.

S. 1545

At the request of Mr. DURBIN, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1545, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents.

S. 1557

At the request of Mr. MCCONNELL, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1557, a bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Armenia.

S. 1618

At the request of Mr. ROCKEFELLER, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1618, a bill to reauthorize Federal Aviation Administration Programs for the period beginning on October 1, 2003, and ending on March 31, 2004, and for other purposes.

S. 1637

At the request of Mr. GRASSLEY, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1637, a bill to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes.

S. CON. RES. 70

At the request of Mr. WYDEN, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. Con. Res. 70, a concurrent resolution supporting National Funeral Service Education Week.

S. RES. 78

At the request of Ms. STABENOW, her name was added as a cosponsor of S. Res. 78, a resolution designating March 25, 2003, as ''Greek Independence Day: A National Day of Celebration of Greek and American Democracy''.

S. RES. 219

At the request of Mr. GRAHAM of South Carolina, the names of the Senator from Missouri (Mr. TALENT), the

Senator from Maine (Ms. SNOWE) and the Senator from North Carolina (Mr. EDWARDS) were added as cosponsors of S. Res. 219, a resolution to encourage the People's Republic of China to establish a market-based valuation of the yuan and to fulfill its commitments under international trade agreements.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CAMPBELL (for himself and Mr. JOHNSON):

S. 1647. A bill to amend title XVIII of the Social Security Act to provide for direct access to audiologists for medicare beneficiaries, and for other purposes; to the Committee on Finance.

Mr. CAMPBELL. Mr. President, today I am introducing legislation which would give Medicare recipients the same hearing care options available to veterans and Senators. Specifically, it would give Medicare beneficiaries direct access to qualified, licensed audiologists. I am pleased to be joined in this effort by my colleague, Senator TIM JOHNSON.

Today, approximately 28 million Americans are hearing disabled. Many of them are older Americans—a statistic that is fast increasing with the aging of the ''baby boomers.'' With 80 to 90 percent of hearing problems not medically or surgically treatable, it seems only reasonable that Medicare patients be allowed to consult with an audiologist without first seeing another provider. It is part of regular audiological practice to refer patients for medical management when clinical indicators are present.

In the 1990's, the Department of Veterans Affairs (VA) and the Office of Personnel Management changed their respective healthcare policies to allow for the option of direct access to a licensed audiologist. Earlier this year, I wrote the VA asking if veterans were satisfied with that coverage for audiological services. According to the VA response, ''The policy has provided and continues to provide high quality, cost effective, and successful hearing health care to veterans.'' It is important to point out that this bill would not diminish the important role of medical doctors, or expand the scope of practice for audiology.

This legislation is consumer friendly. It will help our elderly and rural citizens who often find it difficult to access health care services. It will provide consistency of policy among Government agencies. That is why I urge my colleagues to act quickly on this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1647

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Hearing Health Accessibility Act of 2003''.

SEC. 2. DIRECT ACCESS TO QUALIFIED AUDIOLOGISTS FOR MEDICARE BENEFICIARIES.

Section 1861(ll)(2) of the Social Security Act (42 U.S.C. 1395x(ll)(2)) is amended by inserting before the period at the end the following: '', without regard to any requirement that the individual receiving the audiology services be under the care of (or referred by) a physician or other health care practitioner or that such services are provided under the supervision of a physician or other health care practitioner''.

SEC. 3. INCLUSION OF AUDIOLOGY SERVICES AS A PART B MEDICAL SERVICE; PAYMENT.

(a) IN GENERAL.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)) is amended—

(1) in subparagraph (U), by striking ''and'' after the semicolon at the end;

(2) in subparagraph (V)(iii), by inserting ''and'' after the semicolon at the end; and

(3) by adding at the end the following new subparagraph:

''(W) audiology services (as defined in subsection (ll)(2));''.

(b) PAYMENT UNDER THE PHYSICIAN FEE SCHEDULE.—Section 1848(j)(3) of such Act (42 U.S.C. 1395w–4(j)(3)) is amended by inserting ''(2)(W),'' after ''(2)(S),''.

SEC. 4. CONSTRUCTION; EFFECTIVE DATE.

(a) CONSTRUCTION.—Nothing in this Act shall be construed to expand the scope of audiology services for which payment may be made under title XVIII of the Social Security Act as of December 31, 2003.

(b) EFFECTIVE DATE.—The amendments made by this Act shall take effect with respect to services furnished on or after January 1, 2004.

Mr. JOHNSON. Mr. President, today I am happy to join my colleague, Senator CAMPBELL, in introducing legislation that will provide millions of seniors with direct access to important audiology services through the Medicare Program.

Approximately 28 million people in the U.S. have some degree of reduced hearing sensitivity, and of this number, 80 percent have irreversible hearing loss. The majority of these individuals are 65 and older, and as the baby boom generation ages, this number will skyrocket. Hearing loss is the 3rd most prevalent chronic condition in the older population. One in three people older than 60 and half of those older than 85 have a hearing loss problem and only about one-fourth of those who could benefit from a hearing aid actually use one.

Hearing problems can make it difficult to understand and follow a doctor's advice, respond to warnings, and to hear doorbells and alarms. They can also take away from the enjoyment of the simple things in life, like talking to friends and family, or listening to the radio or television. Additionally, the 21st century work environment requires intense use of communication and information skills and technologies. As seniors continue to remain in the workforce for longer periods, work-related hearing challenges will become increasingly evident and the individual who has a communication disability, disorder, or difference will be at a distinct disadvantage.

This legislation will help seniors challenged by hearing problems obtain direct access to licensed audiologists through the Medicare Program. Because most of these hearing conditions are not medically or surgically treatable, direct access to audiology services will allow comprehensive and timely care through the diagnosis, treatment, and management of hearing loss. Audiologists can conduct a variety of specialized auditory assessments and based on such examinations, can present numerous options to help patients cope with hearing problems. This legislation will not diminish the important role of primary care physicians, who closely with audiologists and will remain intimately involved in patient care as needed under this bill.

Direct access to such audiology services is supported by numerous governmental agencies. The Centers for Disease Control and Prevention has recognized the importance of this issue by making access by persons with hearing impairments to rehabilitative services a Health People 2010 objective. Additionally, the Veteran's Administration and Office of Personnel Management have established policies to allow beneficiaries such access. Seniors under the Medicare Program deserve similar benefits, and I urge my colleagues to support this important bill.

By Mrs. FEINSTEIN:

S. 1648. A bill to modify the date as of which certain tribal land of the Lytton Rancheria of California is deemed to be held in trust; to the Committee on Indian Affairs.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce legislation that would partially repeal language from the Omnibus Indian Advancement Act of 2000; language that circumvents the Indian Gaming Regulatory Act's common-sense protections and regulatory safeguards against the inappropriate siting of Nevada-style casinos.

In 2000, a one-paragraph provision was attached to the Omnibus Indian Advancement Act taking land into trust for a single Indian tribe, the Lytton, with the aim of allowing the tribe to expedite plans to establish a large gaming complex in San Pablo, CA.

The site which is not part of, nor adjacent to, any land traditionally held by the Lytton is, in fact, a 10-acre property which includes a card club and parking lot, and is located in a major urban area just outside of San Francisco. The process to bring this land into trust and sidestep gaming oversight was done without regard for Federal laws currently in place to regulate the siting of such a casino.

Today California is home to 109 federally recognized tribes. 64 tribes have gaming compacts with the State and there are 54 tribal casinos. With more than 50 tribes seeking Federal recognition and approximately 25 recognized

tribes seeking gaming compacts from the Governor, revenues from California's tribal gaming industry are expected to be the highest of any State's by the end of the decade.

I have serious reservations about the expansion of Nevada-style gaming—with its slot machines and in-house banking—into urban areas, and I am particularly concerned about off-reservation gambling and ''reservation shopping''. Off-reservation casinos often cause counties additional costs in public and local services, intrude on residential areas, and are responsible for an increase of traffic and crime within local communities.

That said, under proper regulation, gaming in California has the potential to yield much needed benefits for tribal members in terms of healthcare, education and general welfare, as Congress and California voters intended. However, the question is not whether gaming should be permitted, but rather how and where. Those questions have been appropriately addressed by the Indian Gaming Regulatory Act.

Without this legislation, the Lytton will be able to take a former card club and the adjacent parking lot as their reservation and turn it into a large gambling complex outside the regulations set up by the Indian Gaming Regulatory Act. Allowing this to happen would set a dangerous precedent not only for California, but every State where tribal gaming is permitted.

The changes I seek today are extremely limited. This legislation would not reverse restoration of the tribe. It would not infringe on Native American sovereignty. It does not even block the casino proposal. It only seeks to give the State and the local communities a voice in the process and ensure that gaming continues to be organized within the framework of the Indian Gaming Regulatory Act.

Circumventing the processes for Federal recognition of tribal governments and for granting land into trust presents a variety of serious and critical multi-jurisdictional issues—issues which can negatively affect the lives of ordinary citizens and deprive local governments of their political power to protect their communities.

That is why I believe it is important to seek a remedy which would restore the Indian Gaming Regulatory Act's oversight over the matter.

The Indian Gaming Regulatory Act has provided this Nation with a fair and balanced approach to Indian gaming by facilitating tribal plans for economic recovery without compromising a multitude of factors that should be taken into account when deciding on the siting of casinos. This law works. It is a fair process that should continue to be followed.

It is simply not asking too much to require that Lytton be subject to the regulatory and approval processes applicable to newly acquired tribal lands by the Indian Gaming Regulatory Act.

I hope my colleagues will support this legislation and I look forward to working with the Chairman and Ranking Member of the Indian Affairs Committee to pass this legislation quickly.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1648

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

SECTION 1. LYTTON RANCHERIA OF CALIFORNIA.

Section 819 of the Omnibus Indian Advancement Act (114 Stat. 2919) is amended by striking the last sentence.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 1649. A bill to designate the Ojito Wilderness Study Area as wilderness, to take certain land into trust for the Pueblo of Zia, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I am proud to introduce the ''Ojito Wilderness Act'', a wilderness bill that has broad support in New Mexico. This bill designates the State's fourth Bureau of Land Management Wilderness area, and its first new wilderness area in more than 15 years. Keeping in mind Theodore Roosevelt's statement that ''there are no words that can tell the hidden spirit of the wilderness, that can reveal its mystery, its melancholy, and its charm,'' the Ojito can be described as nearly 11,000 acres of dramatic landforms and multi-colored rock formations, with sculptured badlands, expansive plateaus and mesa tops, a high density of cultural and archaeological sites and paleontological resources, and a diverse array of plant and animal species. It is an area that is big enough to get lost in, but small enough that it will not change the fact that only one percent of New Mexico's BLM lands are designated as wilderness. The bill also provides for the acquisition of some adjacent public lands by the Pueblo of Zia for preservation as public open space. I am pleased that the senior Senator from New Mexico, Senator DOMENICI, is cosponsoring this bill and that my distinguished colleague from the Third District of New Mexico, Representative UDALL, is introducing a companion measure in the House of Representatives.

The support for this proposal truly is impressive. It has been formally endorsed by the Governor of New Mexico; the local Sandoval County Commission and the neighboring Bernalillo County Commission; the Albuquerque City Council; New Mexico House of Representatives Energy and Natural Resources Committee Chairman James Roger Madalena; the Governors of the Pueblos of Zia, Santa Ana, Santo Domingo, Cochiti, Tesuque, San Ildefonso, Pojoaque, Nambe, Santa Clara, San Juan, Sandia, Laguna, Acoma, Isleta, Picuris, and Taos; the National Congress of American Indians; the Hopi Tribe; The Wilderness Society; the New Mexico Wilderness Alliance; the Coalition for New Mexico Wilderness, on behalf of more than 375 businesses and organizations; the Rio Grande Chapter of the Sierra Club; the National Parks and Conservation Association; the Albuquerque Convention and Visitors Bureau; 1000 Friends of New Mexico; and numerous individuals.

The designation of the Ojito Wilderness was recommended by Secretary of the Interior Manuel Lujan, Jr,.—a former New Mexico Congressman of 20 years—in 1991. Secretary Lujan found the Ojito to have ''high quality wilderness values'' with ''outstanding opportunities for solitude and primitive and unconfined recreation,'' as well as ''outstanding photographic and sightseeing opportunities.'' The ''close proximity to the Albuquerque and Santa Fe population centers, cultural and paleontological special features, and the lack of resource conflicts'' made the recommendation particularly strong. President George H.W. Bush concurred in the recommendation and forwarded it to Congress for designation. This bill adopts the boundaries recommended at that time, so there should be no question or dispute that all of the lands proposed for wilderness in this bill fully qualify for wilderness status under the Wilderness Act.

This bill also takes advantage of a unique opportunity to benefit both the Pueblo and the public by authorizing the Pueblo to acquire some public lands that are sandwiched between the Zia Reservation and the Ojito Wilderness Study Area. The general public will benefit from the assurance that these lands will be protected for the future, forming a protective buffer around the Ojito Wilderness and providing additional opportunities for primitive public recreation. This bill secures continued public access to this open space for recreational, scenic, paleontological, scientific, educational, and conservation uses.

While these lands are—and will remain—important to the public, they have special importance to the Pueblo and its people. These lands are part of the Pueblo's aboriginal land base, and they harbor many cultural, religious, historical, and archaeological sites of great import to the Pueblo. By acquiring these lands, the Pueblo will finally unite the two non-contiguous parts of its Reservation. The Pueblo may continue to graze its cattle on these lands, but it is prohibited from using the lands for housing, gaming, mining, or other commercial enterprises.

The Pueblo will purchase these lands for fair market value, which will, of course, take into consideration the restrictions and prohibitions on various uses, the requirement that the natural characteristics of the land be preserved in perpetuity, and the guarantee that public access be maintained. Existing rights are protected, so, for example, the main access road will remain a county road and the existing pipelines

and transmission line will be unaffected. The Pueblo also has agreed to recognize the grazing privileges of a neighboring ranch that has the only other outstanding grazing permit on the lands to be transferred, and it is working on memorializing that agreement.

The New Mexico Commissioner of Public Lands, Patrick H. Lyons, supports this transfer. In a letter endorsing the proposal, he told the Pueblo that it ''makes sense from a management perspective, and I applaud your efforts to address this matter in a cooperative manner. Once transferred, I am confident that the Pueblo of Zia will manage its acquisition with the same sensitivity with which it manages all its lands.'' I agree, and this bill authorizes the Pueblo to manage this land pursuant to regulations that are approved by the Secretary of the Interior.

I am particularly pleased to introduce this legislation in celebration of the upcoming 40th anniversary of the Wilderness Act of 1964 and the eightieth anniversary of the Nation's first administratively-designated wilderness. This celebration is particularly meaningful to my State of New Mexico, for it is both the proud birthplace of wilderness and the home to two of its fathers: Aldo Leopold, who worked from Albuquerque for 15 years to create in 1924 the Gila wilderness near my home in southern New Mexico, and New Mexico Senator Clinton Anderson, who was instrumental in codifying Aldo Leopold's wilderness and ethic 40 years later.

Forty years later still, the Ojito provides a unique wilderness area that is important not only to its local stewards, but also to the nearby residents of Albuquerque and Santa Fe, as well as visitors from across the country. It is an outdoor geology laboratory, offering a spectacular and unique opportunity to view from a single location the juxtaposition of the southwestern margin of the Rocky Mountains, the Colorado Plateau, and the Rio Grande Rift, along with the volcanic necks of the Rio Puerco Fault. Its rugged terrain offers a rewarding challenge to hikers, backpackers, and photographers. It shelters ancient Puebloan ruins and an endemic endangered plant, solitude and inspiration.

The words of Aldo Leopold and Senator Clinton Anderson are fitting for the Ojito, for it is ''what the land was, what it is, and what it ought to be''; let this ''Ojito Wilderness Act'' be ''a demonstration by our people that we can put aside a portion of this which we have as a tribute to the Maker and say this we will leave as we found it.''

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1649

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Ojito Wilderness Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Ojito Wilderness Study Area, located in Sandoval County, New Mexico, contains dramatic landforms and rock structures, multicolored badlands, expansive plateaus and mesa tops, and a high density of cultural and archaeological sites, paleontological resources, and diverse plant and animal species;

(2) the Bureau of Land Management evaluated the Ojito area and found that the area has sufficient land area and natural characteristics to qualify for full wilderness status and protection;

(3) in 1992, President George H.W. Bush concurred with the recommendation of Secretary of the Interior Manuel Lujan, Jr., that Congress designate the Ojito Wilderness based on the high quality wilderness values, close proximity to the Albuquerque and Santa Fe population centers, cultural and paleontological special features, and the lack of resource conflicts in the area;

(4) the Pueblo of Zia has worked in cooperation with other interested parties to reach an agreement under which the Pueblo would acquire public land adjacent to the Zia Reservation and the Ojito Wilderness Study Area that would—

(A) enhance the protections for the land in the Ojito area; and

(B) ensure that the land will remain open to the public for recreational, scenic, scientific, educational, paleontological, and conservation uses; and

(5) the transfer of certain parcels of public land to the Pueblo of Zia and the designation of the Ojito Wilderness as a component of the National Wilderness Preservation System—

(A) is in the best interest of people of the State of New Mexico and people from other States;

(B) would preserve and maintain the Ojito as an enduring resource of wilderness; and

(C) would provide for the management and promotion of the wilderness character and various resources of the Ojito area for wildlife habitat protection, scenic and historic preservation, scientific research and education, primitive recreation, solitude, and inspiration for present and future generations of the people of the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) PUEBLO.—The term ''Pueblo'' means the Pueblo of Zia.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) STATE.—The term ''State'' means the State of New Mexico.

(4) TRUST AREA MAP.—The term ''Trust Area map'' means the map entitled ''Lands Transferred to Pueblo of Zia—Proposed'', numbered ____, and dated _____.

(5) WILDERNESS.—The term ''Wilderness'' means the Ojito Wilderness designated under section 4.

(6) WILDERNESS MAP.—The term ''Wilderness map'' means the map entitled ''Ojito Wilderness Study Area: Ojito Proposal'', numbered NM–010–024, and dated April 1990.

SEC. 4. DESIGNATION OF THE OJITO WILDERNESS.

(a) IN GENERAL.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), there is hereby designated as wilderness, and, therefore, as components of the National Wilderness Preservation System, certain land in the Albuquerque District-Bureau of Land Management, New Mexico, which comprise approximately 10,903 acres, as generally depicted on the Wilderness map, and which shall be known as the ''Ojito Wilderness''.

(b) MAP AND LEGAL DESCRIPTION.—The Wilderness map and a legal description of the Wilderness shall—

(1) be filed by the Secretary with the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives as soon as practicable after the date of the enactment of this Act;

(2) have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the legal description and Wilderness map; and

(3) be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(c) MANAGEMENT OF WILDERNESS.—Subject to valid existing rights, the Wilderness shall be managed by the Secretary, as appropriate, in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this Act, except that, with respect to the Wilderness, any reference in the Wilderness Act to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act.

(d) MANAGEMENT OF NEWLY ACQUIRED LAND.—Any land within the boundaries of the Wilderness that is acquired by the Federal Government shall become part of the Wilderness within which the land is located and shall be managed in accordance with this Act and other laws applicable to the Wilderness.

(e) GRAZING.—Grazing of livestock in the Wilderness, where established before the date of enactment of this Act, shall be administered in accordance with the provisions of section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)).

(f) FISH AND WILDLIFE.—As provided in section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this section shall be construed as affecting the jurisdiction or responsibilities of the State with respect to fish and wildlife in the State.

SEC. 5. LAND HELD IN TRUST.

(a) IN GENERAL.—Subject to valid existing rights and the conditions under subsection (d), all right, title, and interest of the United States in and to the lands (including improvements, appurtenances, and mineral rights to the lands) generally depicted on the Trust Area map shall, on receipt of consideration under subsection (c) and adoption and approval of regulations under subsection (d), be declared by the Secretary to be held in trust by the United States for the Pueblo and shall be part of the Pueblo's Reservation.

(b) MAP AND LEGAL DESCRIPTION.—The Trust Area map and a legal description of the land described in subsection (a) shall—

(1) be filed by the Secretary with the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives as soon as practicable after the date of the enactment of this Act;

(2) have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the legal description and Trust Area map; and

(3) be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(c) CONSIDERATION.—

(1) IN GENERAL.—In consideration for the conveyance authorized under subsection (a),

the Pueblo shall pay to the Secretary the amount that is equal to the fair market value of the land conveyed, as subject to the terms and conditions in subsection (d), as determined by an independent appraisal.

(2) AVAILABILITY.—Any amounts paid under paragraph (1) shall be available to the Secretary, without further appropriation and until expended, for the acquisition from willing sellers of land or interests in land in the State.

(d) PUBLIC ACCESS.—

(1) IN GENERAL.—Subject to paragraph (2), the declaration of trust and conveyance under subsection (a) shall be subject to the continuing right of the public to access the land for recreational, scenic, scientific, educational, paleontological, and conservation uses, subject to any regulations for land management and the preservation, protection, and enjoyment of the natural characteristics of the land that are adopted by the Pueblo and approved by the Secretary.

(2) CONDITIONS.—

(A) IN GENERAL.—The land conveyed under subsection (a) shall be maintained as open space, and the natural characteristics of the land shall be preserved in perpetuity.

(B) PROHIBITED USES.—The use of motorized vehicles (except on existing roads or as is necessary for the maintenance and repair of facilities used in connection with grazing operations), mineral extraction, housing, gaming, and other commercial enterprises shall be prohibited within the boundaries of the land conveyed under subsection (a).

(e) JUDICIAL RELIEF.—

(1) IN GENERAL.—To enforce subsection (d), any person may bring a civil action in the United States District Court for the District of New Mexico seeking declaratory or injunctive relief.

(2) SOVEREIGN IMMUNITY.—The Pueblo shall not assert sovereign immunity as a defense or bar to a civil action brought under paragraph (1).

(3) EFFECT.—Nothing in this section—

(A) authorizes a civil action against the Pueblo for money damages, costs, or attorneys fees; or

(B) except as provided in paragraph (2), abrogates the sovereign immunity of the Pueblo.

(f) EFFECT.—Nothing in this section shall have the effect of terminating or affecting the renewal of any validly issued right-of-way or the customary operation, maintenance, repair, and replacement activities in such right-of-way, issued, granted, or permitted by the Secretary on the date of enactment of this Act.

By Mr. INOUYE:

S. 1653. A bill to ensure that recreational benefits are given the same priority as hurricane and storm damage reduction benefits and environmental restoration benefits; to the Committee on Environment and Public Works.

Mr. INOUYE. Mr. President, I rise to introduce the National Beach Recreation and Economic Benefits Act. This measure would require the U.S. Army Corps of Engineers, Army Corps, to give recreational benefits the same priority as hurricane and storm damage reduction benefits when justifying beach restoration projects.

The Army Corps performs a valuable service in protecting our nation's beaches against erosion. They have effectively restored and repaired damaged beaches for over the past 50 years. Unfortunately, under current policy, the Army Corps only authorizes and funds beach restoration projects that protect property against storm and hurricane damage. The Army Corps does not recommend authorization or funding of beach restoration projects that only provide recreational benefits.

Beaches help support tourism and serve as an important source of fun for many Americans who seek inexpensive recreation. Many of these beaches are not eligible for beach restoration because they lack sufficient structural development along coastlines to warrant a restoration project solely on the basis of storm or hurricane damage reduction. While local governments and communities have taken proactive measures to avert flood damage, they are being denied the much needed beach restoration assistance by the Army Corps.

In addition, by limiting beach restoration projects to storm and hurricane damage reduction, the Army Corps has established a policy that inadvertently aids more developed shorelines than others. The method for determining storm and hurricane damage reduction benefits is based on the assessed value of the private property and public infrastructure immediately adjacent to the beach. Therefore, the benefits will be much higher for densely developed shorelines than less densely developed shorelines. For example, a high-rise residential condominium or hotel would provide more storm reduction benefits than a single family home.

Accordingly, the National Beach Recreation and Economic Benefits Act will ensure that recreation benefits are accorded the same considerations as storm and hurricane damage reduction benefits. I urge my colleagues to support this measure. I ask unanimous consent that the text of my bill be printed in the RECORD.

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

S. 1653

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Beach Recreation and Economic Benefits Act''.

SEC. 2. GOALS TO BE ADDRESSED IN PLANNING OF WATER RESOURCE PROJECTS.

Section 904 of the Water Resources Development Act of 1986 (33 U.S.C. 2281) is amended to read as follows:

''SEC. 904. GOALS TO BE ADDRESSED IN PLANNING OF WATER RESOURCE PROJECTS.

''(a) IN GENERAL.—Each of the goals of enhancing national economic development, the quality of the total environment, the well-being of the people of the United States, the prevention of loss of life, and the preservation of cultural and historical values shall be addressed in the formulation and evaluation of water resources projects to be carried out by the Secretary.

''(b) DISPLAY OF ASSOCIATED BENEFITS AND COSTS.—The quantifiable and unquantifiable costs and benefits associated with the goals relating to water resources projects described in subsection (a) shall be displayed in any analysis of the costs and benefits of those projects.''.

SEC. 3. GIVING RECREATIONAL BENEFITS THE SAME STATUS AS OTHER BEACH RESTORATION BENEFITS.

Subsection (e)(2)(B) of the first section of the Act of August 13, 1946 (33 U.S.C. 426e(e)(2)(B)), is amended by striking clause (ii) and inserting the following:

''(ii) CONSIDERATIONS; PROCEDURES.—In making recommendations relating to shore protection projects under clause (i), the Secretary shall—

''(I) consider the economic and ecological benefits of the shore protection projects; and

''(II) develop and implement procedures for the determination of national economic benefits that treat benefits provided for recreation, hurricane and storm damage reduction, and environmental restoration equally.''.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1783. Mr. DEWINE (for himself and Ms. LANDRIEU) proposed an amendment to the bill H.R. 2765, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, and for other purposes.

SA 1784. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 2765, supra; which was ordered to lie on the table.

SA 1785. Mr. GRAHAM, of South Carolina (for himself and Mr. HOLLINGS) submitted an amendment intended to be proposed by him to the bill S. 1584, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table.

SA 1786. Mr. PRYOR (for himself, Mr. BREAUX, and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 1783 proposed by Mr. DEWINE (for himself and Ms. LANDRIEU) to the bill H.R. 2765, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1783. Mr. DEWINE (for himself and Ms. LANDRIEU) proposed an amendment to the bill H.R. 2765, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, and for other purposes; as follows:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia and related agencies for the fiscal year ending September 30, 2004, and for other purposes, namely:

TITLE I—FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia, to be deposited into a dedicated

account, for a nationwide program to be administered by the Mayor, for District of Columbia resident tuition support, $17,000,000, to remain available until expended: *Provided,* That such funds, including any interest accrued thereon, may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, or to pay up to $2,500 each year at eligible private institutions of higher education: *Provided further,* That the awarding of such funds may be prioritized on the basis of a resident's academic merit, the income and need of eligible students and such other factors as may be authorized: *Provided further,* That the District of Columbia government shall maintain a dedicated account for the Resident Tuition Support Program that shall consist of the Federal funds appropriated to the Program in this Act and any subsequent appropriations, any unobligated balances from prior fiscal years, and any interest earned in this or any fiscal year: *Provided further,* That the account shall be under the control of the District of Columbia Chief Financial Officer who shall use those funds solely for the purposes of carrying out the Resident Tuition Support Program: *Provided further,* That the Resident Tuition Support Program Office and the Office of the Chief Financial Officer shall provide a quarterly financial report to the Committees on Appropriations of the House of Representatives and Senate for these funds showing, by object class, the expenditures made and the purpose therefor: *Provided further,* That not more than 7 percent of the total amount appropriated for this program may be used for administrative expenses.

FEDERAL PAYMENT FOR EMERGENCY PLANNING AND SECURITY COSTS IN THE DISTRICT OF COLUMBIA

For necessary expenses, as determined by the Mayor of the District of Columbia in written consultation with the elected county or city officials of surrounding jurisdictions, $15,000,000, to remain available until expended, to reimburse the District of Columbia for the costs of public safety expenses related to security events in the District of Columbia and for the costs of providing support to respond to immediate and specific terrorist threats or attacks in the District of Columbia or surrounding jurisdictions: *Provided,* That any amount provided under this heading shall be available only after notice of its proposed use has been transmitted by the President to Congress and such amount has been apportioned pursuant to chapter 15 of title 31, United States Code.

FEDERAL PAYMENT FOR HOSPITAL BIOTERRORISM PREPAREDNESS IN THE DISTRICT OF COLUMBIA

For a Federal payment to support hospital bioterrorism preparedness in the District of Columbia, $10,000,000, of which $7,000,000 shall be for the Children's National Medical Center in the District of Columbia for the expansion of quarantine facilities and the establishment of a decontamination facility, and $3,000,000 shall be for the Washington Hospital Center for construction of containment facilities.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, $172,104,000, to be allocated as follows: for the District of Columbia Court of Appeals, $8,775,000, of which not to exceed $1,500 is for official reception and representation expenses; for the District of Columbia Superior Court, $83,387,000, of which not to exceed $1,500 is for official reception and representation expenses; for the District of Columbia Court System, $40,006,000, of which not to exceed $1,500 is for official reception and representation expenses; and $39,936,000 for capital improvements for District of Columbia courthouse facilities: *Provided,* That funds made available for capital improvements shall be expended consistent with the General Services Administration master plan study and building evaluation report: *Provided further,* That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate: *Provided further,* That funds made available for capital improvements may remain available until September 30, 2005: *Provided further,* That 30 days after providing written notice to the Committees on Appropriations of the House of Representatives and Senate, the District of Columbia Courts may reallocate not more than $1,000,000 of the funds provided under this heading among the items and entities funded under such heading.

DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

For payments authorized under section 11–2604 and section 11–2605, D.C. Official Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in adoption proceedings under Chapter 3 of title 16, D.C. Code, payments for counsel appointed in proceedings in the Family Court of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Official Code or pursuant to a contract with a non-profit organization to provide guardian ad litem representation, training, technical assistance and such other services as are necessary to improve the quality of guardian ad litem representation, and payments for counsel authorized under section 21–2060, D.C. Official Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), $32,000,000, to remain available until expended: *Provided,* That funds provided under this heading shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: *Provided further,* That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate.

FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

(INCLUDING TRANSFER OF FUNDS)

For salaries and expenses, including the transfer and hire of motor vehicles, of the Court Services and Offender Supervision Agency for the District of Columbia, and the Public Defender Service for the District of Columbia as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, $173,396,000, of which not to exceed $25,000 is for dues and assessments relating to the implementation of the Court Services and Offender Supervision Agency Interstate Supervision Act of 2002, of which not to exceed $2,000 is for official receptions and representation expenses related to Community and Pretrial Services Agency Programs; of which $110,775,000 shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses relating to the supervision of adults subject to protection orders or the provision of services for or related to such persons; of which $25,210,000 shall be transferred to the Public Defender Service for the District of Columbia to include expenses relating to the provision of legal representation and including related services provided to the local courts and Criminal Justice Act bar; and of which $37,411,000 shall be available to the Pretrial Services Agency: *Provided,* That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided further,* That notwithstanding chapter 33 of title 40, United States Code, the Director shall acquire by purchase, lease, condemnation, or donation, and renovate as necessary, Building Number 17, 1900 Massachusetts Avenue, Southeast, Washington, District of Columbia to house or supervise offenders and defendants, with funds made available for this purpose in Public Law 107–96: *Provided further,* That the Director is authorized to accept and use gifts in the form of in-kind contributions of space and hospitality to support offender and defendant programs, and equipment and vocational training services to educate and train offenders and defendants: *Provided further,* That the Director shall keep accurate and detailed records of the acceptance and use of any gift or donation under the previous proviso, and shall make such records available for audit and public inspection: *Provided further,* That the Director is authorized to accept appropriation reimbursements from the District of Columbia Government for space and services provided on a cost reimbursable basis: *Provided further,* That these reimbursements are subject to approved apportionments from the Office of Management and Budget.

FEDERAL PAYMENT TO THE CHIEF FINANCIAL OFFICER OF THE DISTRICT OF COLUMBIA

For a Federal payment to the Chief Financial Officer of the District of Columbia, $20,000,000: *Provided,* That these funds shall be available for the projects and in the amounts specified in the statement of the managers on the conference report accompanying this Act: *Provided further,* That each entity that receives funding under this heading shall submit to the Committees on Appropriations of the House of Representatives and Senate a report due March 15, 2004, on the activities carried out with such funds.

FEDERAL PAYMENT FOR TRANSPORTATION ASSISTANCE

For a Federal payment to the District of Columbia Department of Transportation,

$3,500,000, of which $500,000 shall be allocated to implement a downtown circulator transit system, and of which $3,000,000 shall be to offset a portion of the District of Columbia's allocated operating subsidy payment to the Washington Metropolitan Area Transit Authority.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

For a Federal payment to the District of Columbia Water and Sewer Authority, $25,000,000, to remain available until expended, to continue implementing the Combined Sewer Overflow Long-Term Control Plan: *Provided,* That the District of Columbia Water and Sewer Authority provides a 100 percent match for the fiscal year 2004 Federal contribution.

FEDERAL PAYMENT FOR THE ANACOSTIA WATERFRONT INITIATIVE IN THE DISTRICT OF COLUMBIA

For a Federal payment to the District of Columbia Department of Transportation, for implementation of the Anacostia Waterfront Initiative, $6,000,000, to remain available until expended.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR CAPITAL DEVELOPMENT

For a Federal payment to the District of Columbia for capital development, $5,000,000, to remain available until expended, for the Unified Communications Center.

FEDERAL PAYMENT TO CHILDREN'S NATIONAL MEDICAL CENTER

For a Federal payment to Children's National Medical Center, $10,000,000, for construction costs associated with the expansion of a neo-natal care unit, pediatric intensive care unit, and cardiac intensive care unit.

FEDERAL PAYMENT TO ST. COLETTA OF GREATER WASHINGTON EXPANSION PROJECT

For a Federal payment to St. Coletta of Greater Washington, Inc., $2,000,000, for costs associated with establishment of a day program and comprehensive case management services for mentally retarded and multiple-handicapped adolescents and adults in the District of Columbia, including property acquisition and construction.

FEDERAL PAYMENT FOR FOSTER CARE IMPROVEMENTS IN THE DISTRICT OF COLUMBIA

For a Federal payment to the District of Columbia for foster care improvements, $14,000,000: *Provided,* That $9,000,000 shall be for the Child and Family Services Agency, of which $2,000,000 shall be to establish an early intervention unit to provide intensive and immediate services for foster children; of which $1,000,000 shall be to establish an emergency support fund to purchase items necessary to allow children to remain in the care of an approved family member; of which $3,000,000 shall be for a loan repayment program for social workers who meet certain agency-established requirements; of which $3,000,000 shall be to upgrade the agency's computer database to a web-based technology and to provide computer technology for social workers: *Provided further,* That $3,900,000 shall be for the Department of Mental Health to provide all court-ordered mental health assessments and treatments for children under the supervision of the Child and Family Services Agency: *Provided further,* That the Director of the Department of Mental Health shall ensure that court-ordered mental health assessments are completed within 15 days of the court order and that all assessments be provided to the Court within 5 days of completion of the assessment: *Provided further,* That the Director shall initiate court-ordered mental health services within 10 days of the issuance of an order: *Provided further,* That $1,100,000 shall be for the Washington Metropolitan Council of Governments to develop a program to provide respite care for and recruitment of foster parents: *Provided further,* That the Mayor shall submit a detailed expenditure plan for the use of funds provided under this heading within 15 days of enactment of this legislation to the Committees on Appropriations of the House of Representatives and Senate: *Provided further,* That the funds provided under this heading shall not be made available until 30 calendar days after the submission to Congress of a spending plan: *Provided further,* That no part of this appropriation may be used for contractual community-based services: *Provided further,* That the Comptroller General shall prepare and submit to the Committees on Appropriations of the House and Senate an accounting of all obligations and expenditures of the funds provided under this heading: *Provided further,* That the Comptroller General shall initiate management reviews of the Child and Family Services Agency and the Department of Mental Health and submit a report to the Committees on Appropriations of the House and Senate no later than 6 months after enactment of this Act.

FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT

For a Federal payment for a School Improvement Program in the District of Columbia, $40,000,000, to be allocated as follows: for the State Education Office, $13,000,000 to improve public school education in the District of Columbia; for the State Education Office, $13,000,000 to expand quality charter schools in the District of Columbia; for the Secretary of the Department of Education, $13,000,000 to administer opportunity scholarships for students in the District of Columbia in accordance with title II of this Act: *Provided further,* That $1,000,000 shall be for administrative expenses necessary for carrying out title II of this Act: *Provided,* That the State Education Office shall submit a plan for the use of funds provided under this heading for public school education to the Committees on Appropriations of the House of Representatives and Senate within 30 days of enactment of this Act: *Provided further,* That the funds provided under this heading for public school education shall not be made available until 30 calendar days after the submission of a spending plan by the State Education Office to the Committees on Appropriations of the House of Representatives and Senate.

TITLE II—DC STUDENT OPPORTUNITY SCHOLARSHIP ACT OF 2003

SECTION 1. SHORT TITLE.

This Act may be cited as the ''DC Student Opportunity Scholarship Act of 2003''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Parents are best equipped to make decisions for their children, including the educational setting that will best serve the interests and educational needs of their child.

(2) For many parents in the District of Columbia, available educational alternatives to the public schools are inadequate, and more educational options are needed. In particular, funds are needed to assist low-income parents to exercise choice among enhanced public opportunities and private educational environments, whether religious or nonreligious.

(3) In the most recent mathematics assessment on the National Assessment of Educational Progress (NAEP), administered in 2000, a lower percentage of 4th-grade students in the District of Columbia demonstrated proficiency than was the case for any State. Seventy-six percent of the District of Columbia fourth-graders scored at the ''below basic'' level and of the 8th-grade students in the District of Columbia, only 6 percent of the students tested at the proficient or advanced levels, and 77 percent were below basic. In the most recent NAEP reading assessment, in 1998, only 10 percent of the District of Columbia fourth-graders could read proficiently, while 72 percent were below basic. At the 8th-grade level, 12 percent were proficient or advanced and 56 percent were below basic.

(4) A program enacted for the valid secular purpose of providing educational assistance to low-income children in a demonstrably failing public school system is constitutional under Zelman v. Simmons-Harris, 536 U.S. 639 (2002), if it is neutral with respect to religion and provides assistance to a broad class of citizens who direct government aid to religious and secular schools solely as a result of their genuine and independent private choices.

(5) The Mayor of the District of Columbia and the President of the District of Columbia Board of Education support this Act.

(6) This Act provides additional money for the District of Columbia public schools and therefore money for vouchers is not being taken out of money that would otherwise go to the District of Columbia public schools.

(7) This Act creates a 5-year pilot program tailored to the current needs and particular circumstances of low-income children in District of Columbia schools. This Act does not establish parameters or requirements for other school choice programs.

SEC. 3. PURPOSE.

The purpose of this Act is to provide low-income parents residing in the District of Columbia, particularly parents of students who attend elementary schools or secondary schools identified for improvement, corrective action, or restructuring under section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316), with expanded opportunities for enrolling their children in higher-performing schools in the District of Columbia.

SEC. 4. GENERAL AUTHORITY.

(a) AUTHORITY.—From funds appropriated to carry out this Act, the Secretary shall award grants on a competitive basis to eligible entities with approved applications under section 5 to carry out activities to provide eligible students with expanded school choice opportunities. The Secretary may award a single grant or multiple grants, depending on the quality of applications submitted and the priorities of this Act.

(b) DURATION OF GRANTS.—The Secretary may make grants under this section for a period of not more than 5 years.

(c) MEMORANDUM OF UNDERSTANDING.—The Secretary and the Mayor of the District of Columbia shall enter into a memorandum of understanding regarding the design of, selection of eligible entities to receive grants under, and implementation of, a program assisted under this Act.

SEC. 5. APPLICATIONS.

(a) IN GENERAL.—In order to receive a grant under this Act, an eligible entity shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

(b) CONTENTS.—The Secretary may not approve the request of an eligible entity for a grant under this Act unless the entity's application includes—

(1) a detailed description of—

(A) how the entity will address the priorities described in section 6;

(B) how the entity will ensure that if more eligible students seek admission in the program than the program can accommodate, eligible students are selected for admission through a random selection process which

gives weight to the priorities described in section 6;

(C) how the entity will ensure that if more participating eligible students seek admission to a participating school than the school can accommodate, participating eligible students are selected for admission through a random selection process;

(D) how the entity will notify parents of eligible students of the expanded choice opportunities and how the entity will ensure that parents receive sufficient information about their options to allow the parents to make informed decisions;

(E) the activities that the entity will carry out to provide parents of eligible students with expanded choice opportunities through the awarding of scholarships under section 7(a);

(F) how the entity will determine the amount that will be provided to parents for the tuition, fees, and transportation expenses, if any;

(G) how the entity will seek out private elementary schools and secondary schools in the District of Columbia to participate in the program, and will ensure that participating schools will meet the applicable requirements of this Act (including those related to the admission of participating eligible students) and provide the information needed for the entity to meet the reporting requirements of this Act;

(H) how the entity will ensure that participating schools are financially responsible and will use the funds received under this title effectively;

(I) how the entity will address the renewal of scholarships to participating eligible students, including continued eligibility; and

(J) how the entity will ensure that a majority of its voting board members or governing organization are residents of the District of Columbia; and

(2) an assurance that the entity will comply with all requests regarding any evaluation carried out under section 9.

SEC. 6. PRIORITIES.

In awarding grants under this Act, the Secretary shall give priority to applications from eligible entities who will most effectively—

(1) give priority to eligible students who, in the school year preceding the school year for which the eligible student is seeking a scholarship, attended an elementary school or secondary school identified for improvement, corrective action, or restructuring under section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316);

(2) target resources to students and families that lack the financial resources to take advantage of available educational options; and

(3) provide students and families with the widest range of educational options.

SEC. 7. USE OF FUNDS.

(a) SCHOLARSHIPS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), a grantee shall use the grant funds to provide eligible students with scholarships to pay the tuition, fees, and transportation expenses, if any, to enable them to attend the District of Columbia private elementary school or secondary school of their choice. Each grantee shall ensure that the amount of any tuition or fees charged by a school participating in the grantee's program under this Act to an eligible student participating in the program does not exceed the amount of tuition or fees that the school customarily charges to students who do not participate in the program.

(2) PAYMENTS TO PARENTS.—A grantee shall make scholarship payments under the program under this Act to the parent of the eligible student participating in the program, in a manner which ensures that such payments will be used for the payment of tuition, fees, and transportation expenses (if any), in accordance with this Act.

(3) AMOUNT OF ASSISTANCE.—

(A) VARYING AMOUNTS PERMITTED.—Subject to the other requirements of this section, a grantee may award scholarships in larger amounts to those eligible students with the greatest need.

(B) ANNUAL LIMIT ON AMOUNT.—The amount of assistance provided to any eligible student by a grantee under a program under this Act may not exceed $7,500 for any academic year.

(4) CONTINUATION OF SCHOLARSHIPS.—Notwithstanding section 12(3)(B), an eligible entity receiving a grant under this Act may award a scholarship, for the second or any succeeding year of an eligible student's participation in a program under this Act, to a student who comes from a household whose income does not exceed 200 percent of the poverty line.

(b) ADMINISTRATIVE EXPENSES.—A grantee may use not more than 3 percent of the amount provided under the grant each year for the administrative expenses of carrying out its program under this Act during the year, including—

(1) determining the eligibility of students to participate;

(2) providing information about the program and the schools involved to parents of eligible students;

(3) selecting students to receive scholarships;

(4) determining the amount of scholarships and issuing the scholarships to eligible students;

(5) compiling and maintaining financial and programmatic records; and

(6) providing funds to assist parents in meeting expenses that might otherwise preclude the participation of their child in the program.

SEC. 8. NONDISCRIMINATION.

(a) IN GENERAL.—An eligible entity or a school participating in any program under this Act shall not discriminate against program participants or applicants on the basis of race, color, national origin, religion, or sex.

(b) APPLICABILITY AND SINGLE SEX SCHOOLS, CLASSES, OR ACTIVITIES.—

(1) APPLICABILITY.—Notwithstanding any other provision of law, the prohibition of sex discrimination in subsection (a) shall not apply to a participating school that is operated by, supervised by, controlled by, or connected to a religious organization to the extent that the application of subsection (a) is inconsistent with the religious tenets of the school.

(2) SINGLE SEX SCHOOLS, CLASSES, OR ACTIVITIES.—Notwithstanding subsection (a) or any other provision of law, a parent may choose and a school may offer a single sex school, class, or activity.

(c) CHILDREN WITH DISABILITIES.—Nothing in this Act may be construed to alter or modify the provisions of the Individuals with Disabilities Education Act.

(d) RELIGIOUSLY AFFILIATED SCHOOLS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a school participating in any program under this Act that is operated by, supervised by, controlled by, or connected to, a religious organization may exercise its discretion in matters of employment consistent with title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e–1 et seq.), including the exemptions in such title.

(2) MAINTENANCE OF PURPOSE.—Notwithstanding any other provision of law, funds made available under this Act to eligible students that are received by a participating school, as a result of their parents' choice, shall not, consistent with the first amendment of the United States Constitution, necessitate any change in the participating school's teaching mission, require any participating school to remove religious art, icons, scriptures, or other symbols, or preclude any participating school from retaining religious terms in its name, selecting its board members on a religious basis, or including religious references in its mission statements and other chartering or governing documents.

(e) RULE OF CONSTRUCTION.—A scholarship (or any other form of support provided to parents of eligible students) under this Act shall be considered assistance to the student and shall not be considered assistance to the school that enrolls the eligible student. The amount of any scholarship (or other form of support provided to parents of an eligible student) under this Act shall not be treated as income of the parents for purposes of Federal tax laws or for determining eligibility for any other Federal program.

SEC. 9. EVALUATIONS.

(a) IN GENERAL.—

(1) DUTIES OF SECRETARY.—The Secretary, directly or by grant, contract, or cooperative agreement, shall—

(A) conduct an evaluation using the strongest possible research design for determining the effectiveness of the programs funded under this Act that addresses the issues described in paragraph (2); and

(B) disseminate information on the impact of the programs in increasing the student academic achievement of participating students, as well as other appropriate measures of student success, and on the impact of the programs on students and schools in the District of Columbia.

(2) ISSUES TO BE EVALUATED.—The issues described in this paragraph include the following:

(A) A comparison of the academic achievement of students who participate in the programs funded under this Act with the academic achievement of students of similar backgrounds who do not participate in such programs, including a consideration of school factors that may contribute to any differences in their academic achievement.

(B) The success of the programs in expanding choice options for parents.

(C) The reasons parents choose for their children to participate in the programs.

(D) A comparison of the retention rates, dropout rates, and (if appropriate) graduation and college admission rates of students who participate in the programs funded under this Act with the retention rates, dropout rates, and (if appropriate) graduation and college admission rates of students of similar backgrounds who do not participate in such programs.

(E) The impact of the program on students and public elementary schools and secondary schools in the District of Columbia.

(F) A comparison of the safety of the schools attended by students who participate in the programs and the schools attended by students who do not participate in the programs.

(G) Such other issues as the Secretary considers appropriate for inclusion in the evaluation.

(b) REPORTS.—The Secretary shall submit to the Committees on Appropriations, Education and the Workforce, and Government Reform of the House of Representatives and the Committees on Appropriations, Health, Education, Labor, and Pensions, and Governmental Affairs of the Senate—

(1) annual interim reports not later than December 1 of each year for which a grant is

made under this Act on the progress and preliminary results of the evaluation of the programs funded under this Act; and

(2) a final report not later than 1 year after the final year for which a grant is made under this Act on the results of the evaluation of the programs funded under this Act.

(c) PUBLIC AVAILABILITY.—All reports and underlying data gathered pursuant to this section shall be made available to the public upon request, in a timely manner following submission of the applicable report under subsection (b), except that personally identifiable information shall not be disclosed or made available to the public.

(d) LIMIT ON AMOUNT EXPENDED.—The amount expended by the Secretary to carry out this section for any fiscal year may not exceed 3 percent of the total amount appropriated to carry out this Act for the year.

SEC. 10. REPORTING REQUIREMENTS.

(a) ACTIVITIES REPORTS.—Each grantee receiving funds under this Act during a year shall submit a report to the Secretary not later than July 30 of the following year regarding the activities carried out with the funds during the preceding year.

(b) ACHIEVEMENT REPORTS.—

(1) IN GENERAL.—In addition to the reports required under subsection (a), each grantee shall, not later than September 1 of the year during which the second academic year of the grantee's program is completed and each of the next 2 years thereafter, submit a report to the Secretary regarding the data collected in the previous 2 academic years concerning—

(A) the academic achievement of students participating in the program;

(B) the graduation and college admission rates of students who participate in the program, where appropriate; and

(C) parental satisfaction with the program.

(2) PROHIBITING DISCLOSURE OF PERSONAL INFORMATION.—No report under this subsection may contain any personally identifiable information.

(c) REPORTS TO PARENT.—

(1) IN GENERAL.—Each grantee shall ensure that each school participating in the grantee's program under this Act during a year reports at least once during the year to the parents of each of the school's students who are participating in the program on—

(A) the student's academic achievement, as measured by a comparison with the aggregate academic achievement of other participating students at the student's school in the same grade or level, as appropriate, and the aggregate academic achievement of the student's peers at the student's school in the same grade or level, as appropriate; and

(B) the safety of the school, including the incidence of school violence, student suspensions, and student expulsions.

(2) PROHIBITING DISCLOSURE OF PERSONAL INFORMATION.—No report under this subsection may contain any personally identifiable information, except as to the student who is the subject of the report to that student's parent.

(d) REPORT TO CONGRESS.—The Secretary shall submit to the Committees on Appropriations, Education and the Workforce, and Government Reform of the House of Representatives and the Committees on Appropriations, Health, Education, Labor, and Pensions, and Governmental Affairs of the Senate an annual report on the findings of the reports submitted under subsections (a) and (b).

SEC. 11. OTHER REQUIREMENTS FOR PARTICIPATING SCHOOLS.

(a) REQUESTS FOR DATA AND INFORMATION.—Each school participating in a program funded under this Act shall comply with all requests for data and information regarding evaluations conducted under section 9(a).

(b) RULES OF CONDUCT AND OTHER SCHOOL POLICIES.—A participating school may require eligible students to abide by any rules of conduct and other requirements applicable to all other students at the school.

(c) ASSESSMENTS.—Each participating school shall—

(1) ensure that participating eligible students receive comparable academic assessments in the same grade levels as those provided to District of Columbia public school students, and ensure, to the maximum extent possible, that the assessment results are capable of being compared to determine the relative achievement levels between participating eligible students and District of Columbia public school students in the same grades; and

(2) ensure academic assessment results containing any personally identifiable information shall be disclosed only to the parents of the student taking the assessment.

SEC. 12. DEFINITIONS.

As used in this Act:

(1) ELEMENTARY SCHOOL.—The term ''elementary school'' means an institutional day or residential school, including a public elementary charter school, that provides elementary education, as determined under District of Columbia law.

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means any of the following:

(A) An educational entity of the District of Columbia Government.

(B) A nonprofit organization.

(C) A consortium of nonprofit organizations.

(3) ELIGIBLE STUDENT.—The term ''eligible student'' means a student who—

(A) is a resident of the District of Columbia; and

(B) comes from a household whose income does not exceed 185 percent of the poverty line.

(4) PARENT.—The term ''parent'' has the meaning given that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(5) POVERTY LINE.—The term ''poverty line'' has the meaning given that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(6) SECONDARY SCHOOL.—The term ''secondary school'' means an institutional day or residential school, including a public secondary charter school, as determined under District of Columbia law, except that the term does not include any education beyond grade 12.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act such sums as may be necessary.

TITLE III—DISTRICT OF COLUMBIA FUNDS

OPERATING EXPENSES

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided: *Provided,* That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act and provisions of this Act (D.C. Official Code, sec. 1–204.50a), the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2004 under this heading shall not exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year or $6,326,138,000 (of which $3,832,734,000 shall be from local funds (of which $96,248,000 shall be funds identified in the fiscal year 2002 comprehensive annual financial report as the District of Columbia's fund balance funds), $1,568,734,000 shall be from Federal grant funds, $13,766,000 shall be from private funds, $910,904,000 shall be from other funds) and $109,500,000 from funds previously appropriated in this Act as Federal payments: *Provided further,* That an amount of $263,759,000 shall be for Intra-District funds: *Provided further,* That this amount may be increased by proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs: *Provided further,* That such increases shall be approved by enactment of local District law and shall comply with all reserve requirements contained in the District of Columbia Home Rule Act: *Provided further,* That the Chief Financial Officer of the District of Columbia shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2004, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, $284,415,000 (including $206,825,000 from local funds, $57,440,000 from Federal funds, and $20,150,000 from other funds), in addition, $20,000,000 from funds previously appropriated in this Act under the heading ''Federal Payment to the Chief Financial Officer of the District of Columbia'', and $1,100,000 from funds previously appropriated in this Act under the heading ''Federal Payment for Foster Care Improvement in the District of Columbia'': *Provided,* That not to exceed $2,500 for the Mayor, $2,500 for the Chairman of the Council of the District of Columbia, $2,500 for the City Administrator, and $2,500 for the Office of the Chief Financial Officer shall be available from this appropriation for official purposes: *Provided further,* That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: *Provided further,* That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: *Provided further,* That the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally generated revenues: *Provided further,* That notwithstanding any other provision of law, or Mayor's Order 86–45, issued March 18, 1986, the Office of the Chief Technology Officer's delegated small purchase authority shall be $500,000: *Provided further,* That the District of Columbia government may not require the Office of the Chief Technology Officer to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed $500,000: *Provided further,* That an amount not to exceed $25,000 of the funds in the Anti-fraud Fund established pursuant to section 820 of the District of Columbia Procurement Practices Act of 1985, effective May 8, 1998 (D.C. Law 12–104; D.C. Official Code, sec. 2–308.20), is hereby made available, to remain available until expended, for the use of the Office of the Corporation Counsel of the District of Columbia in accordance with the laws establishing this fund.

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, $276,647,000 (including $53,336,000 from local

funds, $91,077,000 from Federal funds, $125,000 from private funds, and $132,109,000 from other funds), of which $15,000,000 collected by the District of Columbia in the form of BID tax revenue shall be paid to the respective BIDs pursuant to the Business Improvement Districts Act of 1996 (D.C. Law 11–134; D.C. Official Code, sec. 2–1215.01 et seq.), and the Business Improvement Districts Amendment Act of 1997 (D.C. Law 12–26; D.C. Official Code, sec. 2–1215.15 et seq.): *Provided,* That such funds are available for acquiring services provided by the General Services Administration: *Provided further,* That Business Improvement Districts shall be exempt from taxes levied by the District of Columbia.

PUBLIC SAFETY AND JUSTICE

Public safety and justice, $745,958,000 (including $716,715,000 from local funds, $10,290,000 from Federal funds, $9,000 from private funds, and $18,944,000 from other funds): *Provided,* That not to exceed $500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: *Provided further,* That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: *Provided further,* That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved.

PUBLIC EDUCATION SYSTEM

(INCLUDING TRANSFERS OF FUNDS)

Public education system, including the development of national defense education programs, $1,157,841,000 (including $962,941,000 from local funds, $156,708,000 from Federal grant funds, $4,302,000 from private funds, and not to exceed $6,816,000, to remain available until expended, from the Medicaid and Special Education Reform Fund), in addition, $17,000,000 from funds previously appropriated in this Act under the heading ''Federal Payment for Resident Tuition Support'' and $26,000,000 from funds previously appropriated in this Act under the heading ''Federal Payment for School Improvement in the District of Columbia'', to be allocated as follows:

(1) DISTRICT OF COLUMBIA PUBLIC SCHOOLS.—$870,135,000 (including $738,444,000 from local funds, $114,749,000 from Federal funds, $3,599,000 from private funds, and $6,527,000 from other funds shall be available for District of Columbia Public Schools: *Provided,* That notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating District of Columbia Public School employees shall be a non-negotiable item for collective bargaining purposes: *Provided further,* That this appropriation shall not be available to subsidize the education of any nonresident of the District of Columbia at any District of Columbia public elementary or secondary school during fiscal year 2004, unless the nonresident pays tuition to the District of Columbia at a rate that covers 100 percent of the costs incurred by the District of Columbia that are attributable to the education of the nonresident (as established by the Superintendent of the District of Columbia Public Schools): *Provided further,* That notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the District of Columbia Public Schools on July 1, 2004, an amount equal to 10 percent of the total amount provided for the District of Columbia Public Schools in the proposed budget of the District of Columbia for fiscal year 2005 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for the District of Columbia Public Schools under the District of Columbia Appropriations Act, 2005: *Provided further,* That not to exceed $2,500 for the Superintendent of Schools shall be available from this appropriation for official purposes: *Provided further,* That the District of Columbia Public Schools shall submit to the Board of Education by January 1 and July 1 of each year a Schedule A showing all the current funded positions of the District of Columbia Public Schools, their compensation levels, and indicating whether the positions are encumbered: *Provided further,* That the Board of Education shall approve or disapprove each Schedule A within 30 days of its submission and provide the Council of the District of Columbia a copy of the Schedule A upon its approval.

(2) STATE EDUCATION OFFICE.—$38,752,000 (including $9,959,000 from local funds, $28,617,000 from Federal grant funds, and $176,000 from other funds), in addition, $17,000,000 from funds previously appropriated in this Act under the heading ''Federal Payment for Resident Tuition Support'' and $26,000,000 from funds previously appropriated in this Act under the heading ''Federal Payment for School Improvement in the District of Columbia'' shall be available for the State Education Office: *Provided,* That of the amounts provided to the State Education Office, $500,000 from local funds shall remain available until June 30, 2005 for an audit of the student enrollment of each District of Columbia Public School and of each District of Columbia public charter school.

(3) DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOLS.—$137,531,000 from local funds shall be available for District of Columbia public charter schools: *Provided,* That there shall be quarterly disbursement of funds to the District of Columbia public charter schools, with the first payment to occur within 15 days of the beginning of the fiscal year: *Provided further,* That if the entirety of this allocation has not been provided as payments to any public charter school currently in operation through the per pupil funding formula, the funds shall be available as follows: (1) the first $3,000,000 shall be deposited in the Credit Enhancement Revolving Fund established pursuant to section 603(e) of the Student Loan Marketing Association Reorganization Act of 1996, approved September 20, 1996 (Public Law 104–208; 110 Stat. 3009; 20 U.S.C. 1155(e)); and (2) the balance shall be for public education in accordance with section 2403(b)(2) of the District of Columbia School Reform Act of 1995, approved November 19, 1997 (Public Law 105–100, section 172; D.C. Official Code, section 38–1804.03(b)(2)): *Provided further,* That of the amounts made available to District of Columbia public charter schools, $25,000 shall be made available to the Office of the Chief Financial Officer as authorized by section 2403(b)(6) of the District of Columbia School Reform Act of 1995 (D.C. Official Code, sec. 38–1804.03(b)(6)): *Provided further,* That $660,000 of this amount shall be available to the District of Columbia Public Charter School Board for administrative costs: *Provided further,* That notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the District of Columbia public charter schools on July 1, 2004, an amount equal to 25 percent of the total amount provided for payments to public charter schools in the proposed budget of the District of Columbia for fiscal year 2005 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for such payments under the District of Columbia Appropriations Act, 2005.

(4) UNIVERSITY OF THE DISTRICT OF COLUMBIA.—$80,660,000 (including $48,656,000 from local funds, $11,867,000 from Federal funds, $703,000 from private funds, and $19,434,000 from other funds) shall be available for the University of the District of Columbia: *Provided,* That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 2004, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area: *Provided further,* That notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the University of the District of Columbia on July 1, 2004, an amount equal to 10 percent of the total amount provided for the University of the District of Columbia in the proposed budget of the District of Columbia for fiscal year 2005 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for the University of the District of Columbia under the District of Columbia Appropriations Act, 2005: *Provided further,* That not to exceed $2,500 for the President of the University of the District of Columbia shall be available from this appropriation for official purposes.

