

Bartlett Ganske  
 Barton Gekas  
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 Becerra Gibbons  
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 Berkley Gillmor  
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 Blunt Gordon  
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 Boozman Grucci  
 Borski Gutierrez  
 Boswell Gutknecht  
 Boyd Hall (TX)  
 Brown (FL) Hansen  
 Brown (OH) Hart  
 Brown (SC) Hastings (WA)  
 Bryant Hayes  
 Burr Hayworth  
 Buyer Hefley  
 Callahan Herger  
 Calvert Hill  
 Camp Hilleary  
 Cannon Hilliard  
 Cantor Hinojosa  
 Capito Hobson  
 Capps Hoefel  
 Cardin Hoekstra  
 Carson (IN) Holden  
 Carson (OK) Honda  
 Castle Hooley  
 Chabot Horn  
 Chambliss Hostettler  
 Clay Houghton  
 Clayton Hulshof  
 Clement Hunter  
 Clyburn Hyde  
 Coble Inslee  
 Collins Isakson  
 Combest Israel  
 Condit Issa  
 Conyers Istook  
 Cooksey Jackson (IL)  
 Costello Jefferson  
 Cox Jenkins  
 Coyne John  
 Cramer Johnson (CT)  
 Crenshaw Johnson (IL)  
 Crowley Johnson, Sam  
 Cubin Jones (NC)  
 Culberson Kanjorski  
 Cummings Kaptur  
 Cunningham Keller  
 Davis (CA) Kelly  
 Davis (FL) Kennedy (MN)  
 Davis (IL) Kennedy (RI)  
 Davis, Jo Ann Kerns  
 Davis, Tom Kildee  
 Deal Kilpatrick  
 DeGette Kind (WI)  
 DeLauro King (NY)  
 DeLay Kingston  
 DeMint Kirk  
 Deutsch Kleczka  
 Diaz-Balart Knollenberg  
 Dooley Kolbe  
 Doolittle Kucinich  
 Doyle LaFalce  
 Dreier LaHood  
 Duncan Lampson  
 Dunn Lantos  
 Edwards Larsen (WA)  
 Ehlers Larson (CT)  
 Ehrlich Latham  
 Emerson LaTourette  
 Engel Leach  
 English Levin  
 Eshoo Lewis (CA)  
 Etheridge Lewis (GA)  
 Evans Lewis (KY)  
 Everrett Linder  
 Farr Lipinski  
 Fattah LoBiondo  
 Ferguson Lofgren  
 Flake Lowey  
 Fletcher Lucas (KY)  
 Foley Lucas (OK)  
 Forbes Luther  
 Ford Lynch  
 Fossella Maloney (NY)  
 Frelinghuysen Manzullo  
 Frost Markey  
 Gallegly Mascara

Matheson Shimkus  
 Matsui Shuster  
 McCarthy (MO) Simmons  
 McCarthy (NY) Simpson  
 McCollum Skeen  
 McCreery Skelton  
 McHugh Smith (MI)  
 McInnis Smith (TX)  
 McKeon Smith (WA)  
 McKinney Snyder  
 McNulty Solis  
 Meek (FL) Souder  
 Meeks (NY) Spratt  
 Menendez Stearns  
 Mica Stenholm  
 Millender Strickland  
 McDonald Stump  
 Miller, Dan Stupak  
 Miller, Gary Sullivan  
 Miller, Jeff Sununu  
 Mollohan Sweeney  
 Moore Tancredo

Tauscher Walden  
 Tauzin Walsh  
 Taylor (NC) Wamp  
 Terry Watkins (OK)  
 Thomas Watt (NC)  
 Thompson (CA) Weiner  
 Thompson (MS) Weldon (FL)  
 Thornberry Weldon (PA)  
 Thune Weller  
 Thurman Wexler  
 Tiahrt Whitfield  
 Tiberi Wicker  
 Tierney Wilson (NM)  
 Toomey Wilson (SC)  
 Towns Wolf  
 Turner Udall (CO)  
 Udall (NM) Woolsey  
 Upton Wu  
 Velazquez Wynn  
 Visclosky Young (AK)  
 Vitter Young (FL)

NOT VOTING—24

Bentsen Harman  
 Bishop Hoyer  
 Boucher Jackson-Lee  
 Brady (TX) (TX)  
 Burton Maloney (CT)  
 Crane Meehan  
 Dicks Ose  
 Goss Pelosi  
 Hall (OH) Reyes

□ 1332

Mr. ISRAEL changed his vote from "aye" to "no."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 448

Mr. FILNER. Mr. Speaker, I ask unanimous consent that I be removed as a cosponsor of H.R. 448.

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

There was no objection.

BOB STUMP NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003

The SPEAKER pro tempore. Pursuant to House Resolution 415 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4546.

□ 1331

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4546) to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, and for military construction, to prescribe military personnel strengths for fiscal year 2003, and for other purposes, with Mr. CAMP in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Arizona (Mr. STUMP) and the gentleman from Missouri (Mr. SKELTON) each will control 30 minutes.

The Chair recognizes the gentleman from Arizona (Mr. STUMP).

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

Mr. Chairman, on May 1 the Committee on Armed Services reported H.R. 4546 on a strong bipartisan vote of 57 to one. The bill authorizes appropriations for the Department of Defense and for the Department of Energy national security programs for a total of \$383 billion in budget authority, consistent with the President's budget and with the House-passed budget resolution.

Over the next few hours, we will debate and explain the many initiatives contained in this bill to support and strengthen our Armed Forces during this critical period in our Nation's history. I am pleased to once again be able to report to my colleagues that this legislation embodies the same bipartisan spirit that has guided U.S. national security policy for decades.

It provides for pay, housing, fiscal and physical well-being of our Armed Forces members and their families. It provides for the research and acquisition of our military arsenal so critical to maintaining our combat edge on the battlefield. It provides for the resources and tools to properly train our forces to be ready to defend our freedoms around the world at a moment's notice, and it also provides for our Nation's military retirees, who devoted a better time of their lives for this country.

Mr. Chairman, this is a very good bill. It follows the spending blueprints set forth by the President to make his defense budget the largest since 1990. It also marks the largest single-year increase in defense spending since 1966.

By marking the fifth consecutive year of real increases in defense spending, we are starting to dig out of the budget hole that we created after 13 years of budget cuts. Our Armed Forces, while still the most formidable fighting force on the planet, face serious and fundamental choices in the years ahead. This presents both an opportunity and a risk if the choices we make are not prudent and do not hedge on our bets against the inevitable surprises and challenges that may lie ahead.

The bill before the House sets a prudent course. It recognizes today's new reality and accelerates and emphasizes new tools necessary for the critical fight against terrorism. It makes sure that our most precious military commodity and resource, our men and women in uniform, are properly compensated and taken care of.

It also makes sure we do not forget the basics, the unglamorous elements of the defense budget necessary to make sure it works when called upon.

Mr. Chairman, on a personal note, this marks the last defense authorization bill that I will have the privilege to manage before this great House. It has been an honor to serve and have the trust of my colleagues to be able to

lead two great committees over the past 8 years, and I will greatly miss the friendship and bipartisanship, the sense of mission that allows the Committee on Veterans Affairs and the Committee on Armed Services to quietly and effectively do their important work on behalf of our Nation's veterans and military forces.

I urge my colleagues to support this important legislation.

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

Mr. SKELTON. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I urge my colleagues to support the Bob Stump National Defense Authorization Act for Fiscal Year 2003. This bill, properly so, is named in honor of our chairman, who has stated his intention not to return to this body; and I thank him for the work that he has done on the bipartisan amendment within the committee itself.

The committee unanimously named this bill for him. This is an excellent bill. It passed by a vote of 57 to one. It authorizes \$393 billion for defense programs, which includes \$15.5 billion for the Department of Energy defense-related matters.

The bill makes a number of vital readiness and modernization improvements, and it does a good job in keeping our forces the best trained and the best equipped in the world. The quality-of-life issues are excellent for our servicemembers and their families. In particular, there is a 4.1 percent pay raise, with targeted raises, and I am also pleased to state that there is an increase in the end strength for all services, a much, much needed improvement.

Many missions are being performed by our men and women in uniform that make it clear that we need more people. There is an increase of some \$4 million in military construction and family housing that also adds to the quality of life. We were able to increase funding for procurement, research and development, and military construction.

My principal reservations with this bill do concern matters relating to the environment and nuclear weapons policy. But with that said, at the end of the day, Mr. Chairman, this is an excellent bill. It will help our readiness; it will help our troops, whether they be on the field or on post or on base in this country. We are very proud of what they do, so this is a major step in supporting them.

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

Mr. STUMP. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from California (Mr. HUNTER), chairman of our Subcommittee on Military Research and Development.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I just wanted to join the other members of the Committee and of the House in thanking the gen-

tleman from Arizona (Mr. STUMP) for his great service to our country, not only in the House of Representatives, but also as a 16-year-old kid who joined the U.S. Navy in World War II. That great ethic of service to the Nation has carried through, and the gentleman from Arizona (Chairman STUMP) has put together a great bill which is essential to this country right now because we are in a war.

I made a few comments during the rule that I think covered to some degree my work and the work of the Subcommittee on Military Research and Development and our contribution to the bill.

Basically, we are working to try and put some money into some high-leverage areas. We have done a pretty good job along those lines. There is missiles and missile defense. That is the ability to stop missiles, from the slow-moving SCUDs, or the Model-Ts of the offensive missiles, all the way up to the fast ICBMs that can be thrown all the way across a great ocean at a nation. Our ability to stop those missiles right now does not exist except in the very low-performance area, and we are moving aggressively with a \$7.9 billion program.

The leader of that program, General Kadish, is, I think, acknowledged by Democrats and Republicans to be an extraordinary steward of this program. We have given him some very broad funding categories in missile defense; and we have told him to go out and test this stuff, test it in very difficult situations, put a lot of stress on the systems, and throw out the losers and promote the winners. That means to spend money where it is going to be effective for American security.

So we have given General Kadish a great deal of discretion. I think it is discretion well placed. We have kept that budget very well funded.

Lastly, Mr. Chairman, we have put money in a couple of vulnerable areas. We have put money in the area that has been a real concern to the United States, and that is our ability to defend our ships against increasing performance of antiship missiles that potential adversaries are developing around the world.

We have also put some money, some additional dollars, into our mine-clearing and mine-detection capability, a very important area for us because now we are moving from the deep ocean Navy and deep ocean conflict scenarios into the so-called littorals, right up against the shore where minefields are going to play an increasing role. So we have put money there.

Also we see some potential adversaries building now these new submarine classes, mainly diesel subs, but subs that are very quiet that can hold choke points that can cause us severe problems in strategic areas of the world and where our ability to detect those submarines is critical. So we have put more money in research and development against those areas.

Our members participated fully, Mr. Chairman; and I think we have put together a good package. I want to again thank the chairman of the full committee for this opportunity.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. ORTIZ).

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

Mr. ORTIZ. I thank the gentleman for yielding time to me, Mr. Chairman.

Mr. Chairman, I rise in strong support of H.R. 4546, the Bob Stump National Defense Authorization Act for Fiscal Year 2003.

Mr. Chairman, I want to specifically address the provisions in the act relating to military readiness. First, I thank the Subcommittee on Military Readiness leadership and my colleagues on both sides of the committee here for doing a great job, and at the same time to the staff for doing a great job, and for the manner in which they conducted the business of the subcommittee this session.

I also wants to express my appreciation to my good friend, the gentleman from Arizona (Chairman STUMP), who has now decided to retire, for his friendship and for his leadership these last few years that we have worked together. Mr. Chairman, we are going to miss you.

Also, I say thanks to the gentleman from Colorado (Mr. HEFLEY) for his personal involvement and the extraordinary steps he took in getting us to this point in developing the readiness portion of fiscal year 2003. Although we worked at an accelerated pace this session, we had an opportunity to see readiness through a different set of eyes, the eyes of the leaders of the soldiers, sailors, and airmen who are entrusted with the awesome responsibility of carrying out our responsibility at the forefront, in harm's way.

We heard them talk about the charges of repair parts, the extra hours they spent trying to maintain old equipment, and the difficulties encountered in trying to conduct realistic training. While we in this body may differ on some policies and program objectives, we in the subcommittee were able to get a better appreciation of the challenges that they face in performing their duties. For their effort, we can all be proud of it.

Mr. Chairman, the readiness provision in this bill reflects some of the steps I believe are necessary with the dollars available to make their task easier. It does not provide all that is needed. Much more funding could be used. At the same time, I believe that this is a good bill. I encourage our Members of the House to vote for a very responsible bill.

Mr. STUMP. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from New Jersey (Mr. SAXTON), the chairman of our Subcommittee on Military Construction.

□ 1345

Mr. SAXTON. Mr. Chairman, I rise in strong support of H.R. 4546, the Bob Stump Authorization Act for Fiscal Year 2003. Last week the Committee on Armed Services, as has been said here a couple of times previously, voted on a great bipartisan vote, almost unanimously, to continue the committee's tradition of bipartisanship in addressing the defense needs of this Nation.

As we should expect, this bill contains several initiatives that will aid the Armed Services in their ongoing war against terrorism on behalf of the American people and, indeed, on behalf of the citizens of the world. I have the honor of chairing two bodies involved in this effort, the Special Oversight Panel on Terrorism and the Subcommittee on Military Installations and Facilities.

The Special Oversight Panel on Terrorism has been extremely active in educating Members of the clandestine ways of terrorists and seeking innovative ways to protect American forces. The Subcommittee on Military Installations and Facilities has also been extremely active in our area of responsibility in approving a multitude of important projects necessary for improved force protection of military bases.

This bill does much more than enforce protection, however, and I want to be sure that Members know that this need was carefully addressed by approving only projects that were requested by the Department of Defense and by making sure that these monies will be spent well.

I want to also thank Tom Hawley, our staffer, for all of the work that he did in making sure that necessary measures were put in place in a very efficient way.

Also, always I work closely with my counterpart and good friend the gentleman from Ohio (Mr. HOBSON) of the Subcommittee on Military Construction of the Committee on Appropriations to develop the MILCON program for 2003. The gentleman from Ohio (Mr. HOBSON) and our ranking members the gentleman from Hawaii (Mr. ABERCROMBIE) and the gentleman from Massachusetts (Mr. OLVER) have worked closely with all interested parties to build a program that supports the Department of Defense on addressing major facilities and quality of life shortfalls.

Mr. Chairman, let me say in closing that this chart I have here to my left represents, I believe, the crux of what we did on this year's military installation facilities authorization bill. H.R. 4546 includes \$10 billion for military construction and family housing accounts, including \$2 billion for quality of life enhancement. This is extremely important, as all the members of the Committee on Armed Services are aware, because in an all-volunteer Army if we cannot attract good sailors, soldiers, Marines and airmen then our military capabilities will suffer. To

that extent, we have included monies to enhance quality of life and to provide the necessary facilities in this regard.

So, Mr. Chairman, I ask everyone to support this bill today. I hope it will be another great bipartisan vote at the conclusion of the debate, which will occur sometime around 8 o'clock, and let me again thank my friend the gentleman from Arizona (Mr. STUMP) for his wonderful work as chairman of this committee.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Arkansas (Mr. SNYDER) for purposes of debate.

Mr. SNYDER. Mr. Chairman, I want to extend my thanks to the gentleman from Arizona (Mr. STUMP) for the great work he has done throughout his career in this House. He has also been my chairman on the Committee on Veterans' Affairs and I very much appreciate him. And to the gentleman from New York (Mr. MCHUGH), who is the chairman of the Subcommittee on Personnel, of which I am ranking member.

This bill has many, many good things in it, including a pay raise for our men and women in uniform. It decreases the out-of-pocket expenses for housing. There is an increase in end strength, recognizing the realities of the world that we are facing today.

I also want to say a word about TRICARE, which has been a very good program, improving over the last couple of years, but we have some potential problems with it and this bill includes within it a mandate that GAO study some of the potential problems with TRICARE. Specifically, one is some of the paperwork problems that our providers are facing, like preauthorization. We had a lengthy hearing at the subcommittee level about the problems they are having, and this is leading to provider dropout. And while the overall numbers look good, which is 97 percent of physicians stay with the program, many of them are limiting the number of TRICARE patients they are seeing or are not seeing new patients, and this is a problem for us. So we look forward to those studies.

This bill passed the committee by a vote of 57 to 1, and thanks to the gentleman from Arizona's (Mr. STUMP) leadership and the way he conducts the committee, we had a very vigorous debate. It went on all day with multiple votes. The result was a 57 to 1 bill that came out of the committee.

However, the spirit of the House Committee on Armed Services is inconsistent with the rule that brought this bill before us today. It was said this was a structured rule. It was structured to stifle debate and to avoid uncomfortable votes for Members. That is not consistent with a great democracy at this critical time in history. You look at some of the Members who were denied to bring amendments, some of the most respected Members of this House: The gentleman from Mississippi

(Mr. TAYLOR), I disagree with him on base closure but he had every right to bring his amendment to this floor; the gentleman from Connecticut (Mr. MALONEY) and the gentleman from Maine (Mr. ALLEN), both excellent members of the Committee on Armed Services; the gentleman from Texas (Mr. FROST), the ranking member on the Committee on Rules and a strong supporter of our national defense, was denied an amendment; the gentleman from South Carolina (Mr. SPRATT) denied an amendment.

This arrogance of power, Mr. Chairman, has to stop in this body.

Mr. STUMP. Mr. Chairman, I yield 3 minutes to the gentleman from Colorado (Mr. HEFLEY), the chairman of our Subcommittee on Readiness.

Mr. HEFLEY. Mr. Chairman, I would be remiss if I did not recognize the contribution of the gentleman from Arizona (Mr. STUMP), who leads our committee, and the gentleman is truly a great American. I do not throw that phrase around very casually. He has led the committee well. I think he has the respect of his entire committee. We are going to miss him. It is a bad decision to leave the House of Representatives and leave us behind. We love the gentleman, and I have appreciated the opportunity to serve with him and call him a friend.

Mr. Chairman, I rise today in strong support of H.R. 4546, the National Defense Authorization Act for Fiscal Year 2003. I believe the committee has done a superb job in fulfilling its role in oversight of the Department of Defense and has done its best to provide the necessary funding to improve the readiness of our military forces.

Let us not forget, however, that for many years we have seen our military do more and more with less and less, and now as we are engaged in the war on terrorism we are asking our military men and women to do even more. The budget requests for fiscal year 2003 contains some significant increases in defense spending and an effort by the Department of Defense to fully fund their stated requirements. We are all heartened that these increases make a good attempt at arresting the decline in military readiness and begin the process of rebuilding and restoring our military forces.

To accomplish this, the administration has had to significantly increase critical readiness funding this year as compared to last year. As an example, air, ground, and sea operations as well as training and training range operations have increased by \$2.1 billion. In addition, base operations accounts required for the day-to-day operation of our military facilities have increased by \$1.2 billion. These increases are fully supported in this bill.

The committee has included two provisions that I believe strike a needed balance between the needs of our military to adequately and effectively train for combat and the need to protect our environment. First, we have

included an amendment to the Endangered Species Act that will weigh the impact of national security along with existing obligations under current law not to take any action that will result in the extinction of or harm to an endangered or threatened species.

Second, we have included an amendment in the Migratory Bird Treaty Act to permit the Fish and Wildlife Service to issue a permit to the Department for the accidental taking of migratory birds incidental to authorized military readiness activities.