(5) DISTRICT OF COLUMBIA PUBLIC LIBRARIES.—$28,287,000 (including $26,750,000 from local funds, $1,000,000 from Federal funds, and $537,000 from other funds) shall be available for the District of Columbia Public Libraries: *Provided,* That not to exceed $2,000 for the Public Librarian shall be available from this appropriation for official purposes.

(6) COMMISSION ON THE ARTS AND HUMANITIES.—$2,476,000 (including $1,601,000 from local funds, $475,000 from Federal funds, and $400,000 from other funds) shall be available for the Commission on the Arts and Humanities.

HUMAN SUPPORT SERVICES

(INCLUDING TRANSFER OF FUNDS)

Human support services, $2,360,067,000 (including $1,030,223,000 from local funds, $1,247,945,000 from Federal funds, $9,330,000 from private funds, and $24,330,000 from other funds, of which $48,239,000, to remain available until expended, shall be available for deposit in the Medicaid and Special Education Reform Fund established pursuant to the Medicaid and Special Education Reform Fund Establishment Act of 2002, effective October 1, 2002 (D.C. Law 14–190; D.C. Official Code 4–204.51 et seq.)), in addition, $12,900,000 from funds previously appropriated in this Act under the heading ''Federal Payment to Foster Care Improvement in the District of Columbia'': *Provided,* That the funds deposited in the Medicaid and Special Education Reform Fund are allocated as follows: no more than $6,816,000 for District of Columbia Public Schools, no more than $18,744,000 for Child and Family Services, no more than $7,795,000 for the Department of Human Services, and no more than $21,700,000 for the Department of Mental Health: *Provided further,* That $27,959,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: *Provided further,* That $7,500,000 of this appropriation,

to remain available until expended, shall be deposited in the Addiction Recovery Fund, established pursuant to section 5 of the Choice in Drug Treatment Act of 2000 (D.C. Law 13–146; D.C. Official Code, sec. 7–3004) and used exclusively for the purpose of the Drug Treatment Choice Program established pursuant to section 4 of the Choice in Drug Treatment Act of 2000 (D.C. Law 13–146; D.C. Official Code, sec. 7–3003): *Provided further,* That no less than $2,000,000 of this appropriation shall be available exclusively for the purpose of funding the pilot substance abuse program for youth ages 14 through 21 years established pursuant to section 4212 of the Pilot Substance Abuse Program for Youth Act of 2001 (D.C. Law 14–28; D.C. Official Code, sec. 7–3101): *Provided further,* That $4,500,000 of this appropriation, to remain available until expended, shall be deposited in the Interim Disability Assistance Fund established pursuant to section 201 of the District of Columbia Public Assistance Act of 1982 (D.C. Law 4–101; D.C. Official Code, sec. 4–202.01), to be used exclusively for the Interim Disability Assistance program and the purposes for that program set forth in section 407 of the District of Columbia Public Assistance Act of 1982 (D.C. Law 13–252; D.C. Official Code, sec. 4–204.07): *Provided further,* That no less than $640,531 of this appropriation shall be available exclusively for the purpose of funding the Burial Assistance Program established by section 1802 of the Burial Assistance Program Reestablishment Act of 1999, effective October 20, 1999 (D.C. Law 13–38; D.C. Official Code, section 4–1001).

PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and leasing of passenger-carrying vehicles, $327,046,000 (including $308,028,000 from local funds, $5,274,000 from Federal funds, and $13,744,000 from other funds): *Provided,* That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business.

EMERGENCY AND CONTINGENCY RESERVE FUNDS

For the emergency reserve fund and the contingency reserve fund under section 450A of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1–204.50a), such amounts from local funds as are necessary to meet the balance requirements for such funds under such section.

REPAYMENT OF LOANS AND INTEREST

For payment of principal, interest, and certain fees directly resulting from borrowing by the District of Columbia to fund District of Columbia capital projects as authorized by sections 462, 475, and 490 of the District of Columbia Home Rule Act (D.C. Official Code, secs. 1–204.62, 1–204.75, and 1–204.90), $311,504,000 from local funds: *Provided,* That for equipment leases, the Mayor may finance $14,300,000 of equipment cost, plus cost of issuance not to exceed 2 percent of the par amount being financed on a lease purchase basis with a maturity not to exceed 5 years.

PAYMENT OF INTEREST ON SHORT-TERM BORROWING

For payment of interest on short-term borrowing, $3,000,000 from local funds.

CERTIFICATES OF PARTICIPATION

For principal and interest payments on the District's Certificates of Participation, issued to finance the ground lease underlying the building located at One Judiciary Square, $4,911,000 from local funds.

SETTLEMENTS AND JUDGMENTS

For making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government, $22,522,000: *Provided,* That this appropriation shall not be construed as modifying or affecting the provisions of section 103 of this Act.

WILSON BUILDING

For expenses associated with the John A. Wilson Building, $3,704,000 from local funds.

WORKFORCE INVESTMENTS

For workforce investments, $22,308,000 from local funds, to be transferred by the Mayor of the District of Columbia within the various appropriation headings in this Act for which employees are properly payable.

NON-DEPARTMENTAL AGENCY

To account for anticipated costs that cannot be allocated to specific agencies during the development of the proposed budget, $19,639,000 (including $11,455,000 from local funds, and $8,184,000 from other funds) to be transferred by the Mayor of the District of Columbia within the various appropriation headings in this Act: *Provided,* That $5,000,000 in local funds shall be available to meet contractual obligations, and $11,455,000 in local funds shall be for anticipated costs associated with the No Child Left Behind Act.

EMERGENCY PLANNING AND SECURITY COSTS

From funds previously appropriated in this Act under the heading ''Federal Payment for Emergency Planning and Security Costs in the District of Columbia'', $15,000,000.

TRANSPORTATION ASSISTANCE

From funds previously appropriated in this Act under the heading ''Federal Payment for Transportation Assistance'', $3,500,000.

PAY-AS-YOU-GO CAPITAL

For Pay-As-You-Go Capital funds in lieu of capital financing, $11,267,000, to be transferred to the Capital Fund, subject to the Criteria for Spending Pay-as-You-Go Funding Amendment Act of 2003, approved by the Council of the District of Columbia on 1st reading, May 6, 2003 (Title 25 of Bill 15–218). Pursuant to this Act, there are authorized to be transferred from Pay-As-You-Go Capital funds to other headings of this Act, as necessary to carry out the purposes of this Act.

TAX INCREMENT FINANCING PROGRAM

For a Tax Increment Financing Program, $1,940,000 from local funds.

CASH RESERVE

For the cumulative cash reserve established pursuant to section 202(j)(2) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (Public Law 107–96; D.C. Official Code, section 47–392.02(j)(2)), $50,000,000 from local funds.

MEDICAID DISALLOWANCE

For making refunds associated with disallowed Medicaid funding an amount not to exceed $57,000,000 in local funds to remain available until expended: *Provided,* That funds are derived from a transfer from the funds identified in the fiscal year 2002 comprehensive annual financial report as the District of Columbia's Grants Disallowance balance.

ENTERPRISE AND OTHER FUNDS

WATER AND SEWER AUTHORITY

For operation of the Water and Sewer Authority, $259,095,000 from other funds, of which $18,692,000 shall be apportioned for repayment of loans and interest incurred for capital improvement projects ($18,094,000 and payable to the District's debt service fund).

For construction projects, $199,807,000, to be distributed as follows: $99,449,000 for the Blue Plains Wastewater Treatment Plant, $16,739,000 for the sewer program, $42,047,000 for the combined sewer program, $42,047,000 for the Combined Sewer Overflow Long-Term Control Plan, $5,993,000 for the stormwater program, $24,431,000 for the water program, and $11,148,000 for the capital equipment program, in addition, $25,000,000 from funds previously appropriated in this Act under the heading ''Federal Payment to the District of Columbia Water and Sewer Authority''.

WASHINGTON AQUEDUCT

For operation of the Washington Aqueduct, $55,553,000 from other funds.

STORMWATER PERMIT COMPLIANCE ENTERPRISE FUND

For operation of the Stormwater Permit Compliance Enterprise Fund, $3,501,000 from other funds.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act, 1982, for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia (D.C. Law 3–172; D.C. Official Code, sec. 3–1301 et seq. and sec. 22–1716 et seq.), $242,755,000: *Provided,* That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally generated revenues: *Provided further,* That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

SPORTS AND ENTERTAINMENT COMMISSION

For the Sports and Entertainment Commission, $13,979,000 from local funds.

DISTRICT OF COLUMBIA RETIREMENT BOARD

For the District of Columbia Retirement Board, established pursuant to section 121 of the District of Columbia Retirement Reform Act of 1979 (D.C. Official Code, sec. 1–711), $13,895,000 from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: *Provided,* That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: *Provided further,* That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an itemized accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report.

WASHINGTON CONVENTION CENTER ENTERPRISE FUND

For the Washington Convention Center Enterprise Fund, $69,742,000 from other funds.

NATIONAL CAPITAL REVITALIZATION CORPORATION

For the National Capital Revitalization Corporation, $7,849,000 from other funds.

CAPITAL OUTLAY

(INCLUDING RESCISSIONS)

For construction projects, an increase of $1,004,796,000, of which $601,708,000 shall be from local funds, $46,014,000 from Highway Trust funds, $38,311,000 from the Rights-of-way funds, $218,880,000 from Federal funds, and a rescission of $99,884,000 from local funds appropriated under this heading in prior fiscal years, for a net amount of $904,913,000, to remain available until expended, in addition, $5,000,000 from funds previously appropriated in this Act under the heading ''Federal Payment for Capital Development in the District of Columbia'' and

$6,000,000 from funds previously appropriated in this Act for the ''Anacostia Waterfront Initiative'': *Provided,* That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: *Provided further,* That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended.

TITLE IV—GENERAL PROVISIONS

SEC. 101. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 102. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: *Provided,* That in the case of the Council of the District of Columbia, funds may be expended with the authorization of the Chairman of the Council.

SEC. 103. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government: *Provided,* That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947 (D.C. Official Code, sec. 47–1812.11(c)(3)).

SEC. 104. 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. 105. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 106. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, and salary are not available for inspection by the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Council of the District of Columbia, or their duly authorized representative.

SEC. 107. None of the Federal funds provided in this Act may be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 108. (a) None of the Federal funds provided in this Act may be used to carry out lobbying activities on any matter.

(b) Nothing in this section may be construed to prohibit any elected official from advocating with respect to any issue.

SEC. 109. (a) None of the funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2004, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for an agency through a reprogramming of funds which—

(1) creates new programs;

(2) eliminates a program, project, or responsibility center;

(3) establishes or changes allocations specifically denied, limited or increased under this Act;

(4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted;

(5) reestablishes any program or project previously deferred through reprogramming;

(6) augments any existing program, project, or responsibility center through a reprogramming of funds in excess of $1,000,000 or 10 percent, whichever is less; or

(7) increases by 20 percent or more personnel assigned to a specific program, project or responsibility center,

unless the Committees on Appropriations of the House of Representatives and Senate are notified in writing 30 days in advance of the reprogramming.

(b) None of the local funds contained in this Act may be available for obligation or expenditure for an agency through a transfer of any local funds from one appropriation heading to another unless the Committees on Appropriations of the House of Representatives and Senate are notified in writing 30 days in advance of the transfer, except that in no event may the amount of any funds transferred exceed 4 percent of the local funds in the appropriation.

SEC. 110. Consistent with the provisions of section 1301(a) of title 31, United States Code, appropriations under this Act shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.

SEC. 111. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2–139; D.C. Official Code, sec. 1–601.01 et seq.), enacted pursuant to section 422(3) of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1–204.22(3)), shall apply with respect to the compensation of District of Columbia employees: *Provided,* That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5, United States Code.

SEC. 112. No later than 30 days after the end of the first quarter of fiscal year 2004, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia and the Committees on Appropriations of the House of Representatives and Senate the new fiscal year 2004 revenue estimates as of the end of such quarter. These estimates shall be used in the budget request for fiscal year 2005. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 113. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985 (D.C. Law 6–85; D.C. Official Code, sec. 2–303.03), except that the District of Columbia government or any agency thereof may renew or extend sole source contracts for which competition is not feasible or practical, but only if the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated rules and procedures and has been reviewed and certified by the Chief Financial Officer of the District of Columbia.

SEC. 114. (a) In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: *Provided,* That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by such Act.

(b) For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, the term ''program, project, and activity'' shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: *Provided,* That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 115. (a)(1) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 2004 if—

(A) the Mayor approves the acceptance and use of the gift or donation (except as provided in paragraph (2) of this subsection); and

(B) the entity uses the gift or donation to carry out its authorized functions or duties.

(2) The Council of the District of Columbia and the District of Columbia courts may accept and use gifts without prior approval by the Mayor.

(b) Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a), and shall make such records available for audit and public inspection.

(c) For the purposes of this section, the term ''entity of the District of Columbia government'' includes an independent agency of the District of Columbia.

(d) This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

SEC. 116. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3–171; D.C. Official Code, sec. 1–123).

SEC. 117. None of the funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 118. None of the Federal funds made available in this Act may be used to implement or enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9–114; D.C. Official Code, sec. 32–701 et seq.) or to otherwise implement or enforce any system of registration of unmarried, cohabiting couples, including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples.

SEC. 119. (a) Notwithstanding any other provision of this Act, the Mayor, in consultation with the Chief Financial Officer of the

District of Columbia may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

(b) No such Federal, private, or other grant may be accepted, obligated, or expended pursuant to subsection (a) until—

(1) the Chief Financial Officer of the District of Columbia submits to the Council a report setting forth detailed information regarding such grant; and

(2) the Council within 15 calendar days after receipt of the report submitted under paragraph (1) has reviewed and approved the acceptance, obligation, and expenditure of such grant.

(c) No amount may be obligated or expended from the general fund or other funds of the District of Columbia government in anticipation of the approval or receipt of a grant under subsection (b)(2) or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such subsection.

(d) The Chief Financial Officer of the District of Columbia shall prepare a quarterly report setting forth detailed information regarding all Federal, private, and other grants subject to this section. Each such report shall be submitted to the Council of the District of Columbia and to the Committees on Appropriations of the House of Representatives and Senate not later than 15 days after the end of the quarter covered by the report.

SEC. 120. (a) Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this paragraph, the term ''official duties'' does not include travel between the officer's or employee's residence and workplace, except in the case of—

(1) an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or is otherwise designated by the Chief of the Department;

(2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day;

(3) the Mayor of the District of Columbia; and

(4) the Chairman of the Council of the District of Columbia.

(b) The Chief Financial Officer of the District of Columbia shall submit by March 1, 2004 an inventory, as of September 30, 2003, of all vehicles owned, leased or operated by the District of Columbia government. The inventory shall include, but not be limited to, the department to which the vehicle is assigned; the year and make of the vehicle; the acquisition date and cost; the general condition of the vehicle; annual operating and maintenance costs; current mileage; and whether the vehicle is allowed to be taken home by a District officer or employee and if so, the officer or employee's title and resident location.

SEC. 121. No officer or employee of the District of Columbia government (including any independent agency of the District of Columbia, but excluding the Office of the Chief Technology Officer, the Office of the Chief Financial Officer of the District of Columbia, and the Metropolitan Police Department) may enter into an agreement in excess of $2,500 for the procurement of goods or services on behalf of any entity of the District government until the officer or employee has conducted an analysis of how the procurement of the goods and services involved under the applicable regulations and procedures of the District government would differ from the procurement of the goods and services involved under the Federal supply schedule and other applicable regulations and procedures of the General Services Administration, including an analysis of any differences in the costs to be incurred and the time required to obtain the goods or services.

SEC. 122. None of the funds contained in this Act may be used for purposes of the annual independent audit of the District of Columbia government for fiscal year 2004 unless—

(1) the audit is conducted by the Inspector General of the District of Columbia, in coordination with the Chief Financial Officer of the District of Columbia, pursuant to section 208(a)(4) of the District of Columbia Procurement Practices Act of 1985 (D.C. Official Code, sec. 2–302.8); and

(2) the audit includes as a basic financial statement a comparison of audited actual year-end results with the revenues submitted in the budget document for such year and the appropriations enacted into law for such year using the format, terminology, and classifications contained in the law making the appropriations for the year and its legislative history.

SEC. 123. (a) None of the funds contained in this Act may be used by the District of Columbia Corporation Counsel or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

(b) Nothing in this section bars the District of Columbia Corporation Counsel from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.

SEC. 124. (a) None of the Federal funds contained in this Act may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

(b) Any individual or entity who receives any funds contained in this Act and who carries out any program described in subsection (a) shall account for all funds used for such program separately from any funds contained in this Act.

SEC. 125. None of the funds contained in this Act may be used after the expiration of the 60-day period that begins on the date of the enactment of this Act to pay the salary of any chief financial officer of any office of the District of Columbia government (including any independent agency of the District of Columbia) who has not filed a certification with the Mayor and the Chief Financial Officer of the District of Columbia that the officer understands the duties and restrictions applicable to the officer and the officer's agency as a result of this Act (and the amendments made by this Act), including any duty to prepare a report requested either in the Act or in any of the reports accompanying the Act and the deadline by which each report must be submitted. The Chief Financial Officer of the District of Columbia shall provide to the Committees on Appropriations of the House of Representatives and Senate by the 10th day after the end of each quarter a summary list showing each report, the due date, and the date submitted to the Committees.

SEC. 126. (a) None of the funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 802) or any tetrahydrocannabinols derivative.

(b) The Legalization of Marijuana for Medical Treatment Initiative of 1998, also known as Initiative 59, approved by the electors of the District of Columbia on November 3, 1998, shall not take effect.

SEC. 127. Nothing in this Act may be construed to prevent the Council or Mayor of the District of Columbia from addressing the issue of the provision of contraceptive coverage by health insurance plans, but it is the intent of Congress that any legislation enacted on such issue should include a ''conscience clause'' which provides exceptions for religious beliefs and moral convictions.

SEC. 128. (a) If the Superior Court of the District of Columbia or the District of Columbia Court of Appeals does not make a payment described in subsection (b) prior to the expiration of the 45-day period which begins on the date the Court receives a completed voucher for a claim for the payment, interest shall be assessed against the amount of the payment which would otherwise be made to take into account the period which begins on the day after the expiration of such 45-day period and which ends on the day the Court makes the payment.

(b) A payment described in this subsection is—

(1) a payment authorized under section 11–2604 and section 11–2605, D.C. Official Code (relating to representation provided under the District of Columbia Criminal Justice Act);

(2) a payment for counsel appointed in proceedings in the Family Court of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Official Code; or

(3) a payment for counsel authorized under section 21–2060, D.C. Official Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986).

(c) The chief judges of the Superior Court of the District of Columbia and the District of Columbia Court of Appeals shall establish standards and criteria for determining whether vouchers submitted for claims for payments described in subsection (b) are complete, and shall publish and make such standards and criteria available to attorneys who practice before such Courts.

(d) Nothing in this section shall be construed to require the assessment of interest against any claim (or portion of any claim) which is denied by the Court involved.

(e) This section shall apply with respect to claims received by the Superior Court of the District of Columbia or the District of Columbia Court of Appeals during fiscal year 2003 and any subsequent fiscal year.

SEC. 129. The Mayor of the District of Columbia shall submit to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate quarterly reports addressing the following issues—

(1) crime, including the homicide rate, implementation of community policing, the number of police officers on local beats, and the closing down of open-air drug markets;

(2) access to substance and alcohol abuse treatment, including the number of treatment slots, the number of people served, the number of people on waiting lists, and the effectiveness of treatment programs;

(3) management of parolees and pre-trial violent offenders, including the number of halfway house escapes and steps taken to improve monitoring and supervision of halfway house residents to reduce the number of escapes to be provided in consultation with the Court Services and Offender Supervision Agency for the District of Columbia;

(4) education, including access to special education services and student achievement to be provided in consultation with the District of Columbia Public Schools and the District of Columbia public charter schools;

(5) improvement in basic District services, including rat control and abatement;

(6) application for and management of Federal grants, including the number and type of grants for which the District was eligible but failed to apply and the number and type of grants awarded to the District but for which the District failed to spend the amounts received; and

(7) indicators of child well-being.

SEC. 130. No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer of the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council of the District of Columbia a revised appropriated funds operating budget in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1–204.42), for all agencies of the District of Columbia government for fiscal year 2004 that is in the total amount of the approved appropriation and that realigns all budgeted data for personal services and other-than-personal-services, respectively, with anticipated actual expenditures.

SEC. 131. None of the funds contained in this Act may be used to issue, administer, or enforce any order by the District of Columbia Commission on Human Rights relating to docket numbers 93–030–(PA) and 93–031–(PA).

SEC. 132. None of the Federal 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 appropriation Act.

SEC. 133. In addition to any other authority to pay claims and judgments, any department, agency, or instrumentality of the District government may pay the settlement or judgment of a claim or lawsuit in an amount less than $10,000, in accordance with the Risk Management for Settlements and Judgments Amendment Act of 2000 (D.C. Law 13–172; D.C. Official Code, sec. 2–402).

SEC. 134. All funds from the Crime Victims Compensation Fund, established pursuant to section 16 of the Victims of Violent Crime Compensation Act of 1996 (D.C. Law 11–243; D.C. Official Code, sec. 4–514) (''Compensation Act''), that are designated for outreach activities pursuant to section 16(d)(2) of the Compensation Act shall be deposited in the Crime Victims Assistance Fund, established pursuant to section 16a of the Compensation Act, for the purpose of outreach activities, and shall remain available until expended.

SEC. 135. Notwithstanding any other law, the District of Columbia Courts shall transfer to the general treasury of the District of Columbia all fines levied and collected by the Courts in cases charging Driving Under the Influence and Driving While Impaired. The transferred funds shall remain available until expended and shall be used by the Office of the Corporation Counsel for enforcement and prosecution of District traffic alcohol laws in accordance with section 10(b)(3) of the District of Columbia Traffic Control Act (D.C. Official Code, sec. 50–2201.05(b)(3)).

SEC. 136. From the local funds appropriated under this Act, any agency of the District government may transfer to the Office of Labor Relations and Collective Bargaining (OLRCB) such amounts as may be necessary to pay for representation by OLRCB in third-party cases, grievances, and dispute resolution, pursuant to an intra-District agreement with OLRCB. These amounts shall be available for use by OLRCB to reimburse the cost of providing the representation.

SEC. 137. None of the funds contained in this Act may be made available to pay—

(1) the fees of an attorney who represents a party in an action or an attorney who defends any action, including an administrative proceeding, brought against the District of Columbia Public Schools under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) in excess of $4,000 for that action; or

(2) the fees of an attorney or firm whom the Chief Financial Officer of the District of Columbia determines to have a pecuniary interest, either through an attorney, officer or employee of the firm, in any special education diagnostic services, schools, or other special education service providers.

SEC. 138. The Chief Financial Officer of the District of Columbia shall require attorneys in special education cases brought under the Individuals with Disabilities Act (IDEA) in the District of Columbia to certify in writing that the attorney or representative rendered any and all services for which they receive awards, including those received under a settlement agreement or as part of an administrative proceeding, under the IDEA from the District of Columbia: *Provided,* That as part of the certification, the Chief Financial Officer of the District of Columbia require all attorneys in IDEA cases to disclose any financial, corporate, legal, memberships on boards of directors, or other relationships with any special education diagnostic services, schools, or other special education service providers to which the attorneys have referred any clients as part of this certification: *Provided further,* That the Chief Financial Officer shall prepare and submit quarterly reports to the Committees on Appropriations of the Senate and the House of Representatives on the certification of and the amount paid by the government of the District of Columbia, including the District of Columbia Public Schools, to attorneys in cases brought under IDEA: *Provided further,* That the Inspector General of the District of Columbia may conduct investigations to determine the accuracy of the certifications.

SEC. 139. Chapter 3 of title 16, District of Columbia Code, is amended by inserting at the end the following new section:

''SEC. 16–316. APPOINTMENT AND COMPENSATION OF COUNSEL; GUARDIAN AD LITEM.

''(a) When a petition for adoption has been filed and there has been no termination or relinquishment of parental rights with respect to the proposed adoptee or consent to the proposed adoption by a parent or guardian whose consent is required under D.C. Code section 16–304, the Court may appoint an attorney to represent such parent or guardian in the adoption proceeding if the individual is financially unable to obtain adequate representation.

''(b) The Court may appoint a guardian ad litem who is an attorney to represent the child in an adoption proceeding. The guardian ad litem shall in general be charged with the representation of the child's best interest.

''(c) An attorney appointed pursuant to subsection (a) or (b) of this section shall be compensated in accordance with D.C. Code section 16–2326.01, except that compensation in the adoption case shall be subject to the limitation set forth in D.C. Code section 16–2326.01(b)(2).''

The table of sections for chapter 3 of title 16, District of Columbia Code, is amended by inserting at the end the following new item:

''Sec. 16–316. Appointment and compensation of counsel; guardian ad litem.''.

SEC. 140. (a) The amount appropriated by this Act as Other Type Funds may be increased no more than 25 percent to an account for unanticipated growth in revenue collections.

(b) CONDITIONS OF USE.—The District of Columbia may obligate or expend these amounts only in accordance with the following conditions:

(1) CERTIFICATION BY THE CHIEF FINANCIAL OFFICER.—The Chief Financial Officer of the District of Columbia shall certify that anticipated revenue collections support an increase in Other Type authority in the amount request.

(2) NOTICE REQUIREMENT.—The amounts may be obligated or expended only if the Mayor notifies the Committees on Appropriations of the House of Representatives and the Senate in writing 30 days in advance of any obligation or expenditure.

SEC. 141. (a) The amount appropriated by this Act may be increased by no more than $15,000,000 from funds identified in the comprehensive annual financial report as the District's fund balance.

(b) CONDITIONS ON USE.—The District of Columbia may obligate or expend these amounts only in accordance with the following conditions:

(1) CERTIFICATION BY THE CHIEF FINANCIAL OFFICER.—The Chief Financial Officer of the District of Columbia shall certify that the use of any such amounts is not anticipated to have a negative impact on the District of Columbia's long-term financial, fiscal, and economic vitality.

(2) PURPOSE.—The District of Columbia may only use these funds for the following expenditures:

(A) Unanticipated one-time expenditures;

(B) To address potential deficits;

(C) Debt reduction;

(D) Unanticipated program needs; or

(E) To cover revenue shortfalls.

(3) LOCAL LAW.—The amounts shall be obligated or expended in accordance with laws enacted by the Council in support of each such obligation or expenditure.

(4) RECEIVERSHIP.—The amounts may not be used to fund the agencies of the District of Columbia government under court-ordered receivership.

(5) NOTICE REQUIREMENT.—The amounts may be obligated or expended only if the Mayor notifies the Committees on Appropriations of the House of Representatives and the Senate in writing 30 days in advance of any obligation or expenditure.

(6) AVAILABILITY OF FUNDS.—Funds made available pursuant to this section shall remain available until expended.

This Act may be cited as the ''District of Columbia Appropriations Act, 2004''.

SA 1784. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 2765, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. NATIONAL DO-NOT-CALL REGISTRY.

(a) FINDING.—Congress finds that the Federal Trade Commission was authorized under section 3(a)(3)(A) of the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6102(a)(3)(A)) to compile and implement a national do-not-call registry.

(b) RATIFICATION.—Congress hereby ratifies the do-not-call registry provision of the Telemarketing Sales Rule (16 CFR 310.4(b)(1)(iii)(B)), which was promulgated by

the Federal Trade Commission, effective March 31, 2003.

SA 1785. Mr. GRAHAM of South Carolina (for himself and Mr. HOLLINGS) submitted an amendment intended to be proposed by him to the bill S. 1584, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. 116. Notwithstanding paragraph (2) of section 8163(c) of title 38, United States Code, the Secretary of Veterans Affairs may enter into an enhanced-use lease with the Medical University Hospital Authority, a public authority of the State of South Carolina, for approximately 0.48 acres of underutilized property at the Charleston Department of Veterans Affairs Medical Center, Charleston, South Carolina, at any time after 30 days after the date of the submittal of the notice required by paragraph (1) of that section with respect to such property. The Secretary is not required to submit a report on the lease as otherwise required by paragraph (4) of that section.

SA 1786. Mr. PRYOR (for himself, Mr. BREAUX, and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 1783 proposed by Mr. DEWINE (for himself and Ms. LANDRIEU) to the bill H.R. 2765, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. NATIONAL DO-NOT-CALL REGISTRY.

(a) FINDING.—Congress finds that the Federal Trade Commission was authorized under section 3(a)(3)(A) of the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6102(a)(3)(A)) to compile and implement a national do-not-call registry.

(b) RATIFICATION.—Congress hereby ratifies the do-not-call registry provision of the Telemarketing Sales Rule (16 CFR 310.4(b)(1)(iii)(B)), which was promulgated by the Federal Trade Commission, effective March 31, 2003.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, September 25, 2003, at 10 a.m. in room 562 of the Dirksen Senate Office Building to conduct a hearing on the reauthorization of the Head Start Program.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. COLEMAN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs will hold a hearing entitled ''Privacy & Piracy: The Paradox of Illegal File Sharing on Peer-to-Peer Networks and the Impact of Technology on the Entertainment Industry.'' At the September 30 hearing, the Subcommittee intends to take testimony regarding the music industry's initial salvo of copyright infringement lawsuits and its amnesty program; what steps the music industry is taking besides ligation to preserve its intellectual property in this digital age; whether those steps unduly infringe upon consumer's privacy rights; how peer-to-peer networks plan to move from a business model predicated upon stealing copyrighted works to a business model based upon trading licensed music, movies and software; how the illegal trading of copyrighted works has hurt the music industry; and how to inform and educate a whole generation of children and young adults that trading copyrighted music on peer-to-peer networks is illegal.