These and all segments of the Subcommittee on Readiness part of this bill and in fact of the bill as a whole were very bipartisan. As was already mentioned, the bill passed out of committee 57 to 1. It is not a Democratic bill. It is not a Republican bill. It is a bill for the defense of this Nation.

Mr. Chairman, H.R. 4546 is a responsible, meaningful bill that fairly allocates resources for the restoration of acceptable readiness and an acceptable quality of life for the men and women of our military forces. To do anything less will allow the readiness of our military to slip further and could risk the lives of countless men and women in every branch of the military.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Mrs. TAUSCHER) for purposes of debate.

Mrs. TAUSCHER. Mr. Chairman, I thank my colleague for yielding me time.

Mr. Chairman, I would also like to add my thanks to the gentleman from Arizona (Mr. STUMP) for his leadership, and I wish him every best wish.

Mr. Chairman, I intend to vote for the defense authorization bill today because it does many good things. This bill will help us fight the war against terrorism and it gives our military men and women a well-deserved pay raise. But I am concerned, Mr. Chairman, about the direction this bill takes regarding our Nation's national nuclear weapons policy.

This bill encourages the United States to develop new nuclear weapons for first time since 1990. It clears the way for underground nuclear testing in Nevada. It endorses arming ballistic missile defenses with nuclear warheads and encourages arbitrary caps on the number of nuclear weapons that could be removed from the Nation's nuclear stockpile.

I will offer an amendment today to require the Department of Energy to provide Congress with options for reducing our nuclear arsenal more quickly than is called for in the Nuclear Posture Review.

If President Bush reaches an agreement with President Putin to reduce nuclear weapons, we should be prepared to make those reductions as quickly as possible, not wait 10 years. But I am disappointed, Mr. Chairman, that the Committee on Rules refused to make in order other amendments relating to our nuclear weapons posture.

I had submitted an amendment with the gentleman from Maine (Mr. ALLEN) to have a more balanced sense of Congress on nuclear policy. Our amendment had several common sense provisions, including restoring the President's ability to pursue sensible reductions in the nuclear stockpile, encouraging conventional "bunker buster" weapons rather than nuclear ones, and exploring all the implications of resuming underground testing instead of going full steam ahead with them.

I had also prepared an amendment to extend our Nation's nonproliferation efforts to countries like Pakistan and India.

Mr. Chairman, despite the limitations the Committee on Rules has placed on debate, I encourage Members to vote for the defense authorization bill today, but I also hope that Members recognize that there are many provisions in this bill that take our Nation down a very dangerous path toward a new nuclear arms race.

Mr. STUMP. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. THORNBERRY) from the Department of Energy Panel.

Mr. THORNBERRY. Mr. Chairman, I thank the chairman for yielding me time and for his years of service and leadership to our country in national security.

Mr. Chairman, I also appreciate the work of all Members on the Department of Energy Panel and, particularly, the partnership of the gentlewoman from California (Mrs. TAUSCHER).

For 57 years nuclear weapons have played a central role in maintaining our freedom and in preventing the kind of world wars which plagued the early part of the 20th century. There can be no doubt that nuclear weapons will continue to be central to our security as long as any of us are around.

Nuclear weapons exist. We cannot uninvent them. We cannot wipe them off the memory banks of human knowledge, and we should not try to stick our heads in the sand and wish them away. The facts, Mr. Chairman, are that 12 countries now have nuclear weapon programs, 13 countries have biological weapons programs, 16 countries have chemical weapons programs, according to the administration, and that does not count other groups, like al Qaeda, who are trying to acquire them.

The United States does not have chemical and biological, so we must have a strong nuclear deterrent to deter use of those weapons of mass destruction, and our deterrent must be credible against a broader array of threats. Not only must we consider the Russian weapons, but we must consider various other kinds of weapons and threats and our deterrent must be credible, even against rogue states, even against terrorists, even against underground targets. They must even be credible to the kind of people we face in this war against terrorism whose

aim is to kill as many Americans as possible.

Now, as our nuclear weapons are aging beyond their intended design life, it is going to be a very difficult job to keep them safe and reliable and credible, to keep the people, the infrastructure, the scientific knowledge we have to have to make sure that that deterrent is credible and does work. This bill takes important steps in that direction and it ought to be supported.

Mr. SKELTON. Mr. Chairman, I yield 7 minutes to the gentlewoman from Georgia (Ms. MCKINNEY) for debate purposes only.

Ms. MCKINNEY. Mr. Chairman, I voted against this defense authorization bill in committee, and I plan to vote against it on the floor. This bill represents the largest real increase to defense spending since 1966. It contains over \$40 billion more spending than last year's defense authorization, which was a huge authorization in itself. This year's defense budget increase alone is greater than the defense budget of nearly every other nation in the world.

H.R. 4546 provides for over \$383 billion in spending for the Pentagon and the weapons programs of the Department of Energy. Unfortunately, this new spending comes at the expense of valuable programs for America's families. Sadly, the Bush administration's tax cut for the wealthy has blown the Clinton surplus and reduced our ability to fully fund important programs like job training, prescription drug benefit, conservation spending and much more.

□ 1400

The one-sided priorities of this bill reflect the belief that national security rests in occupying foreign capitals and overthrowing regimes, as our Secretary of Defense told us in committee, rather than in domestic tranquility and quality of life for America's people.

In addition to the singular focus of our national security attention, there are problems within the Pentagon that raise questions about such immense spending.

On September 10, 2001, Defense Secretary Rumsfeld stated that "according to some estimates, we cannot track \$2.3 trillion in transactions." Such a lack of financial accountability undermines the integrity of the Pentagon. How much more inefficiencies, financial loss and wasteful spending can the American people tolerate?

In any other area of enterprise, people get more money when they prove that they know what they do with what they have already got, what they have gotten, but in the world of defense spending, the Secretary can acknowledge the loss of \$2.3 trillion and get an almost unprecedented increase in funding.

Additionally, the basis for such a large increase in spending is wholly unjustified.

The events of September 11 were a tragedy to the entire Nation. However,

the attacks in New York, Pennsylvania and Virginia were not prompted by any failure of the United States military, but instead were the result of a breakdown in our intelligence community. In fact, just last week Yahoo News reported that CIA Deputy Director of Operation James Pavitt "dismissed charges the CIA was caught unaware by September 11 suicide attacks in the United States" and that "the CIA knew the network led by Saudi-born militant Osama bin Laden was planning a major strike."

Similarly, a Washington Post article dated May 3, 2002, stated, "Two months before the suicide hijackings, an FBI agent in Arizona alerted Washington headquarters that several Middle Easterners were training at a U.S. aviation school and recommended contacting other schools nationwide." The article continued, stating that "law enforcement officials said in retrospect the FBI believes it should have accelerated the suggested check of U.S. flight schools."

I must say that I was pleasantly surprised by Secretary Rumsfeld's cancellation of the Crusader program this week, and I was pleased to receive a phone call from the Pentagon to that effect. However, it must be noted that I had an amendment to cut the Crusader because, among other things, it experienced cost overruns and was too heavy and too large to get anywhere fast at any kind of rapid response.

I would also note that the Crusader is a weapons system that has connections to the Carlyle Group which employs the President's father. \$475 million is a lot of money. Sadly, the President requested half a billion dollars for the Crusader weapons system but cancelled our commitment to pay high deployment overtime pay to our troops.

However, the fight to kill the Crusader is not over. Despite the cancellation, language in this bill will seek to keep Crusader alive. The Committee on Armed Services and the House should not allow that to happen. The Crusader has been rightly cut. It should remain that way, and the half billion dollars it has freed up should go to reinstating the high deployment per diem that the President cancelled in October.

As by now my colleagues also know, this bill creates exemptions for the Pentagon in the Endangered Species Act and the Migratory Bird Treaty Act, removes protections from public lands, and creates horrendous precedent for wilderness areas. The Committee on Armed Services is not where our country's environmental policy should be made.

With regard to missile defense, H.R. 4546 continues development of this dangerous, destabilizing and unreliable system. The authorization provides \$7.8 billion for missile defense following on the nearly \$8 billion that was authorized last year. Yet the CIA's own national intelligence estimate states that attacks are much more likely using weapons of mass destruction via

untraditional methods such as trucks, ships or airplanes.

Rather than spending billions on a missile defense system, diplomacy through arms control and disarmament agreements will be much more effective in advancing peace and security in the days and years ahead and will cost far less than a Star Wars system.

Though it deeply troubles me that one of the first acts of our President after declaring this war on terrorism was to sign an executive order denying previously promised high deployment overtime pay to our servicemen and women, the personnel and compensation section of this bill takes important steps for our servicemen and women. Though I am opposed to this act, I greatly respect the individual members of our armed services for their service and sacrifice in the name of our Nation.

However, Mr. Chairman, despite whatever good this bill does for our servicemen and women and our veterans, it is still entirely too large and takes us down the wrong policy track.

Additionally, as our defense spending increases year after year, sacrifices made in domestic spending never seem to be corrected. From resuming nuclear testing to advancing nuclear-tipped missile defense, from the rollback of environmental laws, to pork-barreling weapons systems, this bill is big, and it could have been a lot better.

Mr. STUMP. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Pennsylvania (Mr. WELDON), the chairman of our Subcommittee on Military Procurement of the Committee on Armed Services.

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

Mr. WELDON of Pennsylvania. Mr. Chairman, I thank our distinguished chairman, the gentleman from Arizona (Mr. STUMP) for yielding me the time, and I want to start off again by thanking our chairman and our ranking member, two of the great patriots of this institution, this country, for their outstanding work in bringing us a defense bill that all of us can get behind.

It is not a perfect bill. In fact, there are some amendments that I would like to have seen offered that were not made in order, and that is a part of the process, unfortunately, we go through. I am also not happy with the dollar amount. Our chairman and ranking member made the best possible good faith effort to increase funding, but it is woefully underfunding our modernization.