The hearing will take place on Tuesday, September 30, 2003, at 10 a.m. in room 342 of the Dirksen Senate Office Building. For further information, please contact Raymond V. Shepherd III, Staff Director of the Subcommittee, at 224–3721.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. COLEMAN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs will hold a field hearing in Minnesota entitled ''SARS: Is Minnesota Prepared?'' This hearing will be the third hearing the Subcommittee has conducted on the issue of Severe Acute Respiratory Syndrome (SARS). At this field hearing, the Subcommittee will focus on what Minnesota has done to prepare for a possible outbreak of SARS this year and what still needs to be done; how the Federal Government can help; and how schools, businesses and communities should respond when someone they know develops a possible case of SARS.

The hearing will take place on Wednesday, October 8, 2003, at 10 a.m. at the University of Minnesota in Minneapolis, MN. For further information, please contact Joseph V. Kennedy of the Subcommittee staff at 224–4198.

SUBCOMMITTEE ON WATER AND POWER

Ms. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, October 30 at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to examine S. 1097, a bill to authorize the Secretary of the Interior to implement the Calfed Bay-Delta Program.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Kellie Donnelly or Meghan Beal at 202–224–7556.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. DEWINE. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, September 24, 2003, at 9:45 a.m., in open session, to receive testimony on the report of the panel to review sexual misconduct allegations at the United States Air Force Academy.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. DEWINE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 24, 2003 at 9:30 a.m. to hold a hearing on Iraq: Next Steps.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. DEWINE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 24, 2003 at 2:30 p.m. to hold a hearing on Iraq: Next Steps.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. DEWINE. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, September 24, 2003, at 9:30 a.m. for a hearing titled ''Penalty for Public Service: Do the Social Security Government Pension Offset and Windfall Elimination Provision Unfairly Discriminate Against Employees and Retirees?''

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. DEWINE. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on Intellectual Diversity during the session of the Senate on Wednesday, September 24, 2003 at 10 a.m. in SD–430.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. DEWINE. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized

to meet on Wednesday, September 24, 2003, at 10 a.m. in room 485 of the Russell Senate Office Building to conduct a hearing on S. 1601, the Indian Child Protection and Family Violence Prevention Act of 2003.

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

SUBCOMMITTEE ON CLEAN AIR, CLIMATE CHANGE AND NUCLEAR SAFETY

Mr. DEWINE. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air, Climate Change, and Nuclear Safety be authorized to meet on Wednesday, September 24, at 9 a.m. to examine the findings of the General Accounting Office concerning the Federal Emergency Management Agency's financial allocations and activities after the terrorist attacks on September 11, and to conduct oversight on the Federal Emergency Management Agency's effectiveness since becoming part of the Department of Homeland Security.

The hearing will take place in SD 406, hearing room.

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

SUBCOMMITTEE ON CRIME, CORRECTIONS AND VICTIMS' RIGHTS

Mr. DEWINE. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Crime, Corrections and Victims' Rights be authorized to meet to conduct a hearing on ''Elder Abuse, Neglect and Exploitation: Are we doing enough?'', on Wednesday, September 24, 2003, at 2:30 p.m. in SD226.

Panel 1: Daniel L. Mihalko, Inspector In Charge, Congressional and Public Affairs, United States Postal Service, Washington, D.C.; Honorable James G. Huse, Jr., Inspector General Social Security Administration, Washington, D.C.

Panel 2: Honorable Christopher Chiles, Prosecutor, Cabell County, WV, Vice President, National District Attorney's Association; James Wright, Director of TRIAD, National Sheriff's Association, Alexandria, VA; Lori A. Stiegel, J.D., Associate Staff Director, Commission on Law and Aging, American Bar Association, Washington, D.C., AARP, Washington D.C.

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

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until Thursday, September 25, at 9:30 a.m.

There being no objection, the Senate, at 6:50 p.m., adjourned until Thursday, September 25, 2003, at 9:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate September 24, 2003:

THE JUDICIARY

LARRY ALAN BURNS, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA.

EXTENSIONS OF REMARKS

TRIBUTE TO DOYLE DAVIDSON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. MCINNIS. Mr. Speaker, I rise before this body of Congress and this nation to pay tribute to an outstanding citizen from my district. Doyle Davidson of La Junta, Colorado recently announced his retirement from the Colorado Boys Ranch, a residential treatment facility for at-risk boys. I am honored to recognize Doyle's dedication and commitment to our youth before my colleagues here today.

Like so many brave men and women of his generation, Doyle heeded his country's call and served as an Army officer during World War II. Doyle participated in the Normandy Invasion and the Battle of the Bulge, and received the Bronze Medal for distinguished military service. He then went on to serve in Korea before returning home and embarking on a life marked by his service to the community.

As an active community member, Doyle has served on several local Chambers of Commerce, including those in Delta, Pueblo, and Canon City. He is also active in groups ranging from the La Junta Rotary to the Southern Colorado Economic Development District. In addition, Doyle was appointed to serve on several State councils and committees, including the Colorado State Highway Council and the Highway Legislative Review Committee.

Doyle's hard work has not gone unnoticed. He was named Good Will Ambassador for the State of Colorado by former Governor John Love, and has been honored with the prestigious Ft. Carson Good Neighbor of the Year Award for 1988. However, more valuable than awards and accolades, Doyle has also earned the respect and admiration of his fellow Coloradans.

Mr. Speaker, Doyle Davidson has given many years of service to his country and his community, and I am honored to pay tribute to his accomplishments before this nation today. Doyle has been a tireless and dedicated servant of Colorado and I wish him all the best in his future endeavors. Thank you, Doyle, for your many years of service.

IN MEMORY OF MARGE HARTIGAN

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Ms. ESHOO. Mr. Speaker, I rise to honor Marge Hartigan, an extraordinary woman who passed away on June 28, 2003, after a long and courageous battle with lung cancer. Marge was married to Illinois Appellate Court Judge Neil Hartigan for 41 years and was the very proud mother of four children: John, Elizabeth Connelly, Laura Jenkins and Bridget Routh, and the loving grandmother of five.

Marge Hartigan was born in New York and raised in Connecticut. After graduating from Rosemont College in Rosemont, Pennsylvania, she married Neil and later moved to Chicago, Illinois where she lived the remainder of her life. She made an indelible impact on the community through her philanthropic involvement with dozens of Chicago area foundations and organizations. She held positions on the boards and executive committees of such groups as the Chicago Trust, the Boys and Girls Club of Chicago, the Museum of Science and Industry, the Field Museum, the Chicago Symphony Orchestra, the Lincoln Park Zoo, the Children's Memorial Hospital, as well as Northwestern, Loyola and DePaul Universities. She also served as past president of the Service Club of Chicago. President Clinton appointed her to serve on the advisory committee for the John F. Kennedy Center for the Performing Arts where she served with great distinction.

Marge was a woman who loved and was loved deeply in return by her family and her circle of friends. She considered herself a mother and homemaker above all else. When asked what she considered the greatest monument of her life to be, she responded that it was her four children and the successful lives they created. Marge had a great sense of humor and an enormous amount of talent, energy and good common sense. She had an ability to get right to the heart of issues and would discuss them from a human point of view.

I ask all my colleagues in the House to join me in expressing our collective sympathy to the family of Marge Hartigan and by doing so, honor her life and her work to make her community and our country better for human kind.

TRIBUTE TO BILL BASCH ON HIS RECEIVING THE RAOUL WALLENBERG MEDAL

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. LANTOS. Mr. Speaker, I rise today to pay tribute to Mr. Bill Basch on the occasion of his receiving the Raoul Wallenberg Medal. For the past twelve years, the Raoul Wallenberg Executive Committee of the University of Michigan has awarded the Raoul Wallenberg Medal to an individual who has demonstrated through their work an unwavering commitment to upholding the humanitarian values that the legacy of Raoul Wallenberg embodies.

Raoul Wallenberg's extraordinary rescue efforts saved tens of thousands of Hungarian Jews from certain death at the hands of the Nazis and their allies in Hungary during the Second World War. His subsequent kidnaping by Soviet troops and his disappearance into the Soviet gulag elevated him into one of the truly outstanding heroes and role models of modern times. Both my wife, Annette, and I owe our lives to the valor and ingenuity of Raoul Wallenberg in his heroic humanitarian efforts.

Mr. Speaker, I am delighted that Bill Basch, a Holocaust survivor, has been selected to receive the thirteenth Raoul Wallenberg Medal. His efforts to assist Wallenberg in the rescue of Hungarian Jews during World War II render him a worthy recipient of this outstanding humanitarian award. As the Nazi occupation spread into Hungarian territory in 1944, Bill Basch, only sixteen years old at the time, was sent from his small Hungarian village to survive in the streets of Budapest. Though his own life was in constant danger, he nevertheless undertook the extremely dangerous mission of assisting Raoul Wallenberg in the production and distribution of protective passports for those incarcerated within the walls of the so-called international ghetto in Budapest.

Before he was captured and deported to the concentration camp at Buchenwald, Bill delivered hundreds of schutzpasse (protective passports) which were instrumental to the survival of those hiding in the Swedish houses protected by Wallenberg. He used underground passages and the sewage system to get into the houses, but he was captured as he tried to leave through one of these secret routes. As he accidentally surfaced outside one of the safehouses, he was suddenly confronted by Arrow Cross (Hungarian Fascist) guards. He attempted to elude the Arrow Cross by mingling with a group of people in the area. Unbeknownst to him, this group, suddenly surrounded by more Arrow Cross soldiers, was in fact being marched to the deportation trains headed for Buchenwald.

Mr. Speaker, in spite of many months of endured suffering in Nazi concentration camps, Bill Basch survived one of the darkest eras of human history. In 1946 he arrived in the United States of America after having been transferred from one displaced persons camp to another, first in Austria and then in Southern Italy.

Like so many immigrants who sought refuge and renewal in the United States, Bill arrived by ship at Ellis Island in New York Harbor. He was penniless, without family, and unable to communicate in the English language. Despite all of these obstacles, he persevered. He had already demonstrated that as a survivor. He eventually settled in the Los Angeles area and established himself as a successful businessman in the garment industry, property investment, and numerous other business ventures, all of which brought him much prosperity.

Mr. Speaker, in addition to the material comfort Bill has earned in America, he finds greater happiness in the personal prosperity he has found with his family. Bill is father to one son and two daughters, and grandfather to two grandsons and three granddaughters. Sadly, in 1979 Bill Basch lost his wife, Rose, a survivor of Auschwitz, due to complications stemming from torturous medical experiments

conducted by Nazis in the concentration camp. Nevertheless he has continued to appreciate and value the gift of life for which he so arduously fought in the Second World War.

Fifteen years ago Bill Basch retired from the business world, and this gave him the opportunity to reflect on his past, particularly his experience in the Holocaust. He began to wonder why he survived while so many others were murdered. Five years into retirement, Bill's ten-year old granddaughter, Heidi Basch, asked him to speak to her sixth grade class about his experience in the Holocaust. This began the next phase of Bill's life.

Mr. Speaker, Bill continues his commendable humanitarian work by dedicating his life to Holocaust education. He regularly gives lectures and interviews to students young and old in Southern California, where he still resides. He hopes to instill an obligation and trust in youth, which compels them to speak out against crimes against humanity, wherever they occur.

Bill's moving story of survival came to the attention of the Shoah Foundation, an organization created by Steven Spielberg after he made the movie Shindler's List. The Shoah foundation employs numerous individuals dedicated to the accumulation of testimonies of Holocaust survivors throughout the world, and one of the accounts they added to the archive was Bill Basch's personal history.

In 1997, Spielberg began researching survivors' testimonies for the The Last Days, the academy award winning documentary film which focused upon five Hungarian survivors whose stories intertwine through their connections with Raoul Wallenberg. Due to Mr. Basch's involvement in Wallenberg's heroic efforts to save thousands of Hungarian Jews, he was selected to take part in this film. My own personal story is also told in The Last Days, and it was in the making of that documentary that I came to know Bill Basch. I stand before you today to commend Bill both as an outstanding humanitarian and as my personal friend.

Mr. Speaker, since 1990 the University of Michigan has awarded its Wallenberg Medal to twelve individuals whose humanitarian actions exemplify those of Raoul Wallenberg. Medal recipients include Nobel Laureates Elie Wiesel, His Holiness the Dalai Lama, and Miep Gies, the woman who supported Anne Frank and her family in hiding.

Mr. Speaker, this year, Bill joins the ranks of these remarkable human beings who have made incredible efforts to speak and act out against man's inhumanity to man. I urge my colleagues to join me in paying tribute to Bill Basch, the Raoul Wallenberg Medal recipient of 2003.

MOTHER TERESA: A TRIBUTE TO THE ANGEL OF MERCY

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. TANCREDO. Mr. Speaker, soft-spoken, demure, barely five feet tall, Agnes Gonxha Bojaxhiu changed the world with her selfless heart for the suffering. Known to all as Mother Teresa, this Roman Catholic nun of Albanian descent lived out her calling in the slums of Calcutta, India, offering decency and self-respect to the inhabitants of the streets and gutters. The depth of her compassion for the unwanted and uncared for left an indelible impression on this world.

Her impact was most directly felt in Calcutta, where she established and directed her order, Missionaries of Charity. But the effect of her mercy reached far and wide, through a network of homes around the world for the poorest of the poor. Wielding the weapon of love, Mother Teresa combated hunger, disease, and death with a quiet spirituality that defied discouragement. She brought attention to the despair of those trampled underneath the weight of wealth and affluence, while underscoring their hope for dignity. The simplicity of her message, that there is nothing acceptable or noble about poverty, resonated well with the natives of her adopted country.

At the height of the siege in Beirut in the early 1980s, Mother Teresa persuaded the Palestinian guerillas and the Israeli army to stop fighting long enough for her to rescue 37 children with mental retardation from a hospital on the front lines. She was then 72 years old.

She pioneered one of the first homes for AIDS victims, established a leper colony called Shanti Nagar (Town of Peace), and created a home for the dying poor—the Nirmal Hriday, or ''Pure Heart,'' Home for Dying Destitutes, where homeless people who could not receive care from other institutions were washed and fed by the sisters, and allowed to die with dignity.

Mother Teresa described her mission as caring for ''not just the poor, but the poorest of the poor: those who are so dirty and full of germs that no one goes near them; those who do not go to pray because they are naked; those who do not eat because they do not have the strength, those who collapse on the sidewalks knowing they are about to die while the living walk by without even looking back; those who do not cry because they have no more tears left.''

Upon her death, we were left with, in the words of French President Jacques Chirac, ''less love, less compassion, less light in the world.''

TRIBUTE TO PAULETTE WAGGONER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this nation today to pay tribute to an outstanding citizen from my district. Paulette Waggoner of Kim, Colorado selflessly dedicates her time and efforts to helping children experience the excitement of the rodeo, a longstanding western tradition. Her love and dedication to this unique western experience is truly inspirational, and I am honored to share Paulette's story here today.

Paulette has been involved with the Kids Rodeo for fifty-one years, beginning when she raced Shetland ponies as a young girl. She donates her time and energy to sharing her extensive knowledge of the rodeo with young Coloradans in my district. Whether it is helping with the Three Horse Relay, a race comprised of three-rider teams, or working as a timer, Paulette is always there to lend a hand. Paulette and her husband Kent also lend horses to children who need them in order to compete. She has helped many children win All-Around titles.

Mr. Speaker, countless children have learned the joy and excitement of the rodeo because of the ceaseless work of Paulette Waggoner. Her dedication and hard work keep the tradition and heritage of the rodeo alive, and I am honored to join with my colleagues here today in extending my thanks to Paulette and wishing her the best of luck in the future. Thank you, Paulette, for your service to Colorado.

REMEMBERING THE LATE SHANNON BYBEE

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. PORTER. Mr. Speaker, I rise today to mourn the passing of Shannon Bybee, executive director of the University of Nevada, Las Vegas' International Gaming Institute and a pillar of our community, who passed away last week at the age of 65.

Shannon Bybee was born Aug. 29, 1938, in Tropic, Utah. Shannon Bybee graduated from the University of Utah College of Law in 1969 and clerked for Nevada Supreme Court Justice Jon Collins. He was appointed to the Nevada Gaming Control Board in 1971. Shannon went on from that position to run casinos in both New Jersey and Nevada.

After his successes in the gaming industry, Shannon joined UNLV in 1994, teaching classes at the school's College of Hotel Administration and the William S. Boyd School of Law, and directing UNLV's International Gaming Institute.

Shannon is survived by his wife Norma Reid Bybee, daughters Kelli Poll and Erin Belanger, and sons Sean Bybee, Brendan Bybee and Reid Bybee, as well as 12 grandchildren. He is also survived by sister, Molly Adams, and brothers Patrick Bybee and Evan Bybee.

People like Shannon Bybee helped make Las Vegas what it is today. Shannon always demonstrated, in his industry and educational careers, his commitment to the people and well-being of Las Vegas and Southern Nevada. My condolences are with his wife Norma and their family.

TRIBUTE TO BILL STEARMAN

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. PENCE. Mr. Speaker, in Indiana, high school basketball is a passion. My home state has produced thousands of first-rate players and coaches since the 1940s. And one such hero passed away on Tuesday at the age of 79.

Coach Bill Stearman's basketball acumen earned him legendary status throughout Indiana. His Columbus High and then Columbus North teams won 714 games, included among

them two semistate titles, 12 regional championships and 27 sectional crowns. amassed an impressive resume including two undefeated regular season teams before being inducted into the Indiana Basketball Hall of Fame in 1983.

But, Mr. Speaker, while all of Indiana will mourn the passing of an outstanding basketball coach, Bill Stearman's hometown of Columbus, Indiana will mourn the passing of a great man and Christian role model to generations of Columbus High School students, myself included.

Mr. Speaker, on behalf of the City of Columbus, I extend heartfelt sympathies to Bill Stearman's family, specifically his son Bill, his grandson Sloan and his sister Katherine. Coach Stearman embodied both the Hoosier Hysteria of Indiana high school basketball and the Hoosier Hospitality of Indiana's caring communities. He will be deeply missed.

IN HONOR OF THE 50TH BIRTHDAY OF THE CITY OF DEL REY OAKS, CA

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. FARR. Mr. Speaker, I rise today to congratulate the City of Del Rey Oaks on celebrating its fiftieth birthday on September 13, 2003. This small residential community on the Monterey Peninsula was incorporated on September 4, 1953 and embodies the best qualities of the Central Coast.

In many ways, Del Rey Oaks is an idyllic town, with its large open space and parkland, low crime and unemployment rates, and high voter turnout. The citizens of Del Rey Oaks are proud of their community, with good reason, and work hard to maintain this quality of life. After fifty years, the town continues to grow, but has not forgotten its humble beginnings.

The city celebrated its birthday and its history with an old fashioned picnic in the park, complete with the planting of oak trees and the burying of a time capsule. This town symbolizes the wonderful nature of the people and communities of the Monterey Peninsula, I am pleased to honor the fiftieth birthday of the City of Del Rey Oaks.

TRIBUTE TO ROBERT FLOHR

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. MCINNIS. Mr. Speaker, I rise before this body of Congress and this nation today to pay tribute to an outstanding citizen from my district. Robert Flohr of Rifle, Colorado has dedicated countless hours to local rodeo clubs for children. His hard work has helped keep the rodeo tradition alive for future generations to enjoy, and I am honored to share his story here today.

For over twenty years, Robert has been volunteering his time and efforts to everything from 4-H to the Little Britches Rodeo Association and local high school rodeo clubs. Children are especially dear to Robert's heart, and he focuses on those groups that help and educate children. Robert is currently the President of the Garfield County Fair Board, which is responsible for putting on the county fair. Five hundred children participate in the fair each year, where they learn lessons that will serve them throughout their lives, from the importance of providing consistent care to animals to how to keep a budget.

Mr. Speaker, Robert Flohr's tireless work makes the joy and excitement of the Garfield County Fair possible. His commitment to children and the organizations that serve them is inspirational, and I am honored to join with my colleagues today in recognizing Robert's dedication and commitment to our youth. I wish him the best in his future endeavors.

TRIBUTE TO RICHARD NADDER

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Ms. ESHOO. Mr. Speaker, I rise to honor a distinguished American, Richard Nadder, who was finally awarded four medals, 50 years after serving our country in the Korean War: the National Defense Service Medal, the United Nations Service Medal, the Presidential Unit Citation and the Korean Service Medal with a Bronze Star.

Mr. Speaker, Richard Nadder was drafted in December of 1952 and went to Korea in May, 1953, as a Private with the 3rd Infantry Division. His main duties included hooking up telephone lines to maintain communication in the treacherous terrain of the ''Iron Triangle'' in Chorwon, North Korea, in the final weeks of the war that cost nearly 37,000 American lives. He has never regretted serving his country and has always been proud to call himself a Korean War Veteran.

Mr. Speaker, six years ago Richard Nadder decided he wanted to obtain these medals as treasured keepsakes for his three grandchildren. After several of his letters went unanswered, Richard contacted Congressman KIRK's office, who then determined his military records had been destroyed in a St. Louis warehouse fire. After much work on the part of the Army and Congressman KIRK's office, Richard Nadder's discharge papers were recreated. With his wife, children, grandchildren and other fellow Korean War veterans looking on, he was finally awarded the medals he earned and deserved.

Mr. Speaker, I ask my colleagues to join me in paying tribute to Richard Nadder. I'm exceedingly proud to honor him for his courageous service to our country and for the honorable life he has led as a husband, father, grandfather, brother and cousin.

INTRODUCTION OF THE YOUTH WORKER PROTECTION ACT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. LANTOS. Mr. Speaker, today, I along with 32 of my colleagues introduced H.R. 3139, the ''Youth Worker Protection Act'' (YWPA). This legislation is necessary because the exploitation of child labor is a national problem that continues to jeopardize the health, education and lives of many of our nation's children and teenagers. In our farm fields and in fast-food restaurants all over this country, employers are breaking the law by hiring under-age children. This legislation seeks to eliminate the all-too-common exploitation of children working long hours late into the night while school is in session, and working under hazardous and dangerous conditions.

Mr. Speaker, one hundred years ago the state of child labor conditions in our country was so deplorable many children worked 60 or 70-hour weeks in the hardest forms of labor—mines, mills and the fields. These appalling conditions led Mother Jones to lead thousands of children from the mills in Kensington, PA, to President Theodore Roosevelt's home in Oyster Bay, New York. These mill children went on strike demanding that their work schedules be lowered from 60 hours to 55 hours a week.

Today, a century after the famous ''March of the Mill Children,'' working conditions of child labor in our country have noticeably improved. As a result of laws passed after the march, the ''Mill Children's'' work week was set at 58 hours, and then came the passage of the Fair Labor Standards Act (FLSA) in 1938, which limited hours for children and adults to 40 hours per week.

Despite these advances, there are still significant problems facing America's youth work force. In some ways kids today are working just as long as their ''Mill Children'' predecessors, especially when one considers the hours a student is in school. While people today often associate the evils of child labor as occurring only in Third World countries, American teenagers are also exploited on the job.

Mr. Speaker, the average time a student is in class is about 7 hours a day, or 35 hours a week. This does not include additional time for extracurricular activities or homework. Going to school is almost a full time job itself. In addition to devoting a minimum of 35 hours a week to their schoolwork, many high-school students are also working 30 to 40 hours a week for some of America's largest corporations, often working well past midnight while simultaneously trying to balance school requirements. When one combines the hours some of today's teens are at school with their hours at work, the 70-hour workweek is still in place.

Research clearly indicates that working more than 20 hours a week in addition to a normal school schedule has a negative effect on student's academic progress. Additional studies show that children who work long hours also tend to use more alcohol and drugs.

Mr. Speaker, this is why I have introduced H.R. 3139, the Youth Worker Protection Act (YWPA), which sets common-sense limits on the hours that students can work during the school year.

Beyond the long hours, many of our nation's teenagers are forced to work in hazardous conditions that threaten their health and safety. Mr. Speaker, I am saddened to report that a young person is killed on the job every five days, and that every 40 seconds a child is injured on the job. It is appalling to learn that in

our great country, the occupational injury rate for children and teens is more than twice as high than it is for adults. In fact, the National Institute for Occupational Safety and Health (NIOSH) estimates that 230,000 teens are injured on the job each year. I am sure my colleagues will agree with me that these statistics are a national disgrace and are totally unacceptable for a civilized, advanced society such as ours. Unless we swiftly enact this legislation, children will continue to be employed in jobs that place their lives in danger.

Mr. Speaker, The YWPA will reduce the problem of children working long hours when school is in session, and it strengthens existing limitations on the number of hours children under 18 years of age can work on school days. The bill would eliminate all youth labor before school, and after-school work would be limited to 15 or 20 hours per week, depending on the age of the child. Additionally our legislation will require better record keeping and reporting of child labor violations. It also prohibits minors from operating or cleaning certain types of unsafe equipment, and prohibits children from working in certain particularly hazardous conditions.

Mr. Speaker, the issues of children working early in the morning or late into the evening is a problem facing our country. Students continuously tell me that working long hours, late into the night negatively affects their school performance, that they are too tired for class, and that the long hours on the job take away from important extra-curricular activities and take away time from their family.

Mr. Speaker, for the past 60 years our nation's agribusinesses have enjoyed special exemptions under the FLSA. Many of these exemptions were based on the historical prominence of the family farm in the American economy. Current labor laws allow children—even those under 10 years of age to be employed in agriculture. Child farm laborers can work unlimited hours before and after school, and they are not even eligible for overtime pay. At the age of 14, or even earlier, children working in agriculture are using knives and machetes, operating dangerous machinery, and are exposed to dangerous toxic pesticides. In no other industry are children so exploited as they are in agriculture. Despite all these dangers, there are no protections for children working on farms and in the fields.

Mr. Speaker, most of today's farms are not owned by families, but by large corporate entities, and deserve to be treated like any other company employing children. Although I am pleased to report the YWPA keeps the existing family farm exemption, I am delighted that it amends the FLSA to treat companies like Archer-Daniels-Midland and Dole just like McDonalds and Wal-Mart, because obtaining parity in the regulations and restrictions of jobs in agriculture and the rest of the economy is long overdue.

Mr. Speaker, I want to make it adamantly clear, as supporters of child labor reform, we do not oppose young people working. We wholeheartedly believe that children need to be taught the value of hard work and to learn the valuable lessons of responsibility and enjoy all the rewards of working. It is not our aim to discourage employers from hiring young people. Rather, our goal is to ensure that the job opportunities available to young people are meaningful, safe and healthy.

What we oppose are the senseless deaths and needless injuries of our teenagers. We oppose the negative effects on academic achievement that result when children work excessive hours while school is in session. An education, not after-school employment, is the key to a successful future.

Mr. Speaker, the Youth Worker Protection Act modernizes our child labor laws through simple common sense measures. It has been endorsed by numerous organizations, including the AFL–CIO, the NEA, the National Consumer's League, and the Child Labor Coalition. I ask that the letters from the AFL–CIO and the Child Labor Coalition be placed in the CONGRESSIONAL RECORD.

I urge my colleagues to consider these much needed protections for our nation's young people and to join me in support of this legislation.

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,
Washington, DC, September 23, 2003.

Hon. TOM LANTOS,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE LANTOS: Since its inception, the AFL–CIO has fought to assure safe working conditions for the nation's workforce, especially for young workers, who are among the most vulnerable to long hours and unsafe conditions. By setting specific objectives to assure that young workers work in appropriate employment, for reasonable hours and in safe conditions, the Young Worker Protection Act represents significant progress toward this goal and we strongly support it.

Recent studies indicate that 80 percent of all youth in America work for pay during their high school years. However, such studies also reveal that as many as 148,000 youth are illegally employed in the United States each week. The Young Worker Protection Act would address these concerns by establishing reasonable hours of work and by setting the minimum age for all youth employment at 14 years. It also includes safeguards for appropriate employment by requiring minors under the age of 18 to obtain a work permit prior to employment. Because every year, approximately 230,000 children under the age of 18 are injured on the job, and nearly 70 children each year die from their job-related injuries, the bill updates the list of hazards for young workers and incorporates recommendations made by the National Institute for Occupational Safety and Health to protect young workers from hazardous equipment, occupations and industries.

The AFL–CIO commends you for taking the lead in promoting improved working conditions for young workers and is pleased to endorse the Young Worker Protection Act.

Sincerely,

WILLIAM SAMUEL,
Director,
Department of Legislation.

CHILD LABOR COALITION,
Washington, DC, August 28, 2003.

Hon. TOM LANTOS
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE LANTOS: On behalf of the member organizations of the Child Labor Coalition (CLC), I thank you for your efforts to protect employed youth in the United States. The CLC is pleased to endorse your bill, Youth Worker Protection Act, which promotes safe and appropriate youth employment.

The Child Labor Coalition is a national group that works to protect the health, education, and safety of working minors and to end child labor exploitation in the U.S. and abroad. The CLC is comprised of more than 50 non-governmental organizations, reflecting educators, health groups, religious and women's groups, human rights groups, consumer groups, labor unions, and child labor advocates.

This bill provides several important updates to the Fair Labor Standards Act. Among these are the following:

Equalizes protections for all working minors. No more will there be differing standards between agricultural and non-agricultural youth employment, which often confuses employers, parents, and youth.

Sets reasonable hours of work. This bill promotes education remaining ''job one'' for youth in this country, which is best for our youth who will be shortly transitioning into the adult workforce and for our nation which must remain competitive in the global market.

Updates hazards list. This bill incorporates recommendations made by the National Institute for Occupational Safety and Health (2002) to better protect youth from hazardous equipment, occupations, and industries.

The CLC is pleased to endorse this bill and is committed to employing our resources to promote the bill's passage at the earliest time.

Sincerely,

DARLENE ADKINS,
Coordinator.

THE OJITO WILDERNESS ACT

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. UDALL of New Mexico. Mr. Speaker. I rise today to introduce the ''Ojito Wilderness Act.'' This bill designates the Ojito Wilderness Study Area in New Mexico as Wilderness, and takes specific federal public land in New Mexico into trust for the Pueblo of Zia.