Other Members who have spoken here have talked about too much for defense. Our soldiers today are fighting in tactical fighters that are 17 years old on average. Our Navy that at one time was 555 ships is now 314 ships. Our shipbuilding account is taking us down to a 235-ship Navy. The B-52 bomber will be 70 years old before it is retired. Our Chinook helicopters will be 60 years old.

We have underfunded the military consistently in both Democrat and Republican administrations for the past 10 years. This bill begins to correct that, but it does not solve all of those problems. We are asking for some relief in this bill. Nothing out of the ordinary.

We want to stop the encroachment that costs us more money that stops our troops from training. This is in no way, shape, or form a rollback of environmental laws. I would not support that, as a Republican proud of my environmental voting record. It does say that when we take 85 percent of Red Beach at Camp Pendleton where our Marines have to train and say 85 percent of that base or that training area, that beach cannot be used because of an endangered species, is a little bit ridiculous, especially when we consider if we look at the numbers of all the Federal agencies that have land, the Pentagon controls the smallest amount of land, yet has the largest number of endangered species of any other Federal agency and, in my opinion, does the most effective job possible in protecting wildlife and protecting endangered species.

All we ask for is some limited relief to allow our military personnel to be properly trained; nothing more. This is not an attempt to roll back environmental laws in any way, shape, or form.

In the other areas of the bill, I think we make a good faith effort in missile defense, in systems and programs. Again, it is not perfect, but we do provide some great increases in assistance for our troops in the personnel area, and I think we make a good down payment on modernization and research for the future.

So I encourage my colleagues to work with us through this process. We will be offering, I think, a very innovative series of amendments on the nuclear posture of this country that will revolutionize our relationship with Russia. I look forward to voting in a positive way on this bill, and I ask our colleagues to vote yes on the final passage and to work with us to get the largest vote possible in showing that our military has the support of Democrats and Republicans.

In closing, I want to thank my colleague and ranking member, the gentleman from Mississippi (Mr. TAYLOR). He is one of the most tireless advocates for the Navy in this Congress. He has fought hard and his work has paid off in an additional ship being funded in this bill. I thank my colleagues for their leadership.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Chairman, I want to thank my colleague and friend, the gentleman from Pennsylvania (Mr. WELDON), for his kind words and for his good work on the procurement portion of this bill.

Along with every other Member of this body, I want to compliment the

gentleman from Arizona (Mr. STUMP) for being a great human being and a great American and a phenomenal chairman to our committee.

My colleagues have noticed a lot of anger on the floor today, which is completely contrary to just one week ago in the Committee on Armed Services where every single Member who wanted to offer an amendment to that bill was allowed to do so. Today, there are a number of us who felt like we could make a good bill a heck of a lot better and save some American lives by offering amendments.

The gentleman from Arizona (Mr. STUMP) actually went to the Committee on Rules and told them he wanted most of those amendments put in order. I thank the chairman for that, and I deeply regret that the Committee on Rules chose not to make many of these amendments in order.

I thank the gentleman for his efforts, particularly from the day he was 16 years old, serving in the United States Navy till now serving us, and I also wish he would change his mind and stick around for a while.

The gentleman from Pennsylvania (Mr. WELDON) talked on many of the needs of our Nation, and we have incredible pressing needs, about 940 Huey helicopters in inventory, the newest of which was built in 1972, that need to be replaced.

As the gentleman from Pennsylvania (Mr. WELDON) pointed out, the fleet has now shrunk to 314 ships which is the smallest it has been since 1933. That is unacceptable. The President only asked for 5 ships this year which, incidentally, is 2 ships fewer than the Clinton administration asked for. I am pleased Chairman WELDON chose to add an additional destroyer to that. That will take a step towards keeping the fleet at the bare minimum size, and hopefully, the Senate will do even better.

I want to point out that the bill does contain almost a billion dollars for the development of the next generation of destroyers, the DDX. I want to point out the new attack submarine at \$1.6 billion was partially funded.

The committee, I think, wisely chose to fund the Crusader program at about \$475 million, and I do agree with General Shinseki, who is the chief of staff of the United States Army, on the important need for this program, and I have to take issue with the Secretary of Defense. I think it is necessary. I hope the committee will stick by its guns.

I want to take this opportunity to thank the gentleman from Missouri (Mr. SKELTON) and the gentleman from Arizona (Mr. STUMP) for the way they have handled this committee and put this bill together.

Mr. STUMP. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. BARTLETT).

(Mr. BARTLETT of Maryland asked and was given permission to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Chairman, I thank the gentleman from Arizona (Mr. STUMP) for yielding me the time.

Mr. Chairman, I rise in strong support of H.R. 4546, the National Defense Authorization Act for Fiscal Year 2003. While I support the bill in its entirety and commend it to this body as must-pass legislation, I want to especially emphasize the provisions in the bill relating to morale, welfare and recreation activities of the Department of Defense and the military services.

I have the honor to chair the Special Oversight Panel of Morale, Welfare and Recreation which keeps a careful eye on some very important quality-of-life benefits for our military families, such as commissaries and child care centers. The MWR portion of H.R. 4546 is truly nonpartisan and was approved unanimously by both the panel and the full committee without any amendments.

I have found the defense programs that are not nourished by the Congress or the Pentagon quickly die away. MWR programs are no different. While I agree with most of what this administration is doing, I believe the continued pressure to privatize commissaries is misguided. The budget for the Defense Commissary Agency contained in this bill is about as low as I am prepared to support without persuasive evidence that customer savings and service will not suffer.

That said, I believe the budget before my colleagues is adequate. To ensure the quality of customer service and continued savings, H.R. 4546 requires a GAO study of DECA's budget proposals as well as other measures to protect the commissary benefit.

In addition, the package before the House will allow our deserving National Guard soldiers called to State duty in time of national emergency, like the present, to use commissary stores. We had provided this privilege some years ago to guardsmen called to duty for natural disasters and found that we should have added national emergencies as well.

Of course, I thank our ranking Democrat, the gentleman from Guam (Mr. UNDERWOOD), for his wise counsel and support in our shared responsibilities to manage MWR matters for the committee, and I join him in urging all Members to vote for H.R. 4546.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. SANCHEZ).

Ms. SANCHEZ. Mr. Chairman, I rise today to voice my support for the Bob Stump Defense Authorization Act for Fiscal Year 2003.

I want to commend the gentleman from Arizona (Mr. STUMP) and the gentleman from Missouri (Mr. SKELTON) for the job they have done on this, and everybody on the committee.

We did have a good discussion last week with this bill. This bill will help soldiers and their families put more money in their pockets by reducing the average amount of housing expenses

paid by service members from the current 11.3 percent to 7½ percent in fiscal year 2003.

□ 1415

Now, that might not mean much to us, but to people who are forced to move every few years, it is a very important issue, this issue of the cost of housing for them. So that puts us on the track to eliminate some of this heavy burden for our families that have men and women in uniform.

The bill, for the first time, fully funds Concurrent Receipt, and establishes a program through which military retirees will receive increasing compensation. And by the year 2007, retirees who are 60 percent or more disabled will receive their full retirement pay and their disability. This is something that our military retirees desperately need.

Unfortunately, this bill also contains provisions that undermine some of our basic commitments to our Nation, including to try to reduce the proliferation of nuclear weapons. The bill gives credence to the fact that the United States should develop nuclear weapons capable of destroying hard and buried targets and use nuclear-tipped missiles to intercept nuclear warheads.

I do not need to remind anyone that nuclear weapons have only been used twice in the history of warfare, and the United States has not designed or built a new nuclear weapon since the Cold War. Mutually Assured Destruction, or MAD, is a policy relic of the Cold War; and it should not be resurrected. It should not be resurrected by us.

Furthermore, this bill furthers the development of national missile defense with little congressional oversight. We may need a missile defense; but we need a structured one, one where we as a Congress look at it and take full responsibility for what is happening with its development.

No bill is perfect. This one has a lack of acknowledgment by the Department of Defense to the members of our Committee on Resources with respect to environmental issues, and this is very shortsighted.

Aside from that, I will be voting for the recommit and for this bill.

Mr. STUMP. Mr. Chairman, I yield 1 minute to the gentleman from Alabama (Mr. EVERETT), a member of the committee.

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

Mr. EVERETT. Mr. Chairman, I thank the gentleman, the chairman, and my good friend, the gentleman from Arizona (Mr. STUMP), for yielding me this time. I have served under him while he has been chairman of the Committee on Armed Services and also when he was chairman of the Committee on Veterans' Affairs. This House will miss him.

Let me speak about Army aviation training. The Army continues to short fund the training budget of its helicopter pilots. To address this shortfall,

the committee took steps last year to begin funding the Army Aviation Institute Training Simulator program to enhance pilot training at the Aviation War-fighting Center. Unfortunately, the committee did not add funds for the program in this year's authorization bill due to the lack of resources.

The Army is concerned with the crash rate of the OH-58C/D. It is four times greater than all other helicopters in the fleet. The Army has an immediate need for high-fidelity OH-58C/D simulators to improve the crew training of emergency procedures and other techniques on the aircraft. The Army has identified the AAITs program as the best way to provide this training. It is my hope that the defense appropriators in both Houses will give strong consideration to a \$15 million add for six high-definition OH-58C/D simulators.

Mr. Chairman, I can't think of a more important responsibility than to train Army Aviators in the best way possible, with the latest technologies available. The AAITs program meets this challenge by using commercially available technologies that are cost effective and ready to be deployed today.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, in spite of the best attempts of the gentleman from Arizona (Mr. STUMP) and the gentleman from Missouri (Mr. SKELTON), this bill has become a political grab bag of extraneous material that has nothing to do with defense authorization and has no place in this bill.

I have time to cite just one example. Article 14 is a provision which contains language that is destructive to our efforts to protect the environment in this country, particularly issues that are destructive to the 1964 Wilderness Act. That language undermines the issue of wilderness as it is practiced by the Federal Government in areas all across the country. It is a special provision. It is even a personal provision. It has no business in this bill.

Furthermore, we were not given the opportunities to present amendments which could give the House the opportunity to debate this issue and to strike these unwarranted and destructive provisions from the bill. That makes this bill unworthy of the House. It ought to be withdrawn. We ought to have an opportunity to debate this issue and those things ought to be brought before us.

Mr. STUMP. Mr. Chairman, I yield 1½ minutes to the gentleman from Georgia (Mr. CHAMBLISS), a member of the committee.

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

Mr. CHAMBLISS. Mr. Chairman, I strongly support the fiscal year 2003 Bob Stump National Defense Authorization Act, which will provide critical resources for our military to ensure that they have the adequate training,

modern equipment, and sufficient resources to do their job in protecting our Nation.

I am proud of the work of the House Committee on Armed Services and our chairman, the gentleman from Arizona (Mr. STUMP), who has done an excellent job in crafting a bill that will support our warfighters. Chairman STUMP is a hero of mine, and we will miss his great service in this body.

This bill is important for our Nation. Our troops deserve a pay raise and we provide that to them. We provide our troops and their families quality health care and benefits which they have earned because of their service and sacrifice for our Nation. We provide significant funds for the development of technologies that are needed for our missile defense systems so that we are better prepared to meet the future threats this country faces.

We increase the resources available to combat terrorism, which is an immediate threat to the people of the United States of America. We increase key readiness accounts so that we continue to increase our capabilities to support our warfighters who are actively engaged in protecting American interests around the globe.

Let me say that this bill is also important for Georgia. We fund critical military construction projects at Robins Air Force Base, Fort Benning, Fort Stewart, and Kings Bay Navy submarine base. We fully funded the President's budget request for vital modern aircraft for our Air Force's F-22 Raptor advanced tactical fighter, the C-17, the C-130, and JSTARS, all of which are important to my home State as well as our long-term national defense priorities.

Mr. Chairman, terrorism and our national security are not fleeting problems. This bill addresses our needs on terrorism from a force-protection standpoint, and I urge the passage of this bill.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in support of the defense authorization bill.

I commend the chairman, the gentleman from Arizona (Mr. STUMP), and the ranking minority member, the gentleman from Missouri (Mr. SKELTON), for putting together a good bill. It will enable today's troops to succeed in the war in Afghanistan and makes investments in the future to assure the U.S. military retains its edge.

I commend the bill's shipbuilding initiative to fix the Pentagon's paltry request in this area, and it sets an important marker for restoring funding for a third DDG-51 destroyer. The Merchant Marine panel, of which I am ranking member, does quiet but important work to assure a healthy and viable U.S. maritime fleet. I thank the panel chairman, the gentleman from California (Mr. HUNTER), for his leadership

in restoring funding for the title XI loan guarantee program, which gives life to our vital shipbuilding industrial base.

I also welcome the creative provision on ship scrapping, which helps States acquire obsolete vessels for artificial reefs. There are, however, parts of this bill that I do not support. First, it contains three environmental provisions not under the jurisdiction of the Committee on Armed Services. They belong to the Committee on Resources, which was denied the opportunity to consider them. These provisions are a part of a last-minute stealth attempt by DOD to exempt itself from a variety of landmark environmental laws.

The package was submitted just 4 days before committee markup, denying time for proper review. In the only hearing, the majority refused to invite State or local governments, environmental groups, or any other non-administration witnesses to testify.

Second, I disagree with the aggressive nuclear policy language in the bill and report which endorses new nuclear weapons or new uses for such weapons. I am afraid that money spent to revitalize and legitimize nuclear weapons will divert funds from weapons our warfighters actually need for combat. I believe it will be destabilizing and lead to new arms races.

Finally, I am disappointed the committee did not make in order my amendment to previous nuclear-tipped interceptors. The U.S. rejected that idea decades ago.

Mr. STUMP. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CALVERT), a member of the committee.

Mr. CALVERT. Mr. Chairman, I too want to thank the chairman, the gentleman from Arizona (Mr. STUMP), for all his years of service. We will miss him very much, but I know he will always be in our hearts.

Mr. Chairman, in my home State of California, environmental litigation may force the Fish and Wildlife Service to designate critical habitat for endangered species on over 50 percent of the 125,000-acre Camp Pendleton in Southern California. Even though there are 17 miles of coastline in Camp Pendleton, environmental restrictions allow the Marines to use less than 1 mile of that coast, as designated on this drawing. One mile. That is it. That small space.

And once they get ashore, Marines have to align everything and everyone up single file to weed through the land that has been designated critical habitat and cross Interstate 5 to another location on the base to begin their maneuvers.

Mr. Chairman, our Marines should be training as they fight, not as if they are going out on some field trip. Our military is one of the best environmental stewards America has. They should not be forced to give up realistic training on their own property to satisfy a few environmental extremists.

Proper training saves lives. We must not sacrifice the safety of our sons and daughters so that a gnatcatcher or a fairy shrimp can have an undisturbed life.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Guam (Mr. UNDERWOOD).

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

Mr. UNDERWOOD. Mr. Chairman, I rise today to join my colleagues in support of H.R. 4546, the Bob Stump National Defense Authorization Act for fiscal year 2003. It will go a long way towards ensuring that our troops get the support they need to win the war against terrorism as it meets many of our military's modernization needs and provides every servicemember with a pay raise they so richly deserve.

In particular, I want to address the provisions in the bill relating to the morale, welfare and recreation activities of DOD. I want to acknowledge the outstanding leadership of our panel chair, the gentleman from Maryland (Mr. BARTLETT), and the active participation of all the panel members. I am pleased that we were able to address many of the urgent MWR issues that will sustain this important benefit, including the bill's acknowledgment of our concern and expression of our appreciation for the contributions of the National Guard during this period of national crisis by making it possible for them to use the commissary, even though they are under State control.

In addition to the MWR provisions, I am also pleased to note that a number of measures included within the bill will support Guam in its strategic role to U.S. national security. Guam's military installations and facilities stand to benefit from over \$75 million of military construction and improvements. Most notable are the projects for a new on-base water system at Andersen Air Force Base and the continued construction of the Guam Army Guard Readiness Center. The people of Guam welcome this significant boost in military construction and appreciate the recognition this bill provides to our people in uniform.

Further, the bill before us today restores a balance between protecting the environment and sustaining military readiness, particularly in the case of the Farallon de Medinilla, FDM, bombing range north of Guam in the Northern Marianas. Last month, a Federal Court here in Washington, D.C. ruled that the Navy was in violation of the Migratory Bird Treaty because of the incidental taking of nonendangered birds while conducting critical training activities. This bill narrowly fixes this. We are in support of this provision.

Mr. Chairman, I thank the gentleman from Missouri for yielding me this time, and I want to acknowledge the excellent and noble work that our chairman, the gentleman from Arizona (Mr. STUMP), has done over the years.

Mr. STUMP. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. BILIRAKIS).

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

Mr. BILIRAKIS. Mr. Chairman, the 106th Congress took the first steps toward addressing the inequity that provides for an offset between military retired pay and VA disability, which unfairly penalizes more than 500,000 disabled military retirees nationwide by authorizing a monthly allowance to certain severely disabled military retirees. Last year, Congress took an additional step towards eliminating the offset by authorizing my Concurrent Receipt legislation, H.R. 303.

The bill we are considering today follows the fiscal year 2003 budget and includes a provision to authorize military retirees who are 60 percent or greater disabled to receive their full retired pay and VA disability compensation benefit on a transitional basis by fiscal year 2007.

So I say to all my colleagues, Mr. Chairman, support America and its veterans, vote for H.R. 4546. And I would also offer in closing my compliments to the gentleman from Arizona (Mr. STUMP) for being a great patriot and a great chairman.

Some military retirees—individuals who are eligible for military retirement benefits as a result of a full service career—are also eligible for disability compensation from the VA based on a medical problem they incurred while in the service. Under present law, these service-disabled retirees must surrender a portion of their retired pay if they want to receive the disability compensation to which they are entitled. Congress enacted this unjust law in 1891. Nationwide, more than 500,000 disabled military retirees must give up their retired pay in order to receive their VA disability compensation. In effect, they must pay for their VA disability out of their military retirement—something no other federal retiree must do.

I have been trying to repeal this unfair offset for more than 17 years. My legislation, H.R. 303, has received strong bipartisan support with more than 390 cosponsors in the House. More than 80 members have cosponsored similar legislation in the Senate. Moreover, every major veterans and military organization strongly support the concurrent receipt of military retired pay and VA disability compensation. The 106th Congress took the first steps toward addressing this inequity by authorizing the military to pay a monthly allowance to military retirees with severe service-connected disabilities rated by the Department of Veterans' Affairs at 70 percent or greater. These provisions were recently expanded to include retirees with ratings of 60 percent.

Last year, Congress took an additional step towards repealing the offset by authorizing H.R. 303. However,

under the provisions of the Fiscal Year 2002 National Defense Authorization Act, this authorization requires the President to submit legislation in his annual budget request and Congress to enact this legislation to offset the cost of this initiative. Since the enactment of last year's defense authorization act, I have been working to secure the money needed to fund "concurrent receipt." I was very pleased that the Budget Committee included almost \$6 billion in the FY 2002 Budget Resolution for a partial repeal of the dollar-for-dollar offset between retired pay and VA disability compensation.

I am also pleased that the bill we are considering today follows the FY 2002 budget resolution and includes a provision to authorize military retirees who are 60 percent or greater disabled to receive their full retired pay and VA disability compensation benefit by Fiscal Year 2007. Until the program is fully implemented, the bill establishes a transition program through which retirees will receive increasing amounts of their retired pay. I want to thank Chairman BOB STUMP, Ranking Member IKE SKELTON, Military Personnel Subcommittee Chairman JOHN MCHUGH and Ranking Member VIC SNYDER for their continued support and interest in this issue.