This bill establishes the Ojito Wilderness Study Area, an area totaling approximately 12,500 acres, as a permanent wilderness area to be protected pursuant to the 1964 Wilderness Act. The bill also provides for the purchase and transfer of adjacent Bureau of Land Management (BLM) lands, contiguous to the established boundaries of the Pueblo of Zia, by the Pueblo. This land, an area totaling approximately 13,000, will then be taken into trust and held for the benefit of the Pueblo by the Secretary of Interior, and would subsequently be managed by the Pueblo in perpetuity as wilderness.

This proposal has been under consideration for many years, and I am pleased to have the opportunity today to take an important step toward making it law. The proposal has the explicit support of the Governor of New Mexico, the counties of Sandoval and Bernalillo, individual members of State government, the Pueblo of Zia and its members, numerous environmental groups, including the New Mexico Wilderness Coalition, the Wilderness Alliance, the Wilderness Society, and the Sierra Club, and business owners, private citizens, and landowners located nearby. Furthermore, the BLM has evaluated this area and found it to have sufficient land area and natural characteristics to qualify for full wilderness status and protection.

The Ojito Wilderness Study Area is characterized by pristine and dramatic landforms and

rock structures, and by several rare plant populations that are indigenous to the area. This area is also recognized for its high density of cultural and archeological sites, including sites that have religious significance to Pueblo Indians. Many paleontological specimens have been found in the area, and large areas of exposed dinosaur bones are currently visible on the surface of the land. As such, the area is a veritable outdoor classroom for people of all ages.

This legislation has special significance to the Pueblo of Zia. The Pueblo's reservation lands currently lie in 2 noncontiguous sections. Zia has made a concerted effort over many years to adjoin its reservation lands by acquiring adjacent parcels of land. This legislation will help make this longstanding goal a reality.

To facilitate the acquisition of this land, the Pueblo has worked in cooperation with other interested parties and the environmental community to reach a mutually satisfactory arrangement for protection of these important wildlands and to assure that the lands will be open to the general public. As part of the agreement, the Pueblo has developed a series of proposed conservation measures for the acquired lands including a requirement to manage the land as open space; a guarantee of continued public access to the lands for scientific, recreational, and educational purposes; a strict limitation on road vehicle use; and a ban on commercial development within the designated area.

It is important to stress that all lands acquired by the Pueblo of Zia will be preserved as undeveloped open space with continued public access. Members of the public will have access to the acquired land for recreational, scientific, and educational uses, and for access to the Wilderness Area over existing roads. The legislation would prohibit new roads, buildings, mineral and oil and gas extraction, and ATV use. Therefore, the combined Zia acquisition and establishment of the Ojito Wilderness will enable approximately twice as much land to be protected than the establishment of the Wilderness Area alone.

The Pueblo of Zia has waited many years to link the portions of its reservation lands that are separated by the Ojito Wilderness Study Area. The proposed land acquisition is the result of collaborative effort of many to assure that these important lands are protected forever. And, in an additional gesture of good faith, the Pueblo has waived its sovereign immunity from suit for matters arising under the provisions of this bill.

Considering the above, I believe it is time to ensure the preservation, protection, and public access to this special area of New Mexico for future generations of Americans to enjoy forever. It is my pleasure to help facilitate this process, and I encourage my colleagues to join me in supporting this important legislation.

TRIBUTE TO ANTHONY PRICE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this nation to pay tribute to an outstanding student from my district. Anthony Price, a recent graduate of Centennial High School, was recently named the National Champion for Computer Applications by the Future Business Leaders of America. I am honored to pay tribute to the many accomplishments of this young Coloradan here today.

Anthony set a goal for himself and he worked hard to achieve that goal. After an impressive fourth place finish in the Future Business Leaders of America competition last year, Anthony decided that this year he was going to win. He studied hard and never gave up on that goal. Anthony's efforts paid off when he won not only the Colorado competition, but the national competition as well.

I know that Anthony will make good use of the lessons he has learned as he goes on to study business management at Johnson and Wales University in Denver. With his drive and determination, Anthony is sure to excel at whatever he puts his mind to.

Mr. Speaker, Anthony Price exemplifies how, with hard work, determination, and perseverance, any goal is attainable. Anthony has a bright future ahead of him, and I am honored to join with my colleagues here today in congratulating him on his accomplishments thus far. Good luck, Anthony.

COMMENDING PEOPLE AND GOVERNMENT OF TAIWAN

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Ms. LEE. Mr. Speaker, I rise today to commend the people and government of Taiwan for their democratic achievements, their economic accomplishments, and their significant advances in healthcare, the sciences, business, and many other fields.

RECOGNIZING ROBERT M. LYNCH

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. THOMPSON of California. Mr. Speaker, it is with a heavy heart that I rise today to pay tribute to Robert M. Lynch, the patriarch of one of California's premier publishing dynasties. Mr. Lynch passed away Sunday, September 21, 2003 in Sonoma, California with his family at his side.

Bob Lynch was a treasure to our community and to his family. He was an old time newspaperman in the very best sense, who used the pages of the Sonoma Index Tribune to make his hometown a better place. There was nothing he relished more than crusading for the passage of a school bond measure, building new ball fields, constructing the senior center, the swimming pool at the high school or the boys and girls club. It was a role he played for 57 years.

Bob's grandfather was editor and publisher of the Index Tribune from 1884–1915. His aunt Celeste took the reigns after that and Bob joined his aunt in Sonoma after graduation from high school.

It was during this period that the newspaper business got into his blood but his plans were interrupted when he answered his country's call at the outset of World War II. Bob joined the Navy and spent 4 years in service away from his new bride, Jean and his beloved newspaper.

Bob and Jean purchased the Index Tribune in 1946. During those early years, Bob did it all. He was the editor, publisher, reporter, photographer and even covered all the sports and society events.

The paper flourished and grew under Bob's stewardship. One of his proudest moments was when his three sons joined the family business. This moment was only surpassed this year when two grandsons came on board.

Though officially semi-retired, he still wrote a weekly column and all of the obituaries because he knew everybody in town.

His newspaper won numerous State and national awards during his 57 years at the helm. He was also recognized by his peers on many occasions, most notably as the California Press Association's Newspaper Person of the Year for 1989, the California Press Association's Philip N. McCombs Achievement Award winner for 2003 and as one of the first three people inducted into the Sonoma County Hall of Fame.

Mr. Speaker, Bob Lynch has had a long and distinguished career in journalism and it is appropriate that we honor him today. He has made his community a better place in which to live and has passed on his passion for the newspaper business to his sons and his grandsons. He leaves his wife of nearly 62 years, his sons, six grandchildren, two step grandchildren and three great grandchildren. He will be missed but his memory will live on forever in the pages of the Index Tribune.

IN HONOR OF PETER TROXELL

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. FARR. Mr. Speaker, I rise today to congratulate Peter Troxell on his recent retirement as the station manager at KUSP. For 10 years he has run this Santa Cruz-based community radio station, making changes and improvements, and never forgetting the people whom it serves.

When Peter took over as the station manager in 1993, KUSP was in serious debt and he had some hard decisions to make. While he may not have always done what was popular, he managed to bring the station out of debt within a year, and used the new money to make some much-needed improvements. KUSP doubled the number of signal translators, and added another station, KBDH in San Ardo, so that today their signal is reached in 5 counties. Last year the station underwent a major remodeling, making the space professional and comfortable.

Peter's first commitment at KUSP has always been to his employees. He trusts in their abilities and works with them to foster their talents. The many employees and volunteers at KUSP regard Peter as a father figure whom they can depend on and trust. He takes this commitment seriously and understands that the station cannot function without its dedicated employees. This is a welcome change from many businesses that see employees as the first to go when times are tough.

Mr. Speaker, I applaud Peter Troxell's achievements and accomplishments. He has shown an outstanding commitment to both KUSP and the community of Santa Cruz during his decade as the station manager, and his service will be greatly missed. Running a non-profit, independent radio station is not an easy task, but through his hard work and dedication, Peter has guaranteed that we will not lose this valuable resource. I join the County of Santa Cruz, and friends and family in honoring this truly commendable man and all of his achievements at KUSP.

TRIBUTE TO LOUISE MOONEY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. MCINNIS. Mr. Speaker, I rise before this body of Congress and this nation to pay tribute to an outstanding citizen from my district. Louise Mooney of Glenwood Springs, Colorado volunteers countless hours to her local community, helping adults and children learn to read. She routinely spends time with people who are sick or injured and frequently helps out her neighbors who are in need. Louise is a valued member of her community, and I am honored to pay tribute to her here today.

Louise has dedicated her life to helping others. As a young mother, Louise answered a crisis line at Valley View Hospital and volunteered at the area's first hospice. When her children grew up, Louise joined the Peace Corps, where she helped the people of the Philippines for two years. Today, Louise teaches adults to read and write as a tutor for Literacy Outreach. She volunteers at Sopris Elementary School, where she reads to the kids in order to help them improve their reading and writing skills. Louise also volunteers at the Frontier Historical Museum. For her efforts and her impressive dedication to her community, Louise was recently awarded the Garfield County Humanitarian Service Award, a recognition she has certainly earned.

Mr. Speaker, Louise Mooney is an exemplary neighbor and a great citizen. Throughout her life, she has sought out opportunities to give back to her community. Her example of determination and hard work are an inspiration to us all, and I am honored to join with my colleagues today in thanking Louise for her service. Thank you, Louise. I wish you all the best in your future endeavors.

MEMBERS OF CONGRESS WRITE TO STATE DEPARTMENT: WITHDRAW OFFENSIVE TERRORISM VIDEO

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. TOWNS. Mr. Speaker, I am proud to have co-sponsored with the gentleman from Indiana a recent letter to the State Department asking them to withdraw the offensive video ''Terrorism: A War Without Borders,'' which characterized all Sikhs as terrorists. This is offensive and against America's principles. As a minority, I take special offense at this kind of characterization of any minority group.

While the video may have had some usefulness in reminding Americans what they can do to help combat the threat of terrorism, its stereotyping of Sikhs as terrorists is unacceptable.

Let me quote from the letter, Mr. Speaker: ''This video should be corrected or withdrawn immediately. The United States government should not be in the business of spreading inaccurate information, especially when that information is offensive to a hard-working, honorable people and serves only to promote the interests of a foreign regime.''

The Sikhs are hard-working people who have been involved in every aspect of American life. One Sikh American, Dalip Singh Saund, even served in the U.S. Congress. Back in the subcontinent, they are one of many national groups, along with predominantly Christian Nagas, Kashmiris, and others struggling for their sovereignty and independence from India, which is run by militant Hindu nationalists bent on imposing Hinduism on all aspects of Indian life. The Sikh leadership has committed to carrying out this struggle by peaceful, democratic, nonviolent means. Yet it is for seeking their freedom at all that India labels them ''terrorists.'' In fact, shortly after India's independence Prime Minister Nehru issued a directive calling Sikhs a ''criminal class'' and ordering police to keep special track of them, despite the fact that the Sikhs, who were less than two percent of the population, gave the majority of the sacrifices in India's freedom struggle. I am very distressed to see the government of the United States repeating this offensive description.

That is why withdrawing this video is so important, Mr. Speaker. There were more than 300 cases of hate crimes or actions against Sikhs in the wake of September 11, 2001. For the United States to give support in an official production of the government to the characterization of all Sikhs as terrorists merely encourages more of this kind of hate against loyal, hard-working, honest Americans. It also unfairly supports the position of a repressive regime that has murdered over 250,000 Sikhs since the Golden Temple attack of June 1984, according to figures compiled by the Punjab State Magistracy and human rights groups, as well as over 200,000 Christians in Nagaland since 1947, over 85,000 Kashmiri Muslims since 1988, and tens of thousands of Assamese, Bodos, Dalits, Manipuris, Tamils, and others. It encourages a government that admits to holding 52,268 Sikh political prisoners and holds tens of thousands of other minorities as political prisoners as well, according to Amnesty International.

Mr. Speaker, we should not be endorsing the party line of such a repressive regime. Instead, we should be working to support freedom by stopping U.S. aid to India until all people there enjoy full and equal human rights and by supporting self-determination for the Sikhs of Khalistan, the Kashmiris, the Nagas, and everyone seeking freedom. That is the democratic way and it is the only way to bring real peace and freedom from terrorism to everyone in South Asia.

Mr. Speaker, I would like to place the letter from Members of Congress to Secretary Powell into the RECORD at this time for the information of my colleagues.

CONGRESS OF THE UNITED STATES,
Washington, DC, September 18, 2003.

Hon. COLIN POWELL,
Secretary of State,
Washington, DC.

DEAR SECRETARY POWELL: As Members of the United States Congress, we are very concerned about your Department's video, ''War Without Borders.'' Your depiction of the Sikhs is discriminatory, unfair, and offensive.

The video is offensive to Sikhs around the world and to all people who support non-discrimination and freedom. The video inaccurately broadly labels all of the world's 25 million Sikhs—500,000 of whom live in the United States—as terrorists. This is offensive and inaccurate.

The video's description of the June 1984 Indian military attack on the Golden Temple in Amritsar, the most sacred of Sikh shrines, misrepresents the circumstances of that unfortunate incident. Every terrorist act cited in the video is described as either the work of an individual or a group of a certain nationality or a group, such as Al Qaeda or the like, which honorably refrains from labelling an entire people as terrorists. Yet with the Sikhs it takes a different approach, referring to the terrorists merely as ''Sikhs,'' thus implicitly creating the impression that all Sikhs are terrorists. But there were no terrorists in the Golden Temple complex. The book Chakravyuh: Web of Indian Secularism reprints letters showing conclusively that India planned this attack in order to kill Sant Jarnail Singh Bhindranwale and other Sikh leaders who spoke out for a sovereign Sikh state. Labelling all Sikhs who support an independent, sovereign Khalistan as terrorists is the propaganda line of the repressive Indian regime. We share your desire to have good relations with India, but good relations must not trump truth.

India is a repressive government. Over 250,000 Sikhs have been murdered by the Indian government since the Golden Temple attack, according to figures compiled by the Punjab State Magistracy and human rights groups and reported in *The Politics of Genocide* by Inderjit Singh Jaijee. According to a report by the Movement Against State Repression (MASR), the Indian government admits to holding 52,268 political prisoners under the brutal, repressive ''Terrorist and Disruptive Activities Act'' (TADA), which expired in 1995. In addition, India has murdered over 200,000 Christians in Nagaland since 1947, over 85,000 Kashmiri Muslims since 1988, and tens of thousands of Assamese, Bodos, Dalits, Manipuris, Tamils, and others. An Indian Cabinet minister said that everyone who lives in India must either be a Hindu or be subservient to Hinduism.

This video should be corrected or withdrawn immediately. The United States government should not be in the business of spreading inaccurate information, especially when that information is offensive to a hard-working, honorable people and serves only to promote the interests of a foreign regime.

Sincerely,

DAN BURTON.
ED TOWNS.
WALLY HERGER.

MAYOR KALISZ SPEAKS WISELY ON FISHING REGULATIONS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. FRANK of Massachusetts. Mr. Speaker, we face a very difficult situation regarding the

fishing industry in Massachusetts. I believe that current federal law should do a better job then it does of allowing fishing to go forward with appropriate respect for environmental considerations. Flaws in the current law have resulted in judicial orders that restrict fishing unduly, and will cause serious economic harm without appropriate environmental justification. It is my hope that we will proceed quickly to amendment of existing law so as to avoid this problem in the future.

Currently, because we have not yet dealt with the law, the fishing industry in Massachusetts faces the imposition of unduly restrictive rules. Some of my Congressional colleagues and I have spoken out in an effort to hold off drastic action for as long as is legally possible, to give us time to change the law. Last week, Mayor Frederick Kalisz, Jr. of New Bedford addressed an important meeting in New Bedford, attended by a large number of representatives of the fishing industry, as well as federal officials. Mayor Kalisz's comments are extremely thoughtful and because this is an important national subject, and because I hope that the views expressed by Mayor Kalisz will be followed by federal officials, I ask that his comments be printed here.

2003 NOAA—FISHERIES CONSTITUENT SESSION—SEPTEMBER 16, 2003

Good afternoon Dr. Hogarth, on behalf of the residents of the City of New Bedford, I'd like to thank you for the opportunity to present a few brief remarks regarding the current state of fisheries issues.

Back in 1976 when the Magnusun Act was first enacted there was great hope throughout the country that the Act's innovative structure of setting forth objective standards and requiring that these standards and scientific data form the basis of decisions rendered through consensus by a regional fisheries management councils would protect the American Fishery and also create a sustainable fishery. As you are aware, the Act set forth ten (10) national standards and required that all fisheries management plans be consistent with these standards. Although Congress seemed to give all of the standards equal weight, the regulations promulgated to implement the Act and subsequent Court decisions appear to have created a pecking order among standards. As a result the scientific data is no longer a tool to assist in crafting consensus, but rather disagreements over basic scientific data have become the single biggest impediment to consensus. This is truly unfortunate.

We rely on current economic conditions to determine interest rates; we rely on current air quality conditions to determine smog, yet we are satisfied to rely on last year's fishing trawls to determine if fish are in the same area today. My remarks are not intended to attack the science, but rather to call for a renewed scientific partnership based on consensus. If we can not agree on the basics of fisheries science, we will never be able to agree on maximum sustainable yield.

I understand that in spite of the significant strides that have been made in marine biology and marine environmental science, our knowledge pales in comparison to the mysteries the oceans still hold. We still do not fully understand the result of a 2% change in the salinity of the water, nor do we fully understand the impact of a 2 degree change in the water temperature on year old fish stock. We understand that smoke stack emissions from the Midwest can affect our air quality here in New England, but do not understand, or in some cases recognize, the effects the particulates from those emissions will have on Georges Bank when they run into an Atlantic Storm. We intuitively understand that there must be an effect on the oceans from El Nino, but we still don't know what causes red tide to occur when it does.

Perhaps it is only the arrogance of man that would lead us to assume that we can totally understand the intricacies of the seas. And so rather than expand our knowledge of those things we still don't understand, we have settled for intensive study of the things we do understand. We then purport to be committed to building a sustainable fishery by controlling only those things we understand. It is analogous to learning that someone has polluted a stream and then rather than seek to identify the source of the contamination, claim that the reduction of fish is solely due to new lures being used by people who fish in the stream.

We have allowed ourselves to become overwhelmed by the task of fisheries management and have ceded our responsibilities to science. Science's role must be to use the best methods available to collect data, analyze that data and then identify trends. Science's role is not to set policy. That is the role that Congress assigned to the members of the regional council who represent all of the various interests.

As we seek to expand our knowledge, we must also guard to ensure that we recognize the difference between scientific data and rhetoric. There is currently a movement afoot to paint our fishing families as ''capture hunters'' and not the harvesters of the bounty of the sea as Magnuson rightfully recognizes. The fisherman are no more the enemy of the oceans than farmers are enemies of the land.

So where do we go from here. I believe that Vice Admiral Lautenbacher's message in the NOAA Annual Guidance Memorandum clearly identifies NOAA's role in the future. The Vice Admiral writes:

''NOAA's own decision making processes must be transparent, participatory, and information-based, taking into account diverse societal values. In short, the Nation needs NOAA as an honest broker when it comes to oceanic and atmospheric issues.''

I couldn't agree more. But there must be actions to support these words. An honest broker facilitates frank and forthright discussion and is not willing to resort to overly simplistic solutions such as ''hard TACs'' which do nothing more than encourage more intensive use of the fishery.

An agency that has led the way in understanding the dynamics of hurricanes by flying planes into the middle of the cyclone, cannot rely on old outdated models and data when it comes to fisheries. The Vice Admiral also rightfully recognizes the need to develop new models and methods for data gathering and analysis. Again the Vice Admiral writes:

''We should enhance our current scientific and decision-making ability, in order to fulfill mandates for trust resources in a manner that satisfies the public's expectations of an honest broker. We should conduct research on ecological, social and economic processes geared toward advancing integrated analyses of alternatives.''

The Vice Admiral further writes:

''To enhance NOAA's role as honest broker, we should strive consistently to improve the accuracy and quality of the scientific research on which important decisions depend. We should also work to make our decision processes as fair and transparent as possible and expand our interaction with the entire spectrum of decisions-makers to ensure increased responsiveness to NOAA science.''

The Vice Admiral's message is actually a call to develop models that analyze the entire system rather than just one piece of a much bigger system. As I mentioned earlier, this new model will require renewed commitment as we seek to understand that which is still a mystery.

Finally, the Vice Admiral writes of the need to forge strategic partnerships stating.

''The challenges facing America require integrated, cooperative solutions. No agency can go it alone. We need to work with universities, industry, stakeholder groups and government agencies at all levels.''

Over the past two years, the City of New Bedford has forged a strategic partnership with NOAA and other federal agencies and through this partnership has developed innovative consensus based strategies for the remediation and redevelopment of Brownfields. Today, I renew the commitment of New Bedford to continue our work with SMAST, MassFisheries, NOAA-Fisheries, and our sister ports in Massachusetts and throughout New England to develop and implement the best practices possible so that we can collect and analyze data in real time to create a truly sustainable fishery.

Today, the winds have changed. A solidarity is building on the wharves and in the facilities, on the streets and in the community. During the past year, I have met regularly with a Seafood Industry Advisory Task Force composed of representatives of the various sectors of New Bedford's Seafood Industry. In these meetings there is a sense of cooperation and resolve. We understand that it is more than just charts and graphs, it is about families and community. We understand that an academic exercise that only results in a 1% change in the resource in 2023 can decimate an industry, a community and a family.

We have many difficult decisions to make. Let us agree to use the best available science to gather and analyze our data in real time, and then allow the deliberative framework created by the Magnuson Act to balance the interests and manage our fisheries.

HONORING COLONEL DIANE L. BERARD

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. RYAN of Wisconsin. Mr. Speaker, I rise today to honor Colonel Diane L. Berard, a native of Janesville, Wisconsin, who will retire later this year after more than 26 years of distinguished service with the United States Army.

Colonel Berard was born in Janesville, Wisconsin, and attended the University of Wisconsin-Whitewater. She graduated with a degree in accounting and was recognized as a Distinguished Military Graduate for her participation in the university's four-year ROTC program. In addition to holding the distinction of being the first woman to graduate from a four-year ROTC program at the University of Wisconsin-Whitewater, Colonel Berard is also the school's first ROTC graduate to earn the rank of Colonel in the United States Army.

Colonel Berard's first duty station was with the U.S. Army in Germany. Since that assignment, Colonel Berard has been stationed in Fort Stewart, Georgia; the Pentagon; Rock Island Arsenal, Illinois; Fort Jackson, South Carolina; Fort Hood, Texas; Fort Eustis, Virginia; and Fort McCoy, Wisconsin. She closes out her long military career as the senior military Resource Manager for the U.S. Army

Training and Doctrine Command at Fort Monroe, Virginia. At Fort Monroe, she worked with the Deputy Chief of Staff for Resource Management in the planning, execution, and overall management of resources totaling 4.2 billion dollars.

As a reflection of the leadership skills and financial management expertise that have allowed her to shape the future of financial services for soldiers and their units serving worldwide, Colonel Berard has received numerous awards and decorations. Eight Meritorious Service Medals, two Army Commendation Medals and two Army Achievement Medals are only a few of the many distinctions that she received throughout her career. Upon her retirement, Colonel Berard will be awarded the prestigious Legion of Merit, an honor reserved for members of the Armed Forces who have displayed exceptionally outstanding conduct in the performance of meritorious service to the United States. This tremendous award is a fitting tribute to Colonel Berard for her courage, patriotic service, and exemplary dedication to her profession.

I ask my colleagues to join me in thanking Colonel Berard for her service to the Nation and the United States Army, and wish her and her family all the best in their future endeavors.

TRIBUTE TO DON MOFFATT

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. McINNIS. Mr. Speaker, it is with a heavy heart that I rise before this body of Congress and this nation today to pay tribute to the life and memory of a great citizen from my district. Don Moffatt of Crested Butte, Colorado recently passed away at the age of 58, and as his family and friends mourn Don's passing, I would like to pay tribute to his life and memory.

Don was an active member of his community. He served on the Board of the Adaptive Sports Center, where he worked hard to secure funding to help physically-challenged adults and children. Don was also an avid golfer and was active with the Crested Butte Open. Throughout the community Don was widely admired and respected. Don treated everyone he met with courtesy and respect, and he will always be remembered as someone who looked for, and found, the best in those around him.

Mr. Speaker, Don Moffatt was a beloved member of the Crested Butte community. His love for life and dedication to his friends and neighbors touched many lives. While Don has passed on, his legacy will continue to live. I am honored to join with my colleagues in honoring Don here today.

PERSONAL EXPLANATION

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. TERRY. Mr. Speaker, on Tuesday, September 23, 2003, I missed four votes due to a funeral for Omaha Police Sergeant Jason Pratt, who was killed in the line of duty. Had I been present, I would have voted NO on: Roll Call Vote #509—The Motion to Instruct on H.R. 1308 and Roll Call Vote #510—The Motion to Instruct on H.R. 1.

I would have voted YES on: Roll Call Vote #511—The Motion to Instruct on H.R. 1588 and Roll Call Vote #512—H.R. 1409—To provide for a Federal land exchange for the environmental, educational, and cultural benefit of the American public and the Eastern Band of Cherokee Indians, and for other purposes.

HONORING REV. SCOTT R. PILARZ ON HIS INAUGURATION AS THE PRESIDENT OF THE UNIVERSITY OF SCRANTON

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. KANJORSKI. Mr. Speaker, I rise today to call the attention of the House of Representatives to the inauguration of Rev. Scott R. Pilarz as the new President of the University of Scranton. I am pleased to be joining the entire community of Northeastern Pennsylvania in welcoming him to the area this Friday, September 26, 2003.

Rev. Scott R. Pilarz, S.J., Ph.D. has a remarkable background and career. He entered the Society of Jesus in 1981 and was ordained a priest in 1992. He received his bachelor's degree in English from Georgetown University, and a master's degree in philosophy from Fordham University and in divinity and theology from the Weston School of Theology in Cambridge, Massachusetts. He went on to earn a Ph.D. in English at the City University of New York, CUNY, and his dissertation won the 1997 CUNY Alumni Achievement Prize for Dissertation Excellence.

As he was completing his studies at Weston, Father Pilarz served as a lecturer in the philosophy department of Ss. Peter & Paul Seminary at the University of Ibadan, Nigeria. While completing doctoral studies, he was appointed to the English faculty of St. Joseph's University in 1994. In 1996, he joined the Georgetown faculty as an assistant professor of English. In 2002, he was appointed interim University Chaplain, where he served as a member of the President's Cabinet and was responsible for leading campus ministry efforts on Georgetown's Main, Medical and Law campuses. He worked with the President to promote Georgetown's Catholic and Jesuit character, sponsored inter-religious dialogue and coordinated interfaith activities on all three of Georgetown's campuses.

He was recognized by the Georgetown Alumni Association in 2002 with the William Gaston Award for Outstanding Service and was chosen by the graduating class of 1999 to receive the Edward B. Bunn, S.J., Award for Faculty Excellence, an award that recognizes outstanding teaching and service.

As a scholar, Father Pilarz has delivered numerous papers at scholarly conferences on various aspects of Medieval and Renaissance literature. He has also lectured and published on topics related to Jesuit education. His articles on John Donne, Robert Southwell and Medieval drama have appeared in academic journals and collections of essays, and his book, Robert Southwell, S.J., and the Mission of Literature 1561–1595: Writing Reconciliation, will be published by Ashgate Press.

In 1998, he received a grant from the National Endowment for the Humanities, and he has received three research grants and a competitive junior faculty research leave from Georgetown.

Father Pilarz serves on the boards of Boston College, Loyola University of Chicago, the Community Medical Center, Scranton, and Camden Catholic High School in Cherry Hill, N.J., from which he graduated. His professional memberships include the John Donne Society, the Renaissance Society of America, the Shakespeare Association of America, the Medieval and Renaissance Drama Society, the Polish Institute of Arts and Sciences of America, and the Modern Language Association.

Father Pilarz has served as a member of The University of Scranton's Board of Trustees since 2000. In April of 2003, The University of Scranton's Board of Trustees completed a national search and announced the selection of Father Pilarz as the next President.

Father Pilarz became the twenty-fourth President of The University of Scranton on July 1, 2003.

Mr. Speaker The University of Scranton is, by tradition, choice and heartfelt commitment, a Catholic and Jesuit university. Founded in 1888 as Saint Thomas College by the Most Reverend William G. O'Hara, D.D., the first bishop of Scranton, it achieved university status in 1938 and was entrusted to the care of the Society of Jesus in 1942.

On the inauguration of its newest President, I would like to pay tribute to the University of Scranton, its administration, trustees, faculty, alumni, and students. I would also like to wish Father Pilarz the best of luck as he leads this university into the future. Thank you.

PERSONAL EXPLANATION

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. CARTER. Mr. Speaker, during rollcall votes 509, 510, and 511, Representative Ryan (OH) Motion to Instruct Conferees on H.R. 1308, Representative Stenholm Motion to Instruct Conferees on H.R. 1, and Representative Rodriguez Motion to Instruct Conferees on H.R. 1588, I was unavoidably detained. If I had been present, I would have voted ''no.''

During rollcall vote 512, the Eastern Band of Cherokee Indians Land Exchange Act of 2003, H.R. 1409, I was unavoidably detained. If I had been present, I would have voted ''yea.''

TRIBUTE TO TRI-COUNTY HOUSING & COMMUNITY DEVELOPMENT CORPORATION

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this nation today to pay

tribute to an organization that is dedicated to serving people in need of affordable housing. The Tri-County Housing & Community Development Corporation serves Colorado's Bent, Crowley, and Otero counties. The corporation works to rehabilitate homes and bring neighborhoods back to life. It is for their ongoing efforts to provide safe, sanitary, and affordable housing to the residents of Colorado that I would like to recognize Tri-County here today.

The Tri-County Housing & Community Development Corporation was created in 1991 to provide assistance in rehabilitating low-income housing. Over the years, Tri-County has received several accolades, including the Eagle Award from Colorado Housing NOW, as well as acknowledgement from Housing and Urban Development Secretary Henry Cisneros.

From helping build or repair homes to answering questions regarding financing, Tri-County serves local homeowners in many ways. Tri-County serves more than homeowners, though. The corporation also owns and operates several low-income housing apartments. Tri-County remains active in community development, assisting with downtown renovations, restoration of historic train stations, and improving local senior centers. Tri-County has been a major help in securing funding for the creation of parks, libraries, nature trails, and other community services.