While H.R. 4546 does not allow for the complete elimination of the current offset, it does provide for a substantial concurrent receipt benefit and it is a tremendous step forward in our fight to repeal the current inequitable offset. I urge my colleagues to support the Bob Stump National Defense Authorization Act.

□ 1430

Mr. SKELTON. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. McNULTY).

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

Mr. McNULTY. Mr. Chairman, I rise in support of the Bob Stump National Defense Authorization Act, which will support all of our men and women in uniform and also the Crusader program.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. TURNER).

Mr. TURNER. Mr. Chairman, I thank the gentleman from Missouri (Mr. SKELTON) for yielding me this time.

Mr. Chairman, this bill today is one of the most important pieces of legislation that this Congress will consider, and I want to recognize the leadership of the gentleman from Arizona (Chairman STUMP), for his leadership, as well as the leadership of our ranking member, the gentleman from Missouri (Mr. SKELTON). The bipartisan approach that this committee has utilized to craft this bill exemplifies our bipartisan and our unwavering commitment to winning our Nation's war against terrorists.

We also in this bill take major steps forward in providing our Armed Forces with the tools and the resources they need to protect our national security interests around the world. Earlier this year our military chiefs testified before our committee and identified over \$25 billion in unfunded requirements for the upcoming fiscal year. Our committee was not able to address every need on the chiefs' list, but I am pleased that we addressed many of the issues, particularly in the areas of quality of life, readiness and modernization, as well as the deficiencies that the Department identified necessary to wage our war on terrorism.

Over the last few years, one area of particular concern to me has been the continued reduction in troop end strength. In the post-Vietnam War era, the active duty military peaked at 2.2 million personnel. Today it is less than 1.5 million. Last year, each of our military services entered the war on terrorism with personnel shortages, a situation that has only worsened due to the heightened operational tempo required around the globe.

I commend the ranking member, the gentleman from Missouri (Mr. SKELTON), for his leadership in advocating an increase in troop strength; and I am pleased that this bill contains an increase of 13,000 in troop authorization above last year's level.

Mr. Chairman, I believe this is an important piece of legislation that deserves the support of the entire Congress. I urge adoption of this legislation.

Lastly, this legislation strengthens our national security interests both at home and abroad by authorizing \$7.8 billion for ballistic missile defense programs. The development of medium and long range ballistic missiles by North Korea, Iran, Iraq, and other rogue countries underscores the importance of developing a fielding theater missile defenses capable of defeating these threats as soon as possible. Protecting our country and troops deployed in theater from a ballistic missile attack should continue to be a priority, and I applaud the commitment that is being shown to field this technology in the near term. Mr. Chairman, I especially want to emphasize the importance of fielding the Department of Defense's highest theater missile defense system, the PAC-3. When you look at spectrum of known threats around the world, and focus on those areas where we either have personnel or could likely have troops deployed, it's hard to ignore the fact that most credible ballistic missile threats would be thwarted by the PAC-3 system. Consequently, amendments will be offered by Mr. SPRATT and Mr. HUNTER a little later that seek to add money to this program. I am hopeful that you will support this effort and join with us in ensuring that our troops are adequately protected against these emerging threats.

Mr. Chairman, we are at an important juncture with respect to funding our military and providing them with the resources necessary to effectively wage our war on terrorism. This bill acknowledges the challenges we face and seeks to respond. I urge my colleagues to support this bipartisan bill.

Mr. STUMP. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. McHUGH), the chairman of the Subcommittee on Personnel.

Mr. McHUGH. Mr. Chairman, May marks National Military Appreciation Month, and I can think of no appropriate way to recognize it than to rise in strong support of the National Defense Authorization Act for Fiscal Year 2003. I especially commend for my colleagues' consideration and support the military personnel provisions of the bill that address continuing realities and challenges by making improvements in the end strength, compensation, personnel and health care systems of the Department of Defense.

Let me highlight three of those most important areas. First, while fully supporting the efforts of the Secretary of Defense to reduce operational and mission requirements, this bill reflects the view that the war on terrorism will be a long-term effort and that some growth in military manpower is prudent at this time.

Therefore, the bill represents the bipartisan views of all of us, including the gentleman from Missouri (Mr. SKELTON), who was a leader on this, and recommends an increase in active duty end strength of nearly 1 percent, or 12,650, above fiscal year 2002 levels. That is the largest single year growth in active end strength since 1985 and 1986. To support the added strength, the bill provides an additional \$550 million as well as increasing National Guard and Reserve component full-time manning by some 2,400 personnel.

Secondly, the bill provides a military pay raise, as proposed by the President, of 4.1 percent across-the-board for all personnel, one-half of 1 percent more than the average pay increase for private sector employees.

In addition, it recommends targeted raises of 6.5 percent to critical mid-grade and senior noncommissioned officers and mid-grade officers, as well as housing rates that will reduce the out-of-pocket housing expenses from the current level of 11.3 percent to 7.5 percent in fiscal year 2003.

Finally, as the gentleman from Florida (Mr. BILIRAKIS) said moments ago, the third major provision I want to highlight would ensure that by 2007 all retirees rated by the Veterans Administration with 60 percent disabled or above will receive both their full military retired pay and their full VA disability pay. This initiative, known widely as concurrent receipts, represents the culmination of a multi-year, bipartisan effort to restore justice in veterans' compensation using the \$5.8 billion provided by the House budget resolution for fiscal year 2003.

In closing, Mr. Chairman, let me thank the ranking member of the subcommittee, the gentleman from Arkansas (Mr. SNYDER), for his leadership, for his very active involvement, as well as all members of both sides of the aisle of the Subcommittee on Military Personnel who have a good deal to be

proud of in this fine mark and in this great bill.

Mr. Chairman, I urge all Members to join us in support of this very fine measure.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Chairman, I thank the gentleman for yielding me this time. It is a personal privilege to stand in support of the piece of legislation named in honor of a patriot, the gentleman from Arizona (Mr. STUMP), who has served our country so very well. I am honored to support this bill in his name, and thank the gentleman from Missouri (Mr. SKELTON) for his contribution.

America stands today as perhaps the greatest military power in global history; but as we have learned in the last 7 months, even great powers are faced with great challenges. I support this bill because I believe it affirms two of our greatest strengths, and it begins to deal with two of our greatest challenges.

First of all, it affirms the strength that is the most premium strength of the American military structure, the men and women who serve their country. By raising the pay of those men and women by 4.1 percent, by supplementing their medical and other benefits considerably, although not enough, this bill is a good step in the right direction.

Second, as a member of the Subcommittee on Research and Development, I am particularly pleased that we have before us today a bill that will make the greatest investment in research and development in our Nation's history. In particular, I am pleased with the 20 percent increase in the DARPA funding accounts, which I think bring out the very best of America's university sector, private sector and government sector.

With respect to challenges, I believe that the new Northern Command structure that is implemented in this bill is a positive step toward meaningful homeland security. I look forward to working with the Pentagon and my fellow members of the committee in making that command structure effective in homeland security.

Finally, the bill begins to grapple with the very real problem with missile defense. There are those of us who believe that missile defense is necessary and appropriate, but there are some disagreements over how to implement it. Because of the bipartisan leadership of this committee, I believe that we have a constructive approach to bridging those differences and managing this challenge.

In short, I believe this is a bill that every Member of both political parties can support with pride that will help us carry forward in meeting the very great challenges our country faces today. I urge support of the bill.

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

Mr. Chairman, it was the Roman orator Cicero who once said that the greatest of all virtues is gratitude, and let me again express gratitude to the gentleman from Arizona (Mr. STUMP) for his tireless and skillful efforts in leading our committee, and in his contributions to the United States Congress through the years. We are very proud of him and thank him for what he has done for us, and the role model he has been for the rest of the Members, both Democrat and Republican.

Let me also say a word of thanks and gratitude to the Committee on Armed Services, which I believe is the most bipartisan committee in this body. There are times we have partisan disagreements, but we do attack the various issues as professionals and as representatives of different parts of our country.

But most of all, I think we as a body need to express thanks and gratitude to the young men and young women in uniform. That is the purpose of our being here today. It is the United States Constitution that charges us here in Congress to raise and maintain the military of the United States. The military of the United States is reflected by young people in various colors of uniform all wearing the American flag on their sleeve. So we thank them, we thank their families, and we hope that the piece of legislation that we pass today will be a benefit to them, encouraging them to keep doing a good job and staying the course, and just a word of thanks to them for their determination, dedication and patriotism.

With that, Mr. Chairman, again a special thanks to the gentleman from Arizona (Chairman STUMP).

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

Mr. STUMP. Mr. Chairman, I yield 30 seconds to the gentleman from Illinois (Mr. KIRK).

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

Mr. KIRK. Mr. Chairman, I want to also thank the gentleman from Arizona (Mr. STUMP) and our other defense leader, the gentleman from Missouri (Mr. SKELTON), for this legislation. This bill supports President Bush and Secretary Rumsfeld, who commands our troops currently in battle. It supports our Naval training at the Navy's only boot camp at Great Lakes, Illinois.

It advances our efforts to combine Naval Hospital Great Lakes with North Chicago VA to help out veterans and active duty health care.

It protects our air crews over Afghanistan and Iraq with improved tactical Navy electronic warfare aircraft, and it supports our fellow allies to meet the missile threat, especially giving early warning eyes in the sky to Israel and Arrow anti-missiles to shoot down SCUDs. It is a good piece of legislation; it deserves our support for the

fundamental mission of the Federal Government to defend our country.

Mr. Chairman, I rise in strong support of the Bob Stump National Defense Authorization Act. This bill supports the efforts of President Bush and Secretary Rumsfeld to modernize and strengthen our military. The bill supports the needs of our men and women in uniform, ensuring that they receive better pay, have better equipment at their disposal, have a better quality of life, and are provided with all the tools necessary to complete their missions. The effects of these initiatives will be appreciated by servicemembers around the world, from the recruits currently in my district at the Great Lakes Naval Training Center to the Special Forces troops operating in the mountains of Afghanistan.