Mr. Speaker, I am honored to recognize an organization committed to creating and maintaining safe, sanitary, and affordable housing. Tri-County Housing & Community Development Corporation provides a needed service to a grateful community. Tri-County's work lifts not only individual people but transforms the entire community. I join with my colleagues today in honoring this dedicated and hard-working organization.

RECOGNIZING REPUBLIC OF KAZAKHSTAN

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. BARTON of Texas. Mr. Speaker, I rise today to recognize the Republic of Kazakhstan for its potential to enhance our nation's energy independence and for its significant contributions in support of the United States in the War on Terror. I ask that my colleagues join me in recognizing the strategic importance of Kazakhstan to our nation's well-being.

It is widely recognized that the United States relies greatly on imports of OPEC oil from the Middle East. This reliance is exacerbated by the present instability of that region. Mr. Speaker, if the United States is to become truly energy independent, it must seek non-OPEC alternatives for our supply of oil. Kazakhstan can—and is willing to—help greatly in this endeavor.

The Caspian region of Central Asia contains a wealth of oil reserves. Kazakhstan, in particular, shows great promise. Adding to its robust economy, over the past six years, Kazakhstan has more than doubled its production of oil from 415,000 to almost 1 million barrels per day. By 2015, Kazakhstan is expected to produce 2.5 million barrels per day. This production would place it among the top non-OPEC producers of oil in the world. However, Kazakhstan requires foreign investment in order to improve and expand its oil and gas infrastructure so that the benefit of its significant reserves can be realized.

Importantly, Kazakhstan has taken steps to promote transparency in its financial transactions, particularly with regard to oil transactions. The government recently established the National Fund, which will be a model for openness and disclosure in the management of the country's oil revenues. The government also has pledged transparency and openness in future oil and gas contracts, and has officially endorsed the British government's Extractive Industries Transparency Initiative.

Kazakhstan is a young country struggling to institute meaningful democratic reforms. This has been a difficult path to travel and much work remains. Yet from the beginning, Kazakhstan's tangible progress has signaled its unwavering commitment to effect true change. Kazakhstan's desire to forge a strong energy partnership with the United States is one example. Another is Kazakhstan's support of the United States in the War on Terror.

As the center of the former Soviet Union's nuclear and biological weapons programs, Kazakhstan held considerable—and potentially dangerous—power over the world as the Soviet Union broke apart. In fact, Kazakhstan had the fourth largest arsenal of nuclear weapons in the world larger than Britain, France and China combined. Rather than capitulating to countries offering to pay millions of dollars to purchase these weapons, Kazakhstan's leader, Nursultan Nazarbayev, boldly chose instead to destroy the country's stockpile and position Kazakhstan as a stabilizing force in the region. Mr. President, in light of September 11, threats from North Korea, and the war and continuing operations in Iraq, Kazakhstan's courageous decision against becoming a nuclear state certainly has helped the world avoid greater threats to peace and stability.

Kazakhstan has been a leader and is the current chair of the Central Asian Cooperation Organization, which unites several nations of the region to combat terrorism, extremism, and drug trafficking. Toward that end, Kazakhstan has consistently supported the United States in the War on Terror. During the war in Iraq, Kazakhstan granted to the United States overflight rights and access to its airbase at Almaty. Kazakhstan also participates in NATO's International Security Assistance Force in Afghanistan.

Kazakhstan's contributions have not gone unnoticed. During a visit to Kazakhstan in July 2003, the NATO Secretary General praised Kazakhstan for its support of the peace keeping mission in Iraq and its support for the War on Terror. Kazakhstan was the first Central Asian republic to join in the post-war reconstruction efforts. In August 2003, Kazakhstan sent 27 military personnel, including de-mining experts, engineers, and translators to Iraq.

The illustrations of Kazakhstan's tangible efforts to join the democratic world could not be more stark. Kazakhstan chose non-proliferation over possessing nuclear weapons; it chose peace and prosperity over terrorism and strife; it chose a market economy over the communist status quo; and it chose the difficult path of reform over complacency. Kazakhstan's ability to greatly enhance our energy independence, and its position alongside the United States in the War on Terror, are but two illustrations of Kazakhstan's resolve to affect positive, longstanding change.

Kazakhstan stands out because it possesses great potential and is supported by a powerful commitment toward democracy. Considerable work remains, and the United States must lend its support to ensure that Kazakhstan continues down the path toward democratization. I ask that my colleagues join me in commending the Republic of Kazakhstan on its positive steps forward.

NORTH STAR CHARTER SCHOOL

HON. C. L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. OTTER. Mr. Speaker, I rise today to commend the work and purpose of the North Star Charter School in Eagle, Idaho. This public school was founded by volunteers—parents with a vision of virtue, citizenship and leadership not only for their own children but also for their community and our nation.

I recently had the honor of visiting the North Star Charter School at its new building, not far from my ranch in Idaho. About 270 students joined with 20 excellent faculty members and a similar number of involved, caring parents as we unveiled a painting of George Washington at prayer. That painting now is displayed prominently near the school's main entrance. It is a stirring image of the first and greatest of our Founding Fathers, and it provides a fitting reminder of the kind of values that the North Star Charter School has made the foundation of its curriculum and educational environment.

The school for kindergarteners through eighth-graders, led by Board of Directors Chairman Gale Pooley and Principal Nancy Smith, has established as its mission the development of virtuous citizen leaders. The lives and work of our Founding Fathers are the historical guideposts of that journey.

Even the school's name provides a constant reminder that its goals are unwavering and steadfast, like the North Star itself—an eternal beacon trusted by navigators searching for new lands, or simply making their way home.

I couldn't hope to say it any better than the school's own mission statement: ''The North Star Charter School will endeavor to develop each student into a leader that can be trusted to serve the interests of his family, community, profession and nation with the strength of character and the depth of knowledge to stand for the time-honored principles and ideals of a free and open society.''

Mr. Speaker, I am extremely proud to represent the school, its students and the families that find such great value in the timeless lessons of our nation's birth.

TRIBUTE TO MS. RITA BALIAN

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. PALLONE. Mr. Speaker, I would like to take this opportunity to recognize a woman who exemplifies the idea of the humanitarian

activist, my good friend, Ms. Rita Balian. Rita is an extraordinary person who gives significant time and personal resources to see that the rate of cancer in the Country of Armenia is significantly reduced.

Rita is the founder and current president of the Armenian American Wellness Center (AAWC). The Center has provided mammography screening to over 40,000 women and has been credited with saving the lives of nearly 1,000 women diagnosed with breast cancer in Armenia. Started in April 1997 and originally called the Armenian American Mammography University Center (AAMUC), Rita has worked tirelessly to expand the Center to serve an ever increasing clientele. Before Rita established the Wellness Center in Armenia, not a single mammogram had been preformed in the entire country. Instead, women discovered breast through obvious pain and a woman's only treatment option was complete mastectomy.

Along with her commitment to the Wellness Center, Rita was closely involved in the rebuilding of Armenia in the aftermath of the devastating 1988 earthquake. During this time, she worked with the Mayor of Alexandria, VA to establish a sister-city program with Alexandria and the Armenian town of Gyumri. She has also worked with her husband Vartkess to promote their passion for education throughout the country.

Despite her generosity and dedication to her causes, Rita seeks no recognition for her work. However, other groups and organizations have seen fit to commend her giving spirit. Last year, she was honored by the United States Agency for International Development's ''Outstanding Citizen'' award for her work with the Wellness Center. Today, she is the sole recipient of the ''Cancer Advocacy Award'' as part of the Washington Hospital Center's Spirit of Life Awards Celebration.

Mr. Speaker, I ask that my colleagues join the Washington Hospital Center, USAID, and the patients of the Armenian American Wellness Center and recognize the extraordinary efforts of Rita Balian. It is with great pleasure that I speak about her accomplishments today.

TRIBUTE TO MYRON ''MIKE'' GENOVA

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. McINNIS. Mr. Speaker, it is with a heavy heart that I rise before this body of Congress and this nation today to pay tribute to a great citizen from my district. Myron ''Mike'' Genova of Grand Junction, Colorado recently passed away at the age of sixty-one. As his family and friends mourn Mike's passing, I would like to pay tribute to his memory here today.

Mike was born in San Jose, California in 1942, but later moved with his family to Grand Junction, where he graduated high school and attended Mesa College. Mike and his wife, Doralyn, settled in the community and raised three wonderful sons. Throughout his life, Mike was a dedicated and hard-working man, devoting thirty-seven years to his job dealing with high pressure natural gas for Public Service/Xcel Energy. Mike was a National Hot Rod Association and NASCAR racing enthusiast. In his youth, he raced competitively, and remained a devoted race fan throughout his life.

Mr. Speaker, Mike Genova had a tremendous zeal for life. He was devoted to his family and committed to his work. Everyone who knew Mike liked and respected him. He will be greatly missed, and his legacy will certainly continue to live on. I am honored to join with my colleagues in remembering the life of Mike Genova here today.

TRIBUTE TO THE LATE BENJAMIN H. ZIMMERMAN

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. MOORE. Mr. Speaker, I rise today to pay tribute to the late Professor Benjamin H. Zimmerman of the University of Kansas, who died on September 4th.

Ben Zimmerman was a well known community activist and human rights leader in the city of Lawrence, Kansas, throughout his career with the University of Kansas, where he served as a professor of social welfare for 13 years and was a resident for 25 years. In addition to being active in local, partisan politics, Ben Zimmerman actively supported the causes of civil rights based on race, gender and sexual orientation, child development, equality of economic opportunity, and broader public participation in the electoral process.

Mr. Speaker, I am placing into the RECORD the obituary for Professor Zimmerman that was carried by the Lawrence Journal-World, as well as an article detailing a few of his many achievements supporting greater social justice in Lawrence, Kansas. All who knew him will continue to be inspired by Ben Zimmerman's devotion to serving his fellow Kansans, and many who never met him will benefit from his energetic, tireless work to expand human rights and individual opportunities for all.

[From the Lawrence (KS) Journal-World, Sept. 7, 2003]

BENJAMIN HYMAN ZIMMERMAN

Memorial services for Benjamin Hyman Zimmerman, 85, Lawrence, are pending and will be announced by Warren-McElwain Mortuary. Private inurnment will be in Pioneer Cemetery.

Mr. Zimmerman died Thursday, Sept. 4, 2003, in Venice, Calif.

He was born April 25, 1918, in Syracuse, N.Y., the son of Max and Esther S. (Rudevitsky) Zimmerman.

He was valedictorian of his high school class in Syracuse. He received a bachelor of arts degree from Syracuse University in 1940 and was Phi Beta Kappa, Phi Kappa Phi and magna cum laude. After serving in the U.S. Army in World War II, he continued his education in anthropology at Columbia University and received honors as a Gilder Fellow and Social Science Research Fellow. He then did fieldwork in Brazil in anthropology, working toward a doctorate degree.

Mr. Zimmerman served on the staff advising or teaching at several universities, including City College of New York, Columbia University, University of Illinois and Yale University. He had been a research director for United Way, executive director for the Mayor's Commission for Youth Inc. and executive director of Crusade for Opportunity Inc., all in the Syracuse area. He also worked on national programs including the Office of Economic Opportunity Community Action Program as chief of program planning and the Day Care and Child Development Council of America.

He joined Kansas University as an associate professor in 1972 in the school of social welfare, where he worked until he became associate professor emeritus in 1984.

A resident of Lawrence for more than 25 years, Mr. Zimmerman was chairman of the Discrimination Hearing Board and faculty adviser for Gay Services of Kansas. He also helped found the Day Care Coalition of Lawrence and Douglas County, Lawrence Alliance, Freedom Coalition, Douglas County AIDS Project, Simply Equal and Lawrence-Topeka P–FLAG. He also served on the boards of the NAACP, Freedom Coalition and League of Women Voters and co-chaired a committee that monitored the changes in the Kansas Department of Social and Rehabilitation Services.

Survivors include a daughter, Anne Zimmerman, Sherman Oaks, Calif., and his partner, David Scheuer, Lawrence.

The family suggests memorials be held until an organization is chosen.

E-mail condolences may be sent at *www.warrenmcelwain.com,* subject: Zimmerman.

[From the Lawrence (KS) Journal-World, Sept. 7, 2003]

LONGTIME ACTIVIST DIES AT 85

(By Tim Carpenter)

Ben Zimmerman lived to the age of 85, but never lost the passion of youth when it came to community activism.

''He was quite amazing,'' said Lynne Green, who, with Zimmerman, co-chaired a campaign to amend the city of Lawrence's discrimination policy. ''He had the fire in his belly and the energy of a very young committed activist. He was never an old man.''

Zimmerman, a former associate professor of social welfare at Kansas University and longtime Lawrence resident, died Thursday in Venice, Calif.

His fingerprints are on a long list of organizations and projects designed to bring fairness to the lives of unprotected people, said Ann Weick, dean of social welfare at KU.

''He contributed so much to this community in terms of issues of justice and equality,'' Green said. ''He was an eloquent advocate for vulnerable groups and was really a leader in our faculty during the time he was there in focusing attention of the community on pressing issues of the day.''

In Lawrence, Zimmerman helped found the Day Care Coalition of Lawrence and Douglas County, Lawrence Alliance, Freedom Coalition, Douglas County AIDS Project, Simply Equal and Lawrence-Topeka P–FLAG.

He was on the boards of the NAACP, Freedom Coalition and League of Women Voters.

Zimmerman was active in social welfare activities in Syracuse, N.Y., before joining the KU faculty in 1972.

It was Zimmerman's role in the mid-1990s campaign to add the words ''sexual orientation'' to the city's anti-discrimination ordinance that sticks in the memories of many people in Lawrence. He was co-chair with Green of Simply Equal, a coalition of more than 1,000 people that pressed for the change.

In 1995 the City Commission agreed, making Lawrence the first city in Kansas to protect homosexuals from discrimination in housing, employment or public accommodations.

At that time, Zimmerman proclaimed: ''Lawrence will not tolerate bigotry.''

Mike Silverman, chair of the Freedom Coalition, said Zimmerman was a terrific leader.

''He was the public face of the Freedom Coalition for a good deal of time,'' Silverman said.

More recently, Zimmerman worked to help convince the Lawrence school board to add ''gender identity'' to a list of classes for which district employees have protection from discrimination.

MORE EXPLANATIONS NEEDED FROM ATTORNEY GENERAL

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. UDALL of Colorado. Mr. Speaker, I continue to have serious concerns about the activities of the Justice Department under the current Administration.

So, I agree completely with an editorial in today's Rocky Mountain News regarding the recent directive by the Attorney General instructing U.S. Attorneys to limit use of plea bargains and to pursue the most serious possible charges in most cases.

As the editorial notes, ''if there is a problem with overly lenient sentences and go-easy prosecutors, the Justice Department has yet to prove it. Ashcroft might be trying to fix a system that isn't broken. The order also could have the dangerous effect of diminishing the discretion of federal judges and prosecutors, a critical point now that more and more offenses that were once purely state law are now federal crimes.''

The editorial concludes by saying ''Congress should insist that Ashcroft more thoroughly explain why this order is necessary.'' On that point, I fully concur, and urge the Judiciary Committee to seek such an explanation without delay.

For the benefit of our colleagues, here is the full text of the editorial:

[From the Rocky Mountain News, Sept. 24, 2003]

WHAT PROBLEM IS ASHCROFT SOLVING?

Attorney General John Ashcroft is becoming a prolific writer of memos to the 94 U.S. attorneys.

His latest instructs them to pursue the toughest possible charges and seek the severest sentences possible. And he also ordered them to limit the use of plea bargains. The goal, he said, was to bring uniformity and consistency to federal criminal prosecutions.

By itself, the order is not unreasonable. It reflects the Bush administration's stand on law enforcement, and it returns to a similar order the department issued in 1989 during the administration of Bush senior. The order was relaxed during the Clinton administration. And Ashcroft's order has reasonable exceptions on plea bargaining, for example, to reward cooperation and clear overcrowded dockets.

But if there is a problem with overly lenient sentences and go-easy prosecutors, the Justice Department has yet to prove it. Ashcroft might be trying to fix a system that isn't broken.

The order also could have the dangerous effect of diminishing the discretion of federal judges and prosecutors, a critical point now that more and more offenses that were once purely state law are now federal crimes.

Ashcroft also has told the U.S. attorneys to report judges who impose lighter sentences than called for by federal sentencing guidelines. Yet seeking the toughest charges with the maximum sentences could also increase the federal judiciary's already backlogged workload. With little possibility of a plea bargain, more defendants now have an incentive to go to trial and then continue the fight through the appeals process.

Congress should insist that Ashcroft more thoroughly explain why this order is necessary.

12TH ANNIVERSARY OF THE NAGORNO KARABAGH REPUBLIC'S INDEPENDENCE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mrs. MALONEY. Mr. Speaker, I rise today to commemorate the 12th anniversary of the Nagorno Karabagh Republic's independence from the Soviet Union.

In 1991, the world underwent dramatic changes as communism was finally overthrown in the Soviet Union and millions of people got their first tastes of democracy. The autumn of that historic year saw many of the former Soviet Republics declare their independence and begin the process of self-governance.

Armenia has made amazing progress in rebuilding a society and a nation in the face of dramatic obstacles. The United States must continue to support Armenia's commitment to democracy, the rule of law, and a market economy, and I am proud to stand with Armenia in so doing. While we should look forward to the future, we must never forget the struggles of the Armenian people throughout their history.

I look forward to the strengthening of the diplomatic and economic ties between the United States and Armenia so that the people of both nations can forge an alliance that will never be broken. I offer my sincerest congratulations to Armenia on the anniversary of its independence.

TRIBUTE TO DOROTHY SAVAGE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this nation to pay tribute to an outstanding citizen from my district. Dorothy Savage of Ordway, Colorado has tirelessly worked to promote literacy and the importance of education in Colorado. She is a valued citizen, and I am honored to share her story here today.

A former teacher, Dorothy knows the importance of educating our children. Dorothy volunteers her time to teach elementary school children the joy of reading. She also encourages other seniors to volunteer to tutor children. At 93 years young, Dorothy was recently crowned the Colorado State Fair Silver Queen for 2003, a recognition honoring her courageous outlook on life and youthful spirit. Dorothy has dedicated her reign to promoting literacy among children.

Mr. Speaker, Dorothy Savage has selflessly taken the attention that has been given to her and focused it on a cause that is near to her heart. She has announced that she will dedicate her reign, and the attention that comes with it, to promoting literacy. For years, Dorothy has attempted to share the joy and wonder of reading and writing with the children of her local community. For her enthusiasm and tireless work, I am honored to join with my colleagues in thanking Dorothy Savage. I wish her the best of luck in the future.

HONORING ST. PETER'S CATHEDRAL PARISH ON ITS 150TH ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNYSLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. KANJORSKI. Mr. Speaker, I rise today to call the attention of the House of Representatives to the St. Peter's Cathedral Parish in Scranton, Pennsylvania as they celebrate their 150th Anniversary on Sunday, September 28, 2003.

Reverend Monsignor Joseph Quinn announced that a yearlong celebration of events will culminate this Sunday, the anniversary date of the dedication of the Cathedral, with a grand celebration of liturgy in St. Peter's Cathedral.

St. Peter's Cathedral and its parishioners have a storied history. In 1841, the Catholic faith was formally brought to Scranton by James Sullivan, a missionary priest who celebrated the first Mass in a house on Shanty Hill, located in what is now the South Side of the city. Within the next seven years the first Catholic Church had been built in that section and dedicated by Bishop John Kenrick of Baltimore.

In 1853, a small wood frame church was constructed on the corner of Franklin Avenue and Spruce Street in what would become downtown Scranton, to accommodate the growing number of Catholics in the Scranton area. It was named St. Vincent de Paul Church, and later renamed St. Peter's Cathedral. Before its completion, Rev. Moses Whitty became the first pastor of what was to eventually become known as St. Peter's Cathedral. With the establishment of the Diocese of Scranton in 1868, this parish began a history of faith that continues today.

With the rapidly growing number of newly arrived immigrants, it was soon necessary for Father Whitty to search for a site to construct a new church. Three lots in the 300 block of Wyoming Avenue were purchased for the sum of approximately $2,000, a large sum for its day, at the present site of the Cathedral. In 1865 ground was broken at the corner of Linden Street and Wyoming Avenue for the new church. Some deemed it to be ''in the woods'' as it was far removed from the primary commercial area of the community then located in the Bellevue and Hyde Park areas of the city.

On March 10, 1867, Bishop James Wood of Philadelphia blessed the new church. The establishment of the new Diocese of Scranton and the installation of its first Bishop followed quickly in 1868 with the consecration of the Most Reverend William O'Hara. A native of Ireland and the former pastor of Saint Patrick's Church in Philadelphia, Bishop O'Hara was to remain as the first head of the new diocese until his death three decades later on February 3, 1899.

Beginning in 1883, a project was undertaken to remodel and embellish the church, which was now the central church of the diocese. On September 28, 1884 upon completion of the project and satisfaction of all debt incurred, the new Mother Church of the diocese was consecrated by Archbishop P.J. Ryan of Philadelphia, and its name was changed to the Cathedral of St. Peter marking its new role in the still young diocese comprised of eight counties in northeastern Pennsylvania.

Mr. Speaker, on this 150th anniversary celebration, I would like to congratulate the parishioners of St. Peter's Cathedral. St. Peter's Cathedral, a Scranton landmark that has endured these many years, is a visible example of both the storied history of the City of Scranton and the role the Catholic Church played as an integral part of this community.

EULOGY FOR EDWARD TELLER

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise to honor the memory of Edward Teller, perhaps the most important scientist of the 20th century, who died Tuesday, September 9, 2003, at his home on the campus of Stanford University, at the age of 95.

Edward Teller was born into a prosperous family of Jewish Hungarians in 1908. After attending schools in Budapest, he went to Munich and Leipzig to earn a PhD. in physical chemistry in 1930. His doctoral thesis, on the hydrogen molecular ion, helped lay the foundation for a theory of molecular orbitals that remains widely accepted today.

Teller studied atomic physics under Niels Bohr in Copenhagen in the early 1930s. In 1935, Teller and his bride, Augusta Harkanyi, went to the United States where he taught at George Washington University. Together with his colleague George Gamow, he established new rules for classifying the ways subatomic particles can escape the nucleus during radioactive decay.

In 1941, Teller became a U.S. citizen, and joined Enrico Fermi's team at the University of Chicago in the epochal experiment that produced the first self-sustaining nuclear chain reaction. Teller then accepted an invitation from the University at Berkeley to work on theoretical studies on the atomic bomb with J. Robert Oppenheimer. When Oppenheimer set up the secret Los Alamos Scientific Laboratory in New Mexico in 1943, Teller was among the first recruited.

As early as 1943, Teller conceived the idea for the hydrogen bomb, a weapon potentially thousands of times more powerful than the atomic bomb. Teller's idea for an H-bomb was a decade ahead of his fellow scientists, who were the best and brightest in their field.

After World War II, in 1946, Teller accepted a position with the University of Chicago, while also serving as a consultant to Los Alamos. When the Soviet Union exploded an atomic bomb in 1949–years before they were expected to do so—the Atomic Energy Commission investigated Teller's proposal for developing an H-bomb. Oppenheimer voted against such a program, siding with scientists who claimed the H-bomb was technologically impossible. The debate was settled by the confession of the British atomic scientist Klaus Fuchs that he had been spying for the Soviet Union since 1942. Fuchs had known of American interest in a hydrogen bomb and passed along U.S. data to the Soviets. In response, President Truman ordered the H-bomb project to proceed.

Teller solved a key problem in designing the H-bomb, proposing that radiation, instead of mechanical shock, could be used to compress and ignite the thermonuclear core. Teller's H-bomb was successfully tested on November 1, 1952. It yielded an explosion of 10 megatons, one thousand times more powerful than the Hiroshima A-bomb.

By the way, on August 12, 1953, the Soviet Union successfully tested their H-bomb, less than one year after Teller's test. So Teller was proven right both about the technical feasibility of the H-bomb, and about the imminent Soviet threat. If Teller had lost his argument with Oppenheimer, the Soviet Union would have beaten the United States to the H-bomb, and the Cold War might have had a very different outcome.

Teller was instrumental in the creation of the United States' second nuclear weapons laboratory, the Lawrence Livermore Laboratory, in 1952. For the next four decades, with Teller often at its head, Lawrence Livermore was the United States' chief laboratory for the design of nuclear weapons.

Throughout his life, Teller served as a prominent government advisor on nuclear weapons, nuclear strategy, and national security issues. In 1982–83, he was a major influence on President Ronald Reagan's proposal to defend the United States from nuclear missile attacks by means of a Strategic Defense Initiative.

In 2003, Edward Teller was awarded the prestigious Presidential Medal of Freedom, the nation's highest civilian honor.

Although no longer with us, Teller will always live through his technological achievements and his political ideals. Edward Teller's scientific vision combined with his patriotism and far-sighted wisdom to create a safer world. Teller's invention of the hydrogen bomb thwarted the Soviet Union from achieving a decisive technological advantage over the United States and probably prevented nuclear war. The H-bomb also deterred the USSR from attempting to enslave the western democracies by invading with its vast preponderance of tanks, soldiers, and aircraft. So Teller's awesome invention prevented the Cold War from turning hot, made possible the long half-century stalemate between East and West, and avoided the Third World War that many, but not Teller, thought inevitable. The Cold War ended with the peaceful triumph of democracy and the emergence between the United States and Russia of friendship. Edward Teller deserves a huge amount of credit for this happy outcome.

Edward Teller also deserves credit for conceiving the idea of missile defense as a way of defeating weapons of mass destruction. As early as 1945, Teller authored a report for the Navy arguing that missile defense against atomic weapons is possible. Teller never stopped thinking about the idea of missile defense. He briefed then Governor Ronald Reagan on the possibility of a national missile defense in 1967. He again promoted the idea of strategic missile defenses to President Reagan in the early 1980s. Teller's ideas became the basis for Ronald Reagan's Strategic Defense Initiative. SDI has evolved into the reality of a National Missile Defense to protect the United States from weapons of mass destruction launched by rogue states and terrorists.

Critics claim that missile defenses against weapons of mass destruction cannot work. Ironically, back in the 1950s, Teller's liberal critics said the same thing about the hydrogen bomb, claiming the H-bomb would not work. Those critics were wrong then and they are wrong now. Missile defenses are already technologically proven.

The bottom line about Edward Teller is that, had he never lived, millions would probably be dead today, and the Western democracies might not exist. In the future, millions will continue to enjoy the fruits of freedom and security, sheltered by missile defenses, because of the genius of Edward Teller.

I have introduced two bills that honor the memory of Edward Teller by trying to carry on his work. One bill establishes the Teller-Kurchatov Alliance for Peace. The Teller-Kurchatov Alliance will support joint research on peaceful uses of nuclear energy and promote cooperation and friendship between the United States and Russia. The other bill establishes a Commission on Nuclear Strategy of the United States. The Commission will think broadly and deeply, twenty years into the future, about the long-term role of nuclear weapons given the end of the Cold War and the rapidly changing global security environment. The Commission will harness the intellectual power of men like Edward Teller, the leading intellects of that Great Generation that guided the United States safely through the nuclear perils of the Cold War, in order to gain their wisdom and guidance on the safest course to follow in the future.

In closing, on behalf of the U.S. Congress and the American people, we say farewell to Edward Teller, the lion of science. Following his leadership and vision, we must continue to search for scientific answers to the world's most demanding challenges.

We must embrace his calls for greater cooperation with our former adversaries in the Soviet Union. Dr. Teller's life and work make clear that we can solve any problem, overcome any challenge and rise to any occasion for the good of humanity.

EXPRESSING SYMPATHY TO CITIZENS OF EUROPE

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. MICHAUD. Mr. Speaker, I rise today to remember the victims of the heat wave that gripped Europe through the month of August. Record-setting temperatures across the continent resulted in crop-ravaging drought, devastating forest fires and the deaths of thousands.

Cities across Europe from London to Paris to Rome experienced temperatures never before seen in recorded history. A lack of rainfall and soaring heat left crops withered and unusable. The economic costs of such losses have

been measured in the billions. Forest fires burned thousands of acres, left hundreds homeless and several dead. Sadly, thousands lost their lives as a result of dehydration, fever and other heat-related illness. In France alone, more than ten thousand people lost their lives.

Citizens of Europe have not hesitated to bow their heads and join us in grief during times of tragedy, especially to remember the terrible events of September 11, 2001. Let us take a moment to express our sympathies and share in the grief of the family and friends of those who succumbed during Europe's recent human tragedy.

TRIBUTE TO LENEXA, KANSAS, MASONIC LODGE #135

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. MOORE. Mr. Speaker, like all Members of this House, I commute to Washington for my work in the House of Representatives. I live in Lenexa, Kansas, and it is my honor to rise today on behalf of my home town and my congressional district, to recognize the Lenexa, Kansas, Masonic Lodge, #135, on the 130th anniversary of its founding, which is upcoming on October 15th.

A document compiled by Lenexa Historical Society member and current Masonic lodge member Angelo Mino, based on articles by Henry D. Gillette and Joseph R. Wilson, reveals that the history of this lodge is intertwined with the history of Lenexa. In reading the history of this, the very first fraternal or civic organization of Lenexa, I learned much about Lenexa's history.

The City of Lenexa was platted in 1869, and the first Masonic Lodge meeting was held the very next year, in 1870. The Lenexa lodge received official recognition from the Masonic organization on October 15, 1873. The earliest leaders of the lodge were also the early leaders of Lenexa. Members of this Masonic Lodge include the first mayor of Lenexa, the first police judge, the first postmaster, and the first city physician. This tradition of community service has continued to today.

The first Eastern Star chapter associated with the Masonic Lodge was also established in 1873. After the lodge building burned down in 1877, the Eastern Star chapter was not reconstituted until 1919 when the ADDA Chapter was formed.

In 1922, the first DeMolay group in Johnson County, Kansas, received its charter. The Lenexa Lodge has sponsored this chapter since 1994. In 1953, the Rainbow Girls Assembly #56 of Lenexa began.

Mr. Speaker, I congratulate the members of the Lenexa Masonic Lodge #135 on this remarkable anniversary, and thank them for 130 years of community leadership and service. I hope that their lodge will continue to flourish and serve our community for this century and beyond.

HONORING THE ACCOMPLISHMENTS OF BOB G. CARTER

HON. STEVAN PEARCE

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. PEARCE. Mr. Speaker, I rise today to recognize Bob Carter for receiving the 2003 Governor's New Mexico Distinguished Public Service Award. To know Bob Carter is to respect him. He is a public servant, a leader, a statesman and a friend.

Bob and his wife, Glenda, moved to Lovington, New Mexico in 1971 and have been an instrumental part of the community. He held the job of Lovington economic development director before becoming assistant city manager, and then city manager. In 1992, Bob was named citizen of the year by both the Board of Realtors and the Lovington Chamber of Commerce.

Bob now works for the good people of Southern New Mexico as the District Outreach Director in my office. He travels the entire district listening to the concerns and the visions of my constituents. Thanks to his background and expertise in city government, he works especially hard to facilitate economic development opportunities in Southern New Mexico.

Bob has left his trademark on our communities for his love of God, family, state and country. I thank him for his services and for his dedication to making life better for the people of Southern New Mexico.

Mr. Speaker, I ask that my colleagues join me today in recognizing and congratulating Bob Carter, a remarkable man who has selflessly served his community and fellowman. God Bless him and his family.

IN PRAISE OF MOTHER TERESA

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mrs. MYRICK. Mr. Speaker, I cannot hope to give fitting praise to Mother Teresa's impeccable legacy of generosity and selflessness on the occasion of her beatification by Pope John Paul II. Reflecting on her Christ-like attitude and example of loving charity, I share feelings of awe and deep respect with so many others who can't help but venerate this heroic woman.

I had the great honor of attending Mother Teresa's funeral in Calcutta, her adopted home and base of her own order, Missionaries of Charity. Representing the U.S. Congress on this occasion, I was once again humbled by her devotion to some of the world's most destitute citizens. Not only did this ''angel of mercy'' ease the physical horrors of so many hopeless people, she treated them as God's own children, leaving a global impression with her hands-on determination.

While Mother Teresa's impact was always felt by the impoverished in India, her inspirational spirit infused charitable objectives and even public policy on an international scale. She aided victims of war and tragedy in every circumstance, from those dying of AIDS in New York to the desperate in Beirut and Palestine. Ever-mindful of the sanctity of even unborn human life, the good nun is known for asserting that ''a child is a gift from God. If you do not want him, give him to me.'' As Pope John Paul II prepares to beatify this truly virtuous woman, I pray that her fearless displays of unconditional love and charity may forever encourage us all.

TRIBUTE TO NATIONAL SPORTS CENTER FOR THE DISABLED

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. UDALL of Colorado. Mr. Speaker, I rise today to pay tribute to The National Sports Center for the Disabled in Winter Park, Colorado. This outstanding internationally recognized recreational program in my district has been serving people with disabilities more than thirty years.

Founded in January, 1970 by The Winter Park Ski Resort ski school to teach skiing to amputees from The Children's Hospital in Denver, this now year-round recreational program has now served over 48,000 persons with a range of disabilities.

Blind, paraplegic, cancer, stroke, amputees, deaf and cerebral palsy children and adults from across the country participate in skiing, mountain climbing, hiking, horseback riding, golfing, rafting and fishing in the beautiful Fraser Valley of Colorado.

Recreational and competitive programs prepare disabled athletes for this range of mountain sport activities to develop confidence and self-esteem in an athletic environment long thought to be inaccessible to disabled members of society.

The Sports Center's competitive programs groom elite-level skiers for regional, national and international competition. Winter Park's Disabled Ski Team competed in the 2002 Paralympics in Salt Lake City, winning over 20 medals in competition.

In 1992, a therapeutic riding center, run by volunteers, was established to give participants riding lessons, training riders in the care, grooming and health of horses. The Center also provides a fully accessible camping experience for disabled campers and their families. This outdoor experience is offered on a first come, first serve basis and is completely free.

Through a partnership with The Metropolitan State College of Denver, the Center is creating a virtual reality skiing experience on the internet to help the disabled overcome the fear of the unknown and work toward participating in the many athletic programs available at Winter Park.

Through the generous support of the Robert R. McCormick Tribune Foundation, the Denver Broncos Charities Fund, Barbara and Joseph Glaser Scholarships, and the NSCD's Sponsor an Athlete Scholarship fund, athletes from around the country are selected to come to Colorado. Scholarships are awarded based on need and athletic commitment.

Widely considered the largest and most successful outdoor therapeutic recreation agency in the world, each year thousands of children and adults with disabilities come to our magnificent state to learn they, too, can enjoy the mountains, trails, golf courses and streams

that the Rocky Mountains offers our nation and the world.

Colorado and the Rocky Mountain West is proud to be the home to The National Sports Center for the Disabled in Winter Park, created and maintained to give individuals with mental or physical disabilities superb summer and winter sports programs to learn about a variety of sports and themselves.

DALLAS TEXANS '85 GIRLS RED SOCCER TEAM

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. BURGESS. Mr. Speaker, I rise today to recognize the Dallas Texans '85 Girls Red Soccer Team on winning the 2003 United States Youth Soccer Association Girls Under-18 National Championship on July 27, 2003 in Germantown, Maryland.

The team was formed in the fall of 1995 and includes members from cities throughout the Dallas/Fort Worth Metroplex. Over the past eight years of its existence, the team has won numerous nationally recognized tournaments including State Championships in 1997, 1999, 2000 and 2002, and Regional Championships in 1999 and 2000. They qualified this year for the National Championship by winning the State Championship and then winning the Regional Tournament in Greensboro, North Carolina. They are to be commended for their dedication and achievements. I believe the Dallas Texans '85 Girls Red Soccer Team has represented North Texas very well.

Once again, I want to express my congratulations to Dallas Texans '85 Girls Red Soccer Team on a job well done.

TRIBUTE TO NORA KATHERINE DWIRE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. MCINNIS. Mr. Speaker, I rise before this body of Congress and this nation to pay tribute to the memory of an outstanding woman from my district. Nora Dwire of New Castle, Colorado leaves behind a large family and a grateful community. It is with a heavy heart that I stand before you today to honor her remarkable life.

Nora lived in the New Castle area her entire life and was an active member of her community. She spent most of her professional career as a columnist for the local newspaper and dedicated a great deal of time to various volunteer and community organizations. Her volunteer activities centered around helping the elderly and women's groups such as the Ladies Aid and Senior Meals. Nora was also involved with her church, Women's Club, and Community Recreational Council. Nora leaves behind a large family consisting of a daughter, two sons, many great-grandchildren, and even a great-great-grandson.

Mr. Speaker, I am honored to stand before you today to remember the life of such a caring and compassionate citizen. Nora's generous spirit will truly be missed in her community, though I know that spirit will live on through the lives she touched. As her family and friends mourn her passing, I would like to recognize the devoted life Nora lived. She will truly be missed.

IN MEMORY OF TYLER MATTHEW PINCHOT

HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. ROYCE. Mr. Speaker, I rise today to pay tribute to Tyler Matthew Pinchot, a 23-year veteran of the Buena Park Police Department.

He was a motorcycle officer and on June 13, 2003, Mr. Pinchot was struck by a car from behind, during a traffic pursuit. His condition had deteriorated rapidly recently, and on Sunday, September 21, he passed away.

Mr. Pinchot was raised in Garden Grove and Orange, and graduated from Golden West College's police program in 1979. Mr. Pinchot won the Officer of the Year Award two years in a row, in 1991 and 1992. He also was a Special Weapons and Tactics team member, Explorer Post adviser, station-house Santa Claus, unofficial department photographer and a tactical officer at Fullerton College's police reserve academy.

It is through the hard work of law enforcement officers like Mr. Pinchot that our communities stay safe and secure. I am honored to join with my colleagues today in paying tribute to one of California's finest.

INTRODUCTION OF THE ''GOVERNMENT NETWORK SECURITY ACT OF 2003''

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, today Congressman HENRY WAXMAN and I are introducing the ''Government Network Security Act of 2003.'' This bill closes a loophole in the Federal Government's efforts to protect the security and privacy of its computers. It requires Federal departments and agencies to take steps to protect government computers and information from the risks posed by the use of peer-to-peer file sharing programs. Peer-to-peer file sharing programs are Internet applications that allow users to download and directly share electronic files from other users on the same network. These programs are surging in popularity with millions of people trading music, images and documents over these networks at any given time.

While most of the news coverage on file sharing focuses on the ability of users to illegally trade copyrighted music, movies, and videos, another less publicized dark side to this technology is the risk it poses to the security of computers and the privacy of electronic information. Few people recognize these risks. At a hearing held by the Committee on Government Reform in May, Members learned about the privacy and security risks created by these programs. Through a couple of simple searches on one file sharing program, Committee staff easily obtained tax returns, medical records, and confidential legal documents, and business files. Using these programs is similar to giving a complete stranger access to your personal file cabinet.

Needless to say, file sharing programs creates a number of risks for Federal departments and agencies if they are installed on government computers. The Federal Government uses and stores a wide variety of classified and sensitive information, including information vital to national security, defense, law enforcement, economic markets, public health, and the environment. Government computers also contain personal and financial information of U.S. citizens and businesses. Installing these programs on government computers can expose this sensitive information to the public. It also creates the potential for the spread of viruses, worms, and other malicious computer files. The files downloaded using file sharing programs can also consume valuable network resources, which could result in a degradation of network performance.

Both the House of Representatives and Senate have successfully addressed these risks through both technical and non-technical means including firewalls and employee training. This legislation would require the Executive Branch to take similar steps to protect its computers.

File sharing technology is not inherently bad, and it may turn out to have a variety of beneficial applications. However, as our committee has learned, this technology can create serious risks for users. This bill takes a common sense approach to protect the computers and networks of the Federal Government and the valuable information they contain.

HONORING TOMMY REDER

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. KILDEE. Mr. Speaker, I rise before you today on behalf of the Michigan State Polka Music Hall of Fame to honor Mr. Tommy Reder of Bay City, Michigan for his musical contributions to the Polka music industry. On October 5, 2003 Mr. Tommy Reder will be inducted into the Michigan State Polka Music Hall of Fame.

Tommy Reder was born in Bay City, Michigan on February 2, 1939 to Louis and Frances Reder. He graduated from St. Stanislaus School. In 1962, he graduated from Central Michigan University. Tommy adapted a love for music at an early age. In 1947 at the age of 8, Tommy was awarded first chair in the clarinet section of the St. Stanislaus school band. By fifth grade Tommy had mastered the saxophone and began playing at various social events. His first major performance was with the Ted Dzrewicki Orchestra; it was with this group that Tommy was able to sharpen his vocal, music writing and arranging skills. In 1963 Tommy assumed leadership of the Tommy K'Orchestra, which was later renamed the Polka Towners Orchestra. The group performed at Polka Festivals throughout the country, and was the sponsor of the Polka tours to Hawaii, Toronto, Seven Springs,

Pennsylvania and Las Vegas. In 1978 Tommy and his group had the privilege of performing back up for Bobby Vinton at the Riviera during the PLAV convention. The Polka Towners recorded six 45's, eight LP's, four 8 tracks, three cassettes, and one CD. Aside from performing, Tommy co-hosted the Polka Show on WKCQ and WSAM from 1974 to 1999. Presently Tommy performs with the Bay Area Concert, Midland Concert and the Vassar City Bands.

In addition to being a musical icon, Tommy is an outstanding father and husband. He has three children, Becky, Edward, and Mary. Tommy married Barbara, his wife and mother of his children in 1965. Barbara passed away in 1996. Tommy remarried in 2002, and his new bride is Dollene.

Mr. Speaker, I ask my colleagues of the 108th Congress to please join me in congratulating Tommy Reder on obtaining the State's highest honor for contributions made to the Polka Music Industry.

SEX TRAFFICKING ON THE RISE

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. WOLF. Mr. Speaker, I would like to commend the President for highlighting the issue of sex trafficking in his speech to the United Nations yesterday. I am pleased the Administration is focused on eradicating this appalling practice. Modern-day slavery and slave trading is an ugly practice and is increasing in countries around the globe. Million of people worldwide are bought, sold, transported and held against their will in slave-like conditions.

This summer the State Department released its annual report highlighting countries with the worst records on trafficking. Some of these countries include, Cuba, Greece, North Korea, Sudan, and Turkey. Many countries that the United States does business with everyday are also on the tier 2 watch list. The United States should be particularly hard on these countries and demand that these countries make significant improvements and strengthen their anti-trafficking efforts. I share the President's commitment to work to end slavery.

Below is an excerpt from the President's speech:

There's another humanitarian crisis spreading, yet hidden from view. Each year an estimated 800,000 to 900,000 human beings are bought, sold or forced across the world's borders. Among them are hundreds of thousands of teenage girls, and others as young as 5, who fall victim to the sex trade. This commerce in human life generates billions of dollars each year, much of which is used to finance organized crime.

There's a special evil in the abuse and exploitation of the most innocent and vulnerable.

The victims of sex trade see little of life before they see the very worst of life: an underground of brutality and lonely fear.

Those who create these victims and profit from their suffering must be severely punished. Those who patronize this industry debase themselves and deepen the misery of others. And governments that tolerate this trade are tolerating a form of slavery.

This problem has appeared in my own country and we are working to stop it. The PROTECT Act, which I signed into law this year, makes it a crime for any person to enter the United States or for any citizen to travel abroad for the purpose of sex tourism involving children. The Department of Justice is actively investigating sex tour operators and patrons, who can face up to 30 years in prison. Under the Trafficking Victims Protection Act, the United States is using sanctions against governments to discourage human trafficking.

The victims of this industry also need help from members of the United Nations, and this begins with clear standards and the certainty of punishment under the laws of every country.

Today, some nations make it a crime to sexually abuse children abroad. Such conduct should be a crime in all nations. Governments should inform travelers of the harm this industry does and the severe punishments that will fall on its patrons.

The American government is committing $50 million to support the good work of organizations that are rescuing women and children from exploitation, and giving them shelter and medical treatment and the hope of a new life. I urge other governments to do their part.

We must show new energy in fighting back an old evil.

Nearly two centuries after the abolition of the trans-Atlantic slave trade, and more than a century after slavery was officially ended in its last strongholds, the trade in human beings for any purpose must not be allowed to thrive in our time.

HONORING STEPHANIE FLOOD

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. MANZULLO. Mr. Speaker, I rise today to recognize Stephanie Flood of McHenry County, Illinois, in the district I am proud to represent. Stephanie is a remarkable 16-year old who suffered from cancer but was fortunate enough to have been cared for by the doctors and staff at Children's Memorial Hospital in Chicago. When Stephanie was nine years old, she was diagnosed with a brain tumor. Since her initial diagnosis, she has undergone radiation, chemotherapy, and four separate surgeries.

In the spring of 1997, when Stephanie was in fourth grade, she began having flu-like symptoms—headaches and nausea. The symptoms persisted for nearly three weeks. When she visited her pediatrician, he looked through her eyes and could see pressure on her brain. He immediately ordered a CAT scan of her brain, which confirmed that the pressure he saw was in fact a brain tumor. Her pediatrician then referred Stephanie and her family to Children's Memorial Hospital in Chicago because he felt the hospital had the best neurosurgeons available.

At Children's Memorial Hospital, Stephanie and her family met with Dr. Tomita and Dr. McClone who immediately planned for her surgery. At the time, her parents were struggling with their small business and had let their health insurance lapse. Dr. Tomita, however, insisted that Stephanie would have the best care available. They said the tumor was at the base of her brain stem. This extremely dangerous tumor could have left her blind, deaf, paralyzed or handicapped due to the tumor's close proximity to her nerve endings. Dr. Tomita carefully removed the tumor. After weeks of struggling with math due to memory loss associated with the brain tumor, Stephanie soon found herself getting straight A's in math class. She then went through six weeks of radiation treatments after the operation. Her radiologist, Dr. Marymount, skillfully administered the radiation, with Stephanie's only hair loss being where her incision was located.

Unfortunately, Stephanie's tumor was an ependymoma, meaning it would eventually grow back. Three years later, when she was 12 years-old, something showed up on her routine MRI again. Dr. Tomita performed another surgery, but he and her Oncologist, Dr. Goldman, decided to try a new type of chemotherapy in an attempt to get rid of the tumor once and for all. The chemotherapy was called Temazolamide, and Stephanie was one of 17 other people ever to use it.

Unfortunately, the tumor returned again, and Dr. Tomita suggested a new type of treatment, Gamma Knife radiation. Stephanie thought she would try this treatment which would be much easier than another brain surgery again. A team of doctors screwed a metal plate into her head with hundreds of little holes. They then sent radiation directly into the area where the tumor was located, hoping to shrink it.

The Gamma Knife procedure was successful in helping shrink the tumor for a short period of time, but another MRI eventually showed its regrowth. Dr. Tomita and Dr. Goldman suggested another new type of treatment called Intrabeam Radiation for Stephanie, who was only the fourth patient in the nation to ever use it. The tumor was again removed by Dr. Tomita, and the remaining cancer cells where the tumor originated were irradiated. Thus far, it has been eight months, and Stephanie is extremely hopeful that this final procedure will rid her of the tumor permanently.

Stephanie is extremely fortunate to be under the care of such wonderful doctors. She is also very proud to be part of a brand new study in hopes that she will help other children who suffer as she did. Cells from her tumor were actually taken from her tumor and are currently being studied at the Children's Research Center in Chicago in order to discover how and why the tumor continued to regrow. Without Children's Hospital, this incredible story would not have been possible.

Mr. Speaker, I wish to extend my support to Stephanie and the many other children who are fighting such difficult battles. I commend Children's Memorial for all of the work they have done for her. I would also ask that we continue to work hard to support children's hospitals in order to save more children just like Stephanie. It is my hope that with continued research into new lifesaving treatments, children all over the country will be given the precious gift of life.

75TH BIRTHDAY OF MR. JAMES WYNNE HART

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, it is with great pleasure that I rise today to commemorate the 75th birthday of Mr. James Wynne Hart.

Born on September 10, 1928 Mr. James Wynne Hart has dedicated much of his life to spreading the word of God. For over thirty years, Mr. Hart served with distinction as a minister of the United Methodist Church. Having served pastorates in Vonore, Kingsport, Chattanooga, Knoxville, Tennessee, and in addition Bluefield, Virginia, Mr. Hart has been an integral part of the spiritual life of these communities.

Despite his retirement from the Ministry, Mr. Hart continues to be active in his church, the Clyde United Methodist Church in North Carolina. Currently, Mr. Hart resides in Lake Junaluska, North Carolina, with his beloved wife of 51 years, Mrs. Frances Cobb Hart.

A graduate of Emory and Henry College in Abingdon, Virginia, Mr. Hart pursued and completed post-graduate studies at the Candler School of Theology at Emory University in Atlanta, Georgia.

Mr. Speaker, I am honored to commemorate this man of conviction, principle, and God, on such a joyous occasion. I ask you to join me in congratulating Mr. James Wynne Hart on his 75th birthday, and in wishing him and his wife, many more years of happiness and accomplishment.

CONGRATULATING THE COAST GUARD HOUSE RESTAURANT AND RESTAURANT: PROV/ATOMIC CATERING FOR EARNING THE 2003 RESTAURANT NEIGHBOR AWARD

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. LANGEVIN. Mr. Speaker, today I rise to honor two restaurant operators in Rhode Island's second district that have been awarded the prestigious 2003 Restaurant Neighbor Award. The Coast Guard House Restaurant in Narragansett and Restaurant PROV/Atomic Catering in Providence were recently recognized by the National Restaurant Association for their remarkable community involvement in addition to their commitment to quality food. The current economic situation makes these generous contributions even more important, and Rhode Island restaurants and small businesses are stepping in to help. Seventy-eight restaurants from forty-three states earned the Restaurant Neighbor Award in 2003, and I am pleased that two were from my home state.

Every year, owner Deborah Kelso oversees the Coast Guard House's donations of more than $30,000 to community causes including the Rhode Island Food Bank, South County Hospital, Sisters of the Poor, Johnnycake Center, March of Dimes, and Seniors Helping Others. The main event over the last ten years has been the restaurant's lead sponsorship of Concerts on the Beach, the annual Rhode Island Philharmonic concert on the Narragansett Town Beach. The Coast Guard House hosts a pre-concert reception and fundraiser, which raises more than $10,000 to help offset the cost of the event. This concert provides 30,000 families an opportunity to enjoy beautiful music in an extraordinary setting.

Restaurant: PROV and Atomic Catering, both owned by Stoli Management, are equally deserving of this recognition. Thanksgiving at Restaurant: PROV is an annual tradition for many families. Every year, 1,000 low-income individuals who might not otherwise have a meal are treated to a free Thanksgiving celebration with all of the usual fixings. In addition, employees, led by Executive Chef/co-owner Kevin Millonzi, served more than 400 meals to relief workers, volunteers, and victims' families in the wake of the deadly fire at the Station nightclub in February 2003. Stoli Management also donates time and food to Chefs for Cystic Fibrosis, the annual Zoobilee, and Providence Fire Fighters.

Kelso and Millonzi's beliefs in volunteerism and giving back the community are applicable in their own lives as well as the way they run their restaurants. The commitment to giving of these two companies is an inspirational model, and I hope more businesses around the country follow their lead and contribute to their own communities.

TRIBUTE TO THE LIFE OF JACOB E. DAVIS II

HON. SHERROD BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. BROWN of Ohio. Mr. Speaker, it is my privilege to pay tribute to the life of Jacob E. Davis II, a model of hard work, commitment, and community service, who passed away on August 29. Jacob's exemplary career began in college as a student at Princeton University's Woodrow Wilson School of Public and International Affairs. After graduating cum laude, he served four years in the U.S. Navy and another seven in the Navy Reserves. He worked for Gov. Michael DiSalle of Ohio and former U.S. House Speaker Sam Rayburn before earning his law degree in 1963 from The Ohio State University. In 1963, Jacob Davis joined the law firm of Vorys, Sater, Seymour and Pease in Columbus, Ohio, and was appointed Partner in 1970. After seven years managing the firm's Washington office, he returned to the firm's Columbus office and to the city he considered his home.

Throughout his career, Jacob remained committed to his community and his church. He was active in the First Community Church, serving in many leadership positions, including Chairman of the Board of Trustees. He was a member of the Columbus Mayor's Human Rights Commission and the Franklin County Veterans Memorial Board. As Secretary of State, I appointed him to the Ohio Elections Commission in 1990, where he served admirably.

Jacob E. Davis II left an indelible mark on his community and those close to him. I extend my condolences to Sallie, his loving wife of 36 years, his family, and all those who will treasure Jacob's memory.

RECOGNITION OF WSIU/WUSI–TV

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. SHIMKUS. Mr. Speaker, I rise to congratulate WSIU/WUSI–TV, the public television stations serving southern and southeastern Illinois on their switch to digital technology.

I have seen first hand the enormous challenge it is to not only commercial television stations but to public broadcasters to convert to digital programming. However, public stations are taking the lead and using digital technology for education.

Such is the case with WSIU/WUSI by sponsoring and developing these worthwhile programs: PBS Kids will offer Ready to Learn programming and afterschool specials. Chalkwaves will offer K–12 classroom instruction. Adult education will be improved. The Illinois Channel, a CSPAN-style broadcast bringing Illinois state government to the people, will become available.

I want to wish WSIU my sincere congratulations on the switch to digital this Sunday. I am sorry that I cannot join them in person but want to acknowledge their service to the people of Illinois.

Congratulations from us all to WSIU/WUSI Channels 8 and 16!

PERSONAL EXPLANATION

HON. FRANK W. BALLANCE, JR.

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. BALLANCE. Mr. Speaker, I could not be here to vote on Tuesday, September 23, 2003, as I was touring the 1st Congressional District, meeting with Federal, State, and local officials and my constituents as they recover from Hurricane Isabel. Had I been present, on rollcall vote No. 509, I would have voted ''aye''; on rollcall vote No. 510, I would have voted ''aye''; on rollcall vote No. 511, I would have voted ''aye''; and on rollcall vote No. 512, I would have voted ''aye.''

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 25, 2003 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 30

9 a.m.
Governmental Affairs
To hold hearings to examine the nominations of Dale Cabaniss, of Virginia, to be a Member of the Federal Labor Relations Authority, Craig S. Iscoe, to be Associate Judge of the Superior Court of the District of Columbia, and Brian F. Holeman, to be an Associate Judge of the Superior Court of the District of Columbia.
SD–342

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the state of the securities industry.
SD–538

Indian Affairs
Energy and Natural Resources
Water and Power Subcommittee
To hold joint hearings to examine S. 437, to provide for adjustments to the Central Arizona Project in Arizona, to authorize the Gila River Indian Community water rights settlement, to reauthorize and amend the Southern Arizona Water Rights Settlement Act of 1982.
SD–366

Governmental Affairs
Investigations Subcommittee
To hold hearings to examine illegal file sharing on peer-to-peer networks and the impact of technology on the entertainment industry.
SD–342

Health, Education, Labor, and Pensions
Substance Abuse and Mental Health Services Subcommittee
To hold hearings to examine underage drinking.
SD–430

2 p.m.
Judiciary
Immigration, Border Security and Citizenship Subcommittee
To hold hearings to examine visa issuance in relation to homeland security.
SD–226

OCTOBER 1

9:30 a.m.
Governmental Affairs
To hold hearings to examine the need for federal real property reform.
SD–342

OCTOBER 2

10 a.m.
Health, Education, Labor, and Pensions
To hold joint hearings with the House Committee on Energy and Commerce to examine activities of the National Institutes of Health.
SD–106

Energy and Natural Resources
National Parks Subcommittee
To hold hearings to examine S. 524, to expand the boundaries of the Fort Donelson National Battlefield to authorize the acquisition and interpretation of lands associated with the campaign that resulted in the capture of the fort in 1862, S. 1313, to establish the Congaree Swamp National Park in the State of South Carolina, S. 1472, to authorize the Secretary of the Interior to provide a grant for the construction of a statue of Harry S Truman at Union Station in Kansas City, Missouri, and S. 1576, to revise the boundary of Harpers Ferry National Historical Park.
SD–366

2 p.m.
Indian Affairs
To hold hearings to examine S. 1438, to provide for equitable compensation of the Spokane Tribe of Indians of the Spokane Reservation in settlement of claims of the Tribe concerning the contribution of the Tribe to the production of hydropower by the Grand Coulee Dam.
SR–485

2:30 p.m.
Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

OCTOBER 15

10 a.m.
Indian Affairs
To hold hearings to examine S. 550, to amend the Indian Land Consolidation Act to improve provisions relating to probate of trust and restricted land.
SR–485

OCTOBER 16

10 a.m.
Indian Affairs
To hold hearings to examine the Missouri River Master Manual.
SR–485

OCTOBER 21

10 a.m.
Indian Affairs
To hold hearings to examine S. 1565, to reauthorize the Native American Programs Act of 1974.
SR–485

OCTOBER 22

10 a.m.
Indian Affairs
Business meeting to consider pending calendar business; to be followed by a hearing on the Tribal Self Governance Act Amendments of 2003.
SR–485

OCTOBER 30

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings to examine S. 1097, to authorize the Secretary of the Interior to implement the Calfed Bay-Delta Program.
SD–366

Daily Digest

HIGHLIGHTS

House and Senate agreed to the Conference Reports to accompany H.R. 2555, Homeland Security Appropriations and H.R. 2657, Legislative Branch Appropriations, clearing the measures for the President.

House Committees ordered reported 19 Sundry measures.

The House agreed to the conference report on H.R. 2658, Department of Defense Appropriations for FY 2004.

The House passed H.R. 2557, Water Resources Development Act of 2003.

Senate

Chamber Action

Routine Proceedings, pages S11877–S11928

Measures Introduced: Eight bills were introduced, as follows: S. 1647–1654. **Pages S11912–13**

Measures Reported:

Special Report entitled "Report on the Activities of the Committee on the Judiciary During the 107th Congress". (S. Rept. No. 108–152)

Special Report entitled "Further Revised Allocation To Subcommittees Of Budget Totals for Fiscal Year 2004". (S. Rept. No. 108–153)

S. 1640, to provide an extension of highway programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century, with amendments. (S. Rept. No. 108–154) **Page S11912**

District of Columbia Appropriations Act: Senate began consideration of H.R. 2765, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, taking action on the following amendment proposed thereto: **Pages S11885–90**

Pending:

DeWine/Landrieu Amendment No. 1783, in the nature of a substitute. **Pages S11885–90**

Senate will continue consideration of the bill on Thursday, September, 25, 2003.

Homeland Security Department Appropriations—Conference Report: Senate agreed to the conference report on H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, clearing the measure for the President. **Pages S11891–97**

Legislative Branch Appropriations Conference Report: Senate agreed to the conference report on H.R. 2657, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, clearing the measure for the President. **Pages S11898–S11900**

Defense Department Appropriations Conference Report—Agreement: A unanimous-consent agreement was reached providing that at 10:30 a.m., on Thursday, September 25, 2003, Senate begin consideration of the conference report on H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004. **Page S11900**

Nominations Confirmed: Senate confirmed the following nomination:

By unanimous vote of 91 yeas (Vote No. Ex. 363), Larry Alan Burns, of California, to be United States District Judge for the Southern District of California. **Pages S11897–98, S11928**

Messages From the House: **Pages S11909–10**

Measures Referred: **Page S11910**

Measures Placed on Calendar: **Page S11910**

Executive Communications: **Pages S11910–12**

Additional Cosponsors: **Pages S11913–14**

Statements on Introduced Bills/Resolutions: Pages S11914–17

Additional Statements: Pages S11904–09

Amendments Submitted: Pages S11917–27

Notices of Hearings/Meetings: Page S11927

Authority for Committees to Meet: Pages S11927–28

Record Votes: One record vote was taken today. (Total—363) Page S11898

Adjournment: Senate met at 9:31 a.m., and adjourned at 6:50 p.m., until 9:30 a.m., on Thursday, September 25, 2003. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S11900.)