Additionally, this bill strongly supports electronic warfare and the EA-6B Prowler, our Nation's lone remaining electronic jamming aircraft. The Prowler is integral to successful airborne strike operations and is often the first aircraft in theater and the last aircraft to leave. Without the Prowler, our aircrews would be vulnerable to a wide variety of threats from integrated air defenses and advanced surface-to-air missiles. In support of the aging Prowler fleet, this bill authorizes \$85.8 million to procure and install wing center sections and outer wing panels, both of which have suffered from fatigue and forced the grounding of eight aircraft.

\$35 million is included to procure advanced USQ-113 jammers, which will enhance that ability of the Prowler to cut off enemy communications. I am also encouraged that \$29 million are included to procure band 9/10 transmitters, which will enhance Prowler capabilities.

Perhaps most importantly, H.R. 4546 includes an increase of \$10 million to continue efforts to develop a successor to the Prowler.

Mr. Chairman, I strongly support our men and women in uniform, our national defense, and this bill. I encourage my colleagues to do the same.

Mr. STUMP. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. JEFF MILLER).

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

Mr. JEFF MILLER of Florida. Mr. Chairman, I rise in support of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, H.R. 4546.

The legislation remedies a long-committed wrong that has been used against our retired military veterans for many years. By providing \$5.58 billion over 5 years towards retiree benefits, H.R. 4546 begins full concurrent receipt for veterans suffering from a disabled rating 60 percent or greater. These individuals have given decades of their life and service to this great country, and they will begin to receive their earned retired pay along with their earned disability payment.

This agreement builds upon the work of the Committee on Veterans Affairs and the Committee on Armed Services over the last couple years, and finishes the work done last year that made the policy change.

Due to the meticulous work by the Committee on the Budget, the require-

ment to have a full budget offset is no longer needed, and that section has now been removed as a stipulation that claims must be made within 4 years of military separation.

Mr. Chairman, I am proud to be a member of the Committee on Armed Services and proud to support this fiscal year 2003 defense authorization, H.R. 4546.

Mr. STUMP. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. BUYER).

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

Mr. BUYER. Mr. Chairman, I thank the gentleman from Arizona (Mr. STUMP) for all his hard work. I served with the gentleman when he chaired the Committee on Veterans' Affairs, and I think it is appropriate that this defense bill is named after him. And I would say to the gentleman from Missouri (Mr. SKELTON), you two together have put before this Congress another quality product on behalf of the men and women who serve our Nation.

I thank the gentleman from Pennsylvania (Mr. WELDON), as chairman of the Subcommittee on Procurement. The gentleman from Mississippi (Mr. TAYLOR) and I co-chaired the Guard and Reserve Caucus for many years, and serve in that caucus, and a big part of our mark was accepted, just like the gentleman from California (Mr. HUNTER) used to do for us, and there are so many Guard and Reserve. There are so many things for the active force.

So it is not only the procurement mark, but also military construction, and what the gentleman from New York (Mr. MCHUGH) did with regard to end strength, I thank the gentlemen. It is a very good mark. I ask all Members to support the product of the gentleman from Arizona (Mr. STUMP) and the gentleman from Missouri (Mr. SKELTON). It is quality work.

Mr. Chairman, I rise in strong support of H.R. 4546; the Bob Stump National Defense Authorization Act for Fiscal Year 2003.

America is at war, our military personnel are in harm's way, and our Nation is facing dangerous and difficult threats.

September 11, 2001, now marks the most lethal single attack on the United States in our Nation's history.

The Bob Stump National Defense Authorization Act demonstrates strong bipartisan commitment to America's soldiers, sailors, airmen, and Marines who are fighting the global war against terrorism.

President George W. Bush stated and I quote,

Nothing is more important than the national security of our country, nothing is more important. So nothing is more important than our defense budget.

I strongly agree.

This National Defense Authorization Act goes beyond the President's request to improve homeland security, support U.S. service members, and increase military readiness and modernization.

It is fitting that this Defense Authorization Act; the largest real increase to defense

spending since 1966; be named after my good friend, Chairman BOB STUMP.

I have had the privilege of working along side BOB, and the opportunity to witness his steadfast support of our Nation's military. We share the same values and beliefs; duty, honor, courage, and commitment to God, country, family, and our fellow man. His leadership will be missed.

Equally fitting is the support H.R. 4546 provides to addressing the needs of the National Guard and Reserves.

Today, there are over 80,000 Reservists and National Guard personnel on active duty from 50 States, the District of Columbia, and Puerto Rico supporting the global war on terrorism. They are a critical component of the total force and vital for our homeland's security.

On behalf of Congressman TAYLOR and myself as cochairs of the National Guard & Reserve Components Caucus, we extend our thanks to the subcommittee chairman and ranking members for their support to the National Guard and Reserves.

The National Guard and Reserve Components Caucus, representing 158 Members of Congress, has organized member support for legislative initiatives dealing with Reserve Components, operations, programs, and policies.

Now in its seventh year, the Reserve Components Caucus, has a proven history of working with and assisting the House Armed Services Committee.

H.R. 4546 goes a long way to support National Guard and Reserve personnel, readiness, modernization, and military construction.

National Guard and Reserve Force personnel strength is increased by adding more than 2,450 full-time military personnel to support the Army National Guard, Army Reserve, Air National Guard, and Air Force Reserve. Additionally, it increases Naval Reserve unit strength by 800 part-time military personnel.

H.R. 4546 also addresses significant personnel, compensation and benefits improvements including a minimum 4.1 percent pay raise for all active, National Guard, and Reserve personnel.

It extends the eligibility period for Selected Reservists' use of the Montgomery GI bill an additional 4 years.

H.R. 4546 also directs a comprehensive study of the rights, benefits and entitlements of Reservists and their dependents.

National Guard and Reserve quality of life improvements in this Defense Authorization Act also include over \$510 million for military construction.

National Guard and Reserve Equipment requirements still reflect a \$9 billion shortfall, however, H.R. 4546 provides over \$470 million for Guard and Reserve equipment procurement above the President's Budget submission.

On behalf of the Reserve Components Caucus, I thank Chairman WELDON for his support in improving Guard and Reserve modernization.

This bill sends a strong signal to the world and recognizes the sacrifice and unselfish commitment of our service men and women in protecting America's cherished freedoms and liberties.

In short, this bill says to the American people that military service; active and reserve service, is critical for our Nation's security.

It is clearly another giant step in our continued efforts to improve quality of life, modernize the force, and improve readiness.

I urge my colleagues to support this bill.

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Mr. STUMP. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. PUTNAM).

Mr. PUTNAM. Mr. Chairman, I want to commend the gentleman from Arizona (Mr. STUMP) on the outstanding work that he has done to make America secure, but some of the rhetoric that I hear from the other side gives me pause and what comes to mind is how quickly we forget.

Some of the environmental concerns that have been raised are completely bogus, Mr. Chairman. When we have a situation where 16 or 17 miles of coastline cannot be used at Camp Pendleton, when we have a situation where soldiers have to draw a circle in the sand and stand there and pretend that it is a foxhole, we are not training our soldiers realistically. The success that we have seen in Afghanistan is the direct result of investment in training and personnel and in troops and in equipment. But that training cannot continue under the current environmental restrictions that we have.

This bill makes some commonsense reforms that allow our soldiers, sailors and airmen to prepare to wage and win war. I commend him for his leadership on this and his striking the delicate balance that recognizes the stewardship of the Department of Defense and the overarching mission that they have, which is to keep America secure.

For the past year, the Government Reform Committee has been investigating the growing number of restrictions, or encroachments, placed on training at military training ranges by environmental regulations, urban sprawl, international treaties and competition for limited airspace and frequency spectrum.

In May of last year the Government Reform Committee held its first hearing on this issue titled "Challenges to National Security: Constraints on Military Training". In August of last year the Government Reform Committee on National Security, Veterans Affairs and International Relations, of which I am vice chairman, held a field hearing in my district at the Avon Park, Fl, Air Force Bombing Range to address the issue of military training range sustainability.

Our hearings have demonstrated that environmental regulations are among the most pervasive and burdensome constraints on military training. At a hearing last spring, for instance, the committee learned that 16 of 17 miles of coastland at Camp Pendleton, California, are off-limits for amphibious training due to a growing list of wildlife protections. Witnesses also testified that soldiers are not allowed to dig foxholes on some ranges, and instead must practice jumping onto circles marked with tape.

As the Defense Department has been forced to expand the amount of land set aside for protected species such as the fairy shrimp, the gnat-catcher, and the checker-spot butterfly, training lanes have become artificially narrow, Environmental laws and regulations

have inhibited training at bases across the country and on the waters offshore. Fewer and fewer training areas are now available for realistic combat live-fire training.

When combat drills become predictable and repetitive, readiness declines. Our experience in Afghanistan has demonstrated that our success on the battlefield is directly related to the quality of our military training. We must ensure that well-intentioned environmental regulations do not lead to shortfalls on the proving ground that later become disasters on the battlefield. The changes proposed in H.R. 4546 are intended to save lives in real combat.

The issue is not readiness versus the environment. The issue is our commitment to our military men and women and their families. When we send our constituents or their sons, daughters, spouses, or parents into harm's way, we should do so only in the complete confidence that they are ready. They will only be ready if they are thoroughly and realistically trained. Our military men and women, and their families, have a right to expect that training, and we as a nation have an obligation to provide it.

H.R. 4546 provides a common-sense change to laws that have overburdened the military and restricted training efforts. These are not broad waivers. There are no exemptions and no rolling back of decades of environmental law.