Committee Meetings

(Committees not listed did not meet)

SUPPLEMENTAL APPROPRIATIONS

Committee on Appropriations: Committee held a hearing to examine the President's fiscal year 2004 supplemental request for Iraq and Afghanistan, receiving testimony from Donald H. Rumsfeld, Secretary of Defense; General Richard Myers, Chairman, Joint Chiefs of Staff; General John Abizaid, Commanding General, U.S. Central Command; and Dov S. Zakheim, Under Secretary of Defense (Comptroller).

Hearings continue on Thursday, September 25, 2003.

U.S. AIR FORCE ACADEMY REPORT

Committee on Armed Services: Committee concluded a hearing to examine the findings and recommendations of the Panel to Review Sexual Misconduct Allegations at the United States Air Force Academy, including a reporting policy outlined in the Agenda for Change, and the proposed Cadets Advocating Sexual Integrity and Education (CASIE) program, after receiving testimony from former Representative Tillie K. Fowler, Colonel John W. Ripley, USMC (Ret.), Major General Michael J. Nardotti, Jr., USA (Ret.), Patton Boggs, and Sally L. Satel, American Enterprise Institute, both of Washington, D.C, Josiah Bunting, III, Virginia Military Institute, Lexington, and Anita M. Carpenter, Indiana Coalition Against Sexual Assault (INCASA), and Laura L. Miller, RAND Corporation, both of Indianapolis, Indiana, all on behalf of the Panel to Review Sexual Misconduct Allegations at the United States Air Force Academy.

SARBANES-OXLEY ACT

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing on the implementation of the Sarbanes-Oxley Act (P.L. 107–204), designed to protect investors by improving accuracy and reliability of corporate disclosures made pursuant to the securities laws, focusing on reform of corporate governance, financial reporting and auditing, after receiving testimony from Samuel A. DiPiazza, Jr., PricewaterhouseCoopers, New York, New York; Edward Nusbaum, Grant Thornton, LLP, Chicago, Illinois; Sean Harrigan, California Public Employees' Retirement System (CalPERS) Board of Administration, Sacramento; and William J. McDonough, Public Company Accounting Oversight Board, and Sarah Teslik, Council of Institutional Investors, both of Washington, D.C.

BUSINESS MEETING

Committee on Banking, Housing, and Urban Affairs: Committee ordered favorably reported the following bills:

A bill to provide for an extension of the Federal transit program pending the reauthorization of the program;

A bill to reauthorize the Defense Production Act of 1950, with an amendment; and A bill to amend the Fair Credit Reporting Act in order to prevent identity theft, to improve the use of and consumer access to consumer reports, to enhance the accuracy of consumer reports, to limit the sharing of certain consumer information, to improve financial education and literacy.

9/11 AFTERMATH/FEMA OVERSIGHT

Committee on Environment and Public Works: Subcommittee on Clean Air, Climate Change, and Nuclear Safety concluded a hearing to examine the findings of the GAO concerning the Federal Emergency Management Agency's financial allocations and activities after the terrorist attacks on September 11th, and to conduct oversight on the Federal Emergency Management Agency's effectiveness since becoming part of the Department of Homeland Security, after receiving testimony from Michael D. Brown, Under Secretary of Emergency Preparedness and Response, and Richard L. Skinner, Deputy Inspector General, both of the Department of Homeland Security; JayEtta Z. Hecker, Director, Physical Infrastructure Issues, General Accounting Office; Dale W. Shipley, Ohio Emergency Management Agency, Columbus, on behalf of the National Emergency Management Association; and Bud Larson, New York City Office of Management and Budget, New York.

SUPPLEMENTAL APPROPRIATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine a five year plan for the current situation in Iraq, focusing on the President's proposed supplement request, after receiving testimony

from L. Paul Bremer, Administrator, Coalition Provisional Authority for Iraq.

DEMOCRATIC INSTITUTIONS IN IRAQ

Committee on Foreign Relations: Committee concluded a hearing regarding the development of democratic institutions in Iraq and the Middle East, focusing on the political process, transitional justice, civil service, and economic decision making, after receiving testimony from Noah Feldman, New York University School of Law, New York, New York; Phebe Marr, National Defense University, Washington, D.C.; Isam al Khafaji, University of Amsterdam, The Netherlands; and Rami G. Khouri, Daily Star, Beirut, Lebanon.

SOCIAL SECURITY: GOVERNMENT PENSION OFFSET/WINDFALL ELIMINATION PROVISIONS

Committee on Governmental Affairs: Committee concluded a hearing to examine discrimination against employees and retirees relating to social security government pension offset and windfall elimination provisions, focusing on the purpose of these provisions, how they work and issues that should be evaluated when considering legislative changes, after receiving testimony from Senator Feinstein; Jo Anne B. Barnhart, Commissioner, Social Security Administration; Charles L. Fallis, National Association of Retired Federal Employees (NARFE), Alexandria, Virginia; Kenneth Rocks, Fraternal Order of Police, Philadelphia, Pennsylvania; and Julia Worcester, Columbia, Maine.

CIVIC EDUCATION STANDARDS

Committee on Health, Education, Labor, and Pensions: Committee concluded a hearing to examine conflicts taking place over state history standards and history textbooks, focusing on how standards and textbooks influence education, after receiving testimony from Sandra Stotsky, Massachusetts Department of Education, Malden; Robert Hagopian, Scotts Valley Middle School, Scotts Valley, California; and Diane Ravitch, New York University, and Gilbert Sewall, American Textbook Council, both of New York, New York.

INDIAN CHILD PROTECTION AND FAMILY VIOLENCE PREVENTION ACT

Committee on Indian Affairs: Committee concluded a hearing to examine S. 1601, to amend the Indian Child Protection and Family Violence Prevention Act to provide for the reporting and reduction of child abuse and family violence incidences on Indian reservations, after receiving testimony from Woodro Hopper, Acting Deputy Assistant Secretary of the Interior for Management-Indian Affairs; Charles W. Grim, Director of the Indian Health Service, Department of Health and Human Services; Mark Lewis, Hopi Tribe, Kykotsmovi, Arizona; Garland Brunoe, Confederated Tribes of the Warm Springs Reservation of Oregon, Warm Springs; and Terry L. Cross, National Indian Child Welfare Association, Portland, Oregon.

ELDER ABUSE

Committee on the Judiciary: Subcommittee on Crime, Corrections and Victims Rights concluded a hearing to examine elder abuse, neglect and exploitation, focusing on law enforcement measures to prevent the victimization of the elderly, after receiving testimony from Daniel L. Mihalko, Inspector In Charge, Congressional and Public Affairs, United States Postal Inspection Service; James G. Huse, Jr., Inspector General, Social Security Administration; Christopher D. Chiles, Cabell County, West Virginia, on behalf of the National District Attorneys Association; James A. Wright, National Sheriffs Association, Alexandria, Virginia; and Lori A. Stiegel, Commission on Law and Aging, on behalf of the American Bar Association, and Douglas C. Holbrook, AARP, both of Washington, D.C.

House of Representatives

Chamber Action

Measures Introduced: 20 public bills, H.R. 3157–3176; and; 3 resolutions, H.J. Res. 69; H. Con. Res. 288, and H. Res. 378 were introduced. **Pages H8904–05**

Additional Cosponsors: **Pages H8905–06**

Reports Filed: Reports were filed as follows:

Conference report on H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, (H. Rept. 108–283).

H. Res. 377, providing for the recommittal of the conference report to accompany the bill (H.R. 2115) to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, (H. Rept. 108–284). **Pages H8500–8784, H8904**

Speaker: Read a letter from the Speaker wherein he appointed Representative Duncan to act as Speaker Pro Tempore for today. **Page H8493**

Chaplain: The prayer was offered today by Rev. Dr. David Shibley, President, Global Advance in Dallas, Texas. **Page H8493**

Department of Defense Appropriation Conference Report: The House agreed to the conference report on H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004 by a yea-and-nay vote of 407 yeas to 15 nays, Roll No. 513. **Pages H8784–93**

Earlier agreed by unanimous consent that it be in order at any time to consider the conference report, that all points of order against it be waived, and that it be considered as read. **Page H8784**

Department of Homeland Security Appropriations Conference Report: The House agreed to the conference report on H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004 by a yea-and-nay vote of 417 yeas to 8 nays, Roll No. 515. **Pages H8793–8802**

Rejected the Sabo motion to recommit the conference report to the committee of conference with instructions by a yea-and-nay vote of 198 yeas to 226 nays, Roll No. 514. **Pages H8801–02**

Agreed to H. Res. 374, the rule waiving points of order against the conference report by a voice vote. **Pages H8495–8500**

Legislative Branch Appropriations Conference Report: The House agreed to the conference report on H.R. 2657, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004 by a yea-and-nay vote of 371 yeas to 56 nays, Roll No. 517. **Pages H8802–15**

Rejected the Moran of Virginia motion to recommit the conference report to the committee of conference with instructions by a yea-and-nay vote of 202 yeas to 225 nays, Roll No. 516. **Pages H8814–15**

Agreed by unanimous consent on Tuesday, September 23, that it be in order at any time to consider the conference report, that all points of order against it waived, and that it be considered as read.

Suspensions: The House agreed to suspend the rules and pass the following measures:

Extending certain expiring provisions: H.R. 3146, amended, to extend the Temporary Assistance for Needy Families block grant program, and certain tax and trade programs, and for other purposes; **Pages H8815–19**

Surface Transportation Extension Act of 2003: H.R. 3087, amended, to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century. **Pages H8819–30**

Water Resources Development Act of 2003: The House passed H.R. 2557, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, by a recorded vote of 412 ayes to 8 noes, Roll No. 519. **Pages H8833–78**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure printed in the bill was considered as an original bill for the purpose of amendment and was agreed to by unanimous consent. **Page H8840**

Agreed to:

Duncan amendment that makes technical and conforming changes to project-related provisions and authorizes or modifies additional projects (agreed to by voice vote). **Pages H8866–71**

Duncan amendment offered by unanimous consent and agreed to by unanimous consent that strikes the last sentence of section 3090 dealing with the Roanoke River Upper Basin, Virginia, that states that the Secretary shall award contracts based on invitation-for-bid procedures. **Page H8878**

Rejected:

Rohrabacher amendment that sought to modify the bill language to permit ports to collect tonnage

fees for local harbor purposes (rejected by a recorded vote of 65 ayes to 359 noes, Roll No. 518).

Pages H8872–76

Withdrawn:

Kind amendment, that was offered and subsequently withdrawn, that would have required the Army Corps of Engineers to mitigate habitats lost from the construction of Corps projects.

Pages H8876–77

H. Res. 375, the rule providing for consideration of the bill was agreed to by a voice vote.

Pages H8831–33

Motion to go to Conference—Energy and Water Development Appropriations: The House disagreed with the Senate amendment to H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and agreed to a conference. **Page H8879**

Appointed as conferees: Representatives Hobson, Frelinghuysen, Latham, Wamp, Emerson, Doolittle, Peterson (PA), Simpson, Young (FL), Visclosky, Edwards, Pastor, Clyburn, Berry, and Obey. **Page H8879**

Tax Relief, Simplification, and Equity Act—Motion to Instruct Conferees: Representative Pallone announced his intention to offer a motion to instruct on H.R. 1308, Tax Relief, Simplification, and Equity Act. **Pages H8879–80**

Medicare Prescription Drug Benefit—Motion to Instruct Conferees: The House debated the Kind motion to instruct conferees on H.R. 1, Medicare Prescription Drug and Modernization Act of 2003. Further proceedings on the motion were postponed.

Pages H8880–87

Representative Sandlin announced his intention to offer a motion to instruct conferees on the bill.

Page H8879

National Defense Authorization Act—Motion to Instruct Conferees: The House debated the Crowley motion to instruct conferees on H.R. 1588, National Defense Authorization Act for Fiscal Year 2004. Further proceedings on the motion were postponed. **Pages H8887–90**

Order of Business—H.J. Res. 69: The House agreed by unanimous consent that it be in order to consider in the House H.J. Res. 69, joint resolution making continuing appropriations for the fiscal year 2004, and for other purposes; that the joint resolution be considered as read for amendment; that the joint resolution be debatable for one hour equally divided and controlled by the chairman and ranking member of the Committee on Appropriations; and that the previous question be considered as ordered on the joint resolution to final passage without intervening motion except one motion to recommit.

Order of Business—H.R. 3161: The House agreed by unanimous consent that it be in order at any time without intervention of any point of order to consider in the House H.R. 3161, to ratify the authority of the Federal Trade Commission to establish a do-not-call registry; that the bill shall be considered as read for amendment; the previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on the Energy and Commerce; and (2) one motion to recommit.

Senate Message: Messages received from the Senate appear on pages H8493, H8878–79, H8887.

Senate Referral: S. 1404 was referred to the Committee on the Judiciary. **Page H8903**

Adjournment: The House met at 10:00 a.m. and adjourned at 10:12 p.m.

Committee Meetings

REVIEW CROP INSURANCE—PROGRAM CROPS

Committee on Agriculture: Subcommittee on General Farm Commodities and Risk Management held a hearing to review crop insurance for program crops. Testimony was heard from public witnesses.

SUPPLEMENTAL REQUEST—IRAQ

Committee on Appropriations: Subcommittee on Foreign Operations, Export Financing and Related Programs held a hearing on the Administration's Fiscal Year 2004 Supplemental Request for Iraq. Testimony was heard from Ambassador L. Paul Bremer, III, Presidential Envoy to Iraq and Administrator of the Coalition Provisional Authority; and Lt. Gen. John P. Abizaid, USA, Commander, U.S. Command, Department of Defense.

REPORT OF PANEL—AIR FORCE ACADEMY—SEXUAL MISCONDUCT ALLEGATIONS

Committee on Armed Services; Subcommittee on Total Force held a hearing on the final report of the Panel to Review Sexual Misconduct Allegations at the U.S. Air Force Academy. Testimony was heard from Tillie Fowler, Chair, and members of the Panel to Review Sexual Misconduct Allegations at the U.S. Air Force Academy.

FAIRNESS TO CONTACT LENS CONSUMERS ACT; INTERNATIONAL CONSUMER PROTECTION ACT

Committee on Energy and Commerce: Subcommittee on Commerce, Trade, and Consumer Protection approved for full Committee action the following bills: H.R. 3140, Fairness to Contact Lens Consumers Act; and H.R. 3143, International Consumer Protection Act of 2003.

UNIVERSAL SERVICE—FUTURE

Committee on Commerce: Subcommittee on Telecommunications and the Internet held a hearing entitled ''The Future of Universal Service.'' Testimony was heard from Kathleen Q. Abernathy, Commissioner, FCC; Bob Rowe, Chairman, Public Service Commission, State of Montana; Billy Jack Gregg, Director, Consumer Advocate Division, Public Service Commission, State of West Virginia; and public witnesses.

HAMAS ASSET FREEZE—OTHER EFFORTS TO STOP TERRORIST FINANCING

Committee on Financial Services: Subcommittee on Oversight and Investigations held a hearing entitled ''The Hamas Asset Freeze and Other Government Efforts to Stop Terrorist Financing.'' Testimony was heard from David Aufhauser, General Counsel, Department of the Treasury; E. Anthony Wayne, Assistant Secretary, Economic and Business Affairs, Department of State; John Pistole, Assistant Director, Counterterrorism Division, FBI, Department of Justice; and Marcy Forman, Deputy Assistant Director, Financial Investigations Division, Department of Homeland Security.

DEPARTMENT OF HOMELAND SECURITY FINANCIAL ACCOUNTABILITY ACT; OVERSIGHT

Committee on Government Reform: Subcommittee on Government Efficiency and Financial Management approved for full Committee action, as amended, H.R. 2886, Department of Homeland Security Financial Accountability Act.

The Subcommittee also held an oversight hearing entitled ''Improving USAID Financial Management.'' Testimony was heard from the following officials of AID, Department of State: John Marshall, Assistant Administrator, Management and Chief Information Officer; and Everett Mosley, Inspector General; and Gregory Kutz, Director, Financial Management and Assurance, GAO.

MEDICARE PRESCRIPTION DRUG SAFETY NET

Committee on Government Reform: Subcommittee on Human Rights and Wellness held a hearing entitled ''A Medicare Prescription Drug Safety Net: Creating a Target Benefit for Low-Income Seniors.'' Testimony was heard from Representative Dooley of California; and public witnesses.

CONTINUITY IN REPRESENTATION ACT

Committee on House Administration: Held a hearing on H.R. 2844, Continuity in Representation Act of 2003. Testimony was heard from Representatives Sensenbrenner, Dreier, Frost, Baird and Miller of Michigan; Mary Kiffmeyer, Secretary of State, Minnesota; and public witnesses.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Ordered reported the following bills: H.R. 1417, amended, Copyright Royalty and Distribution Reform Act of 2003; H.R. 2359, amended, Basic Pilot Extension Act of 2003; H.R. 2620, Trafficking Victims Protection Reauthorization Act of 2003; and H.R. 2685, to amend the Omnibus Crime Control and Safe Streets Act of 1968 to reauthorize the Matching Grant Program for School Security.

MISCELLANEOUS MEASURES

Committee on Resources: Ordered reported the following measures: H. Con. Res. 268, expressing the sense of the Congress regarding the imposition of sanctions on nations that are undermining the effectiveness of conservation and management measures for Atlantic highly migratory species, including marlin, adopted by the International Commission for the Conservation of Atlantic Tunas and that are threatening the continued viability of United States commercial and recreational fisheries; H.R. 135, amended, Twenty-First Century Water Commission Act of 2003; H.R. 408, amended, to provide for expansion of Sleeping Bear Dunes National Lakeshore; H.R. 708, to require the conveyance of certain National Forest System lands in Mendocino National Forest, California, to provide for the use of the proceeds from such conveyance for National Forest purposes; H.R. 884, amended, Western Shoshone Claims Distribution Act; H.R. 982, to clarify the tax treatment of bonds and other obligations issued by the Government of American Samoa; H.R. 1092, amended, Nevada National Forest Land Disposal Act of 2003; H.R. 1204, amended, to amend the National Wildlife Refuge System Administration Act of 1966 to establish requirements for the award of concessions in the National Wildlife Refuge System, to provide for maintenance and repair of properties located in the System by concessionaires authorized to use such properties; H.R. 1442, amended, Vietnam Veterans Memorial Visitor Center Act; H.R. 1521, amended,

Johnstown Flood National Memorial Boundary Adjustment Act of 2003; H.R. 1598, Irvine Basin Surface and Groundwater Improvement Act of 2003; H.R. 2048, amended, International Fisheries Reauthorization Act of 2003; H.R. 2055, to amend Public Law 89–366 to allow for an adjustment in the number of free roaming horses permitted in Cape Lookout National Seashore; H.R. 2696, amended, Southwest Forest Health and Wildlife Prevention Act of 2003; and H.R. 3062, to amend the Mineral Leasing Act to authorize the Secretary of the Interior to issues separately for the same area, a lease for tar sand and a lease for oil and gas.

RESOLUTION—RECOMMIT CONFERENCE REPORT TO ACCOMPANY FLIGHT 100—CENTURY OF AVIATION REAUTHORIZATION ACT

Committee on Rules: Granted, by voice vote, a resolution providing that upon adoption of the rule, the conference report to accompany H.R. 2115, Flight 100—Century of Aviation Reauthorization Act, shall be recommitted to the conference committee. Conference Report to accompany H.R. 2115, Flight 100—Century of Aviation Reauthorization Act.

OVERSIGHT—REPORT ON SAFETY OF FAA'S CONTRACT TOWER PROGRAM

Committee on Transportation and Infrastructure: Subcommittee on Aviation held an oversight hearing on the DOT Inspector General's September 4th Report on the Safety of the FAA's Contract Tower Program. Testimony was heard from the following officials of the Department of Transportation: Marion C. Blakey, Administrator, FAA; and Kenneth R. Mead, Inspector General; and public witnesses.

MISCELLANEOUS MEASURES; OVERSIGHT—EMERGENCY PREPAREDNESS ISSUES

Committee on Transportation and Infrastructure: Subcommittee on Economic Development, Public Buildings and Emergency Management approved for full Committee action the following: H.R. 587, amended, to amend title 40, United States Code, to add Ashtabula, Mahoning, and Trumbull Counties, Ohio, to the Appalachian region; H.R. 3118, to designate the Orville Wright Federal Building and the Wilbur Wright Federal Building in Washington, District of Columbia; H.R. 1274, amended, to direct the Administrator of General Services to convey to Fresno County, California, the existing Federal courthouse in that county; H.R. 1702, to designate the Federal building which is to be constructed at 799 First Avenue in New York, New York, as the "Ronald H. Brown United States Mission to the United Nations Building," and a measure reauthorizing the prehazard mitigation program.

The Subcommittee also held an oversight hearing on Emergency Preparedness Issues. Testimony was heard from Ron Castleman, Chief Operating Officer, Emergency Preparedness and Response Directorate, Department of Homeland Security; Chad Berginnis, Supervisor, Division of Water, Department of Natural Resources, State of Ohio; and a public witness.

COMMITTEE BUSINESS

Permanent Select Committee on Intelligence: Met in executive session to consider Committee business.

GLOBAL HUMINT STRATEGIES

Permanent Select Committee on Intelligence: Subcommittee on Human Intelligence, Analysis and Counterintelligence met in executive session to hold a hearing on Global HUMINT Strategies. Testimony was heard from departmental witnesses.

JOINT INQUIRY RECOMMENDATIONS

Permanent Select Committee on Intelligence: Subcommittee on Intelligence Policy and National Security and the Subcommittee on Terrorism and Homeland Security met in executive session to hold a joint hearing on Joint Inquiry Recommendations. Testimony was heard from departmental witnesses.

DISEASE SURVEILLANCE SYSTEMS

Select Committee on Homeland Security: Subcommittee on Emergency Preparedness and Response held a hearing entitled "Disease Surveillance Systems: How Can They Help the Nation Prepare for Bioterrorism?" Testimony was heard from Joseph Henderson, Associate Director, Terrorism Preparedness and Response, Centers for Disease Control and Prevention, Department of Health and Human Services; Janet Heinrich, Director, Public Health Issues, GAO; and public witnesses.

COMMITTEE MEETINGS FOR THURSDAY, SEPTEMBER 25, 2003

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: to continue hearings to examine the President's fiscal year 2004 supplemental request for Iraq and Afghanistan, 2 p.m., SD–106.

Committee on Armed Services: to hold hearings to examine ongoing operations and reconstruction efforts in Iraq, 9:30 a.m., SH–216.

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine counterterror initiatives in the terror finance program, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: Subcommittee on Science, Technology, and Space, to hold hearings to examine scientific and medical advances in the field of in utero surgery, 2:30 p.m., SR–253.

Committee on Foreign Relations: to hold hearings to examine the nominations of Richard Eugene Hoagland, of the District of Columbia, to be Ambassador to the Republic of Tajikistan, Pamela P. Willeford, of Texas, to be Ambassador to Switzerland, and to serve concurrently and without additional compensation as Ambassador to the Principality of Liechtenstein, and James Casey Kenny, of Illinois, to be Ambassador to Ireland, 2:30 p.m., SD–419.

Committee on Indian Affairs: to hold hearings to examine proposed legislation to reauthorize the Head Start program, 10 a.m., SD–562.

Committee on the Judiciary: business meeting to consider S. 1451, to reauthorize programs under the Runaway and Homeless Youth Act and the Missing Children's Assistance Act, S. 1293, to criminalize the sending of predatory and abusive e-mail, S. 1580, to amend the Immigration and Nationality Act to extend the special immigrant religious worker program, S. Res. 209, recognizing and honoring Woodstock, Vermont, native Hiram Powers for his extraordinary and enduring contributions to American sculpture, S. Res. 222, designating October 17, 2003, as ''National Mammography Day'', S. Res. 98, expressing the sense of the Senate that the President should designate the week of October 12, 2003, through October 18, 2003, as ''National Cystic Fibrosis Awareness Week'', and the nominations of Henry W. Saad, of Michigan, to be United States Circuit Judge for the Sixth Circuit, Mauricio J. Tamargo, of Florida, to be Chairman of the Foreign Claims Settlement Commission of the United States, Carlos T. Bea, of California, to be United States Circuit Judge for the Ninth Circuit, Charles W. Pickering, Sr., of Mississippi, to be United States Circuit Judge for the Fifth Circuit, Marcia A. Crone, to be United States District Judge for the Eastern District of Texas, Phillip S. Figa, to be United States District Judge for the District of Colorado, William Q. Hayes, to be United States District Judge for the Southern District of California, John A. Houston, to be United States District Judge for the Southern District of California, Robert Clive Jones, to be United States District Judge for the District of Nevada, Ronald A. White, to be United States District Judge for the Eastern District of Oklahoma, and John Francis Bardelli, to be United States Marshal for the District of Connecticut, 9:30 a.m., SD–226.

House

Committee on Armed Services, hearing on United States policy and operations in Irag, 1:30 p.m., 2118 Rayburn.

Committee on Education and the Workforce, to mark up the following: H.R. 3076, Graduate Opportunities in Higher Education Act of 2003; H.R. 3077, International Studies in Higher Education Act of 2003; H.R. 3030, Improving the Community Services Block Grant Act of 2003; and H. Con. Res. 282, honoring the life of Johnny Cash, 11 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Commerce, Trade and Consumer Protection, hearing entitled ''Freddie Mac: Accounting Standards Issues Raised in the Doty Report,'' 10 a.m., 2322 Rayburn.

Subcommittee on Oversight and Investigations, to consider a motion authorizing the issuance of subpoenas for testimony in connection with the Committee's investigation into the financial collapse of HealthSouth Corporation, 9 a.m., 2123 Rayburn.

Committee on Financial Services, hearing on the following: H.R. 2575, Secondary Mortgage Market Enterprises Regulatory Improvement Act; and the Administration's proposals on GSE regulation, 10 a.m., 2128 Rayburn.

Committee on Government Reform, to consider the following measures: H.R. 1151, to provide that transit pass transportation fringe benefits be made available to all qualified Federal employees in the National Capital Region; to allow passenger carriers which are owned or leased by the Government to be used to transport Government employees between their place of employment and mass transit facilities; H.R. 1231, to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums; H.R. 3054, District of Columbia Military Retirement Equity Act of 2003; H. Con. Res. 273, recognizing and congratulating the East Boynton Beach, Florida, Little League team as the 2003 United States Little League Champions; and the Government Network Security Act of 2003, 10 a.m., 2154 Rayburn.

Committee on International Relations, to mark up the following: H. Res. 364, Of inquiry requesting the President to transmit to the House of Representatives not later than 14 days after the date of adoption of this resolution the report prepared for the Joint Chiefs of Staff entitled ''Operation Iraqi Freedom Strategic Lessons Learned:'' and documents in his possession on the reconstruction and security of post-war Irag; a measure to amend the Foreign Assistance Act of 1961 to reauthorize the Overseas Private Investment Coporation; H. Con. Res. 274, commending the National Endowment for Democracy for its contributions to democratic development around the world on the occasion of the 20th anniversary of the establishment of the National Endowment for Democracy; H.R. 2264m Congo Basin Forest Partnership Act of 2003; H. Res. 372, expressing the condolences of the House of Representatives in response to the murder of Swedish Foreign Minister Anna Lindh; and H. Res. 356, expressing the sense of the House of Representatives regarding the man-made famine that occurred in Ukraine 1932–1933, 1:30 p.m., and to hold a hearing on U.S. Policy Toward Irag, 4 p.m., 2172 Rayburn.

Committee on Resources Subcommittee on Energy and Mineral Resources, oversight hearing entitled ''The Toxic Release Inventory and its Impact on Federal Minerals and Energy,'' 2 p.m., 1324 Longworth.

Subcommittee on Fisheries Conservation, Wildlife and Oceans, hearing on the following bills: H.R. 154, to exclude certain properties from the John H. Chafee Coastal Barrier Resources System; H.R. 2501, to clarify the boundaries of Coastal Barrier Resources System Cape Fear Unit NC–07P; H.R. 2619, to provide for the expansion of Kilauea Point National Wildlife Refuge; H.R. 2623, Cahaba River National Wildlife Refuge Expansion Act; and H.R. 3056, to clarify the boundaries of the John H. Chafee Coast Barrier Resources System Cedar Keys Unit

P25 on Otherwise Protected Area P25P; followed by mark up of H.R. 2693, Marine Mammal Protection Act Amendments of 2003, 10 a.m., 1324 Longworth.

Subcommittee on Water and Power, to mark up H.R. 2828, Water Supply, Reliability, and Environmental Improvement Act, 10 a.m., 1334 Longworth.

Committee on Science, Subcommittee on Energy, hearing on Keeping the Lights on: Removing Barriers to Technology to Prevent Blackouts, 10 a.m., 2318 Rayburn.

Committee on Small Business, Subcommittee on Rural Enterprises, Agriculture and Technology, hearing entitled ''The Future of Rural Telecommunications: Is the Universal Service Fund Sustainable?'' 1 p.m., 2360 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Benefits, hearing on the Department of Veterans Affairs' Life Insurance Program, 10:30 a.m., 334 Canon.

Committee on Ways and Means, Subcommittee on Social Security, hearing on the SSA's Management of the Office of Hearings and Appeals, 10 a.m., B–318 Rayburn.

Permanent Select Committee on Intelligence, Subcommittee on Intelligence Policy and National Security, executive, briefing on Global Intelligence Update, 9 a.m., H–405 Capitol.

Subcommittee on Terrorism and Homeland Security, executive, hearing on Information Analysis and Infrastructure Protection and the Terrorist Threat Integration Center, 2 p.m., H–405 Capitol.

Next Meeting of the SENATE

9:30 a.m., Thursday, September 25

Senate Chamber

Program for Thursday: After the transaction of any morning business (not to extend beyond 10:30 a.m.), Senate will begin consideration of the Conference Report on H.R. 2658, Department of Defense Appropriations. Also, Senate will continue consideration of H.R. 2765, District of Columbia Appropriations Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, September 25

House Chamber

Program for Thursday: To be announced.

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