The committee mark is a good start, but more may need to be done. The current hair-trigger application of broadly defined environmental regulations has profoundly affected vital military research and development efforts as well. For example, a scientific study funded by the Pentagon showed that a new long-range, lower-frequency sonar designed to detect ultra-quiet enemy submarines would "harass" marine mammals under the existing definition. The Navy is now waiting for a letter of authorization from the Fisheries Service to allow use of the sonar. If the definition of harassment were changed, the Navy likely would have greater leeway in using the sonar without seeking permits or exposure to lawsuits.

The Navy should not need to get permits every time an aircraft carrier changes position and the military should not be exposed to lawsuits for allegedly "annoying" a marine mammal.

More than anything else, military readiness depends on realistic training. Constraints on military training and research are a growing challenge to our national security. To perform a constantly expanding range of missions—from peacekeeping to assaulting and holding a hostile beachhead—the men and women of our armed forces must train as they fight. They must train under conditions as much like the real thing as possible.

The issue is not readiness versus the environment. Our military men and women have all volunteered to go into harm's way—we owe it to them, and their families, to send them there trained to win. Training saves lives. In this time of war I urge my colleagues to make protecting the lives of our military men and women our highest priority. Supporting this legislation will do that. I urge passage of the bill.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I want to add my voice to the choir of opposition the National Defense Authorization Act of FY 2003. This bill provides appropriations for an increase in pay for our armed

services personnel, which I believe is very important for the security of our great Nation. However, I rise to oppose this legislation because it provides appropriations for an unproven ballistic missile defense. This is a flawed policy. If the United States was attacked by a long range nuclear missile, any feasible ballistic missile defense system would have less than 15 minutes to detect, track, and attempt to intercept the missile. Thus, this is a technologically daunting task. A top defense official has said that a successful U.S. missile defense system test, which was completed recently, did not realistically duplicate conditions of an actual attack. If our top military leaders think that this is a flawed policy, then we as elected officials should follow their recommendation.

The Defense Department has tested and retested this ballistic missile defense system, and each time the desired results have not been achieved. But yet, The President wants to continue funding this flawed policy. Therefore, I want to strongly support the Tierney amendment, which states that no funds for FY 2003 for the Department of Defense may be used for space-based national missile defense programs.

Additionally, I also strongly support Congressman MARKEY's amendment, which prohibits the use of funds to develop and test a nuclear earth penetrator weapon and also prohibits the use of funds in fiscal year 2003 for a feasibility study of a nuclear earth penetrator weapon.

In almost every case, post-test doubts regarding missile defense have been raised. Critics have charged that test results over the past two decades have been exaggerated by false claims of success and promises of performance that later proved false. Many tests were proven to have had their targets significantly enhanced to ensure the likelihood of success.

Furthermore, kinetic kill as a concept for destroying long-range ballistic missiles is even more problematic at this stage. There is no empirical evidence to support the contention that kinetic kill for ICBM defense will work. Despite the prowess of American technology, there are no quick, cheap or easy solutions in missile defense. Therefore, we should allocate funds for more pressing defense needs and spend our funds on systems that work and will enhance real security for all Americans.

Mr. STARK. Mr. Chairman, I rise in strong opposition to this Defense authorization bill. With the President's war on terrorism continuing and with budget deficits rising, why are we spending money on so many unnecessary programs? Just yesterday the administration admitted that some of these programs are no longer necessary, yet the Republican leadership would rather waste billions of dollars on defense projects that keep defense contractors swimming in money.

Earlier this week, I submitted an amendment to this bill that would have cut the \$475 million to further research and develop the Crusader mobile howitzer project. Unfortunately, the Republicans refused to allow this amendment to be considered on the House floor. These Republicans are more interested in looking like they are strong on defense than they are in funding projects that can actually be used to defend our country. Even the Department of Defense has said it doesn't want the Crusader. If you don't believe me, look at

the front page of today's Washington Post: Defense Secretary Rumsfeld says, "We are going to cancel the Crusader." Rather than falling in line behind President Bush, as they have on virtually every other initiative proposed by this administration, the Republican leadership wouldn't even allow a debate about this program.

Why do I agree with the administration on a defense project? Let's look at some details. To date, we have spent \$3.5 billion on an artillery system that doesn't have a prototype, fails to meet the operability requirements of the army, and would cost another \$11 billion if we decided to purchase the system. Fully loaded, the Crusader weighs over 80 tons, so heavy that only the largest cargo plane we have could carry it, and just one at a time! Finally, howitzers like the Crusader are outdated weapons of warfare that are really only effective against large massed armies, such as those that were maintained by the former Soviet Union. There are few armies left in the world who use such WWII era tactics, and if in the future we happen to need these weapons again, the GAO has found that we can either upgrade the existing Paladin howitzer or purchase a German made system that fits the operational requirements of the Crusader.

But the Crusader is not the only program that shouldn't be funded in this bill. This bill also authorizes continued funding of the F-22, the Joint Strike Fighter, and an upgraded version of the F/A 18. With the upgrades of our existing F-15s and F-16s, our Air Force has air-superiority over any existing air force. While some argue that we need upgraded fighter aircraft to counteract improvements in surface to air defense systems, do we really need three different planes? The cost savings of just going with one of these systems instead of three would be astronomical. Not only would we stop throwing billions more dollars at defense contractors, we would save billions more by not having to purchase parts for three different planes and to hire three different sets of mechanics to service them. Finally, cutting these extraneous programs will further integrate our armed forces, a goal specifically mentioned by Secretary Rumsfeld in his speech at the Pentagon yesterday.

This bill spends too much money on programs that will do nothing to protect our citizens. Instead, it lines the pockets of defense contractors and sends our nation's financial health into further disarray. In the interest of national defense and fiscal security, I am voting against this bill and urge my colleagues to do the same.

Mr. BLUMENAUER. Mr. Chairman, there is no function of our national government more fundamental than defense of the Nation. Today, our national defense is more important than ever, and with this authorization bill, we are spending more on national defense than ever. In fact, the \$393 billion this bill authorizes means the United States will be spending more on our military than do the next 25 nations combined.

There is no question this bill spends enough to do the job. The question is whether the money is being spent in ways that will do the right job. There is a great debate abroad in the land about the nature of the threats our Nation faces, and the best approaches to dealing with those threats. There is a robust discussion about honoring our responsibilities to those who have served this country; about

the responsibility of the military, like the rest of the Federal Government, to play by the rules this Congress has established; and about the military's duty to clean up after itself by returning the lands it no longer needs to productive use for America.

However, that discussion and debate is not occurring in this House. The leadership has so tightly managed the rule for debate on this measure that the House will authorize the largest increase in defense spending since 1966.

We have failed our duty to the people to ask and answer the most fundamental questions: what unnecessary, wasteful systems and programs should be eliminated from this bill because they do nothing to enhance the security of the United States? What should be added in their place, to ensure that we uphold our duty to those who have served and ensure that we strengthen America with our defense investments?

On the first question, the answer is clear. We need to right-size the military for the security needs of the United States today. Unfortunately, in this \$393 billion, there is too much money being spent on the wrong stuff.

Three examples, of many, should suffice to make the point. First, we should not be continuing to fund three tactical aircraft programs concurrently at a time when we have the pre-eminent fighter jet in the world—the F-15.

Second, the bill contains \$7.8 billion for missile defense, including funding for initial deployment of a national missile defense system based in Alaska. We should be alarmed that we are not taking the time as a nation to have a thoughtful dialogue on all the potential ramifications of a national missile defense system before rushing ahead with deployment. Since President Ronald Reagan's famous 1983 "Star Wars" speech, the United States has spent roughly \$100 billion on ballistic missile defenses. We should not be throwing good money after bad. September 11 showed us that there are many threats that are more realistic than that of a ballistic missile streaking across the ocean to land on our shores.

The third is perhaps the most outrageous example. Yesterday, Secretary of Defense Rumsfeld informed members of Congress of his decision to cancel the \$11 billion Crusader program. This is a weapons system that Napoleon would have loved that was designed for a war from an age long past.

The Army plans to create a mobile force capable of being deployed anywhere in the world in 96 hours, but the Crusader Mobile Howitzer is still too heavy to be lifted by any transport aircraft in our fleet. Neither of the two largest military cargo transports in operation—the C-5 and the C-17—is capable of carrying a complete Crusader. The weapon's designers say they have reduced the total weight of the system from 90 tons to "only" 73, but that was accomplished by removing the fuel and ammunition.

The Congressional Budget Office recommends killing the Crusader and purchasing a suitable alternative. The General Accounting Office has identified a German-made howitzer as a viable alternative to the Crusader. According to CBO, acquiring this off-the-shelf weapon would save \$6.7 billion over 10 years.

The Crusader is more suitable for fighting Adolf Hitler than meeting the challenges of today. As one Bush adviser remarked, "Why would you buy the same artillery pieces that

Napoleon would understand? It's all Industrial Age equipment."

I submitted amendments to the Rules Committee to transfer funds from the Crusader to the cleanup of unexploded ordnance (UXO). These amendments would have supported Secretary Rumsfeld's decision on the Crusader and addressed a serious problem for the military, UXO, which is both a long-term liability and a short-term operational and public relations nightmare.

In addition to these examples of unwise and wasteful expenditure, this bill authorizes unnecessary and destructive waivers of important environmental protections essential to Americans' health and the health of America's land and water. During my time in Congress, I have worked to compel the Federal Government to lead by example. This bill goes against everything I have been working toward. If we exempt the largest landowner in the country from environmental regulations, how can we expect anyone else to follow our laws?

The Department of Defense wants to exempt itself from many environmental laws. This is an important decision, and should involve debate and consideration by all stakeholders. Unfortunately, the Department and their congressional supporters have circumvented the committee process to give us the provisions in this bill.

This bill contains sweeping new exemptions for activities under the Endangered Species Act, the Migratory Bird Treaty Act, and the Wilderness Act, important environmental protections that took years and much debate to put in place. This action should at least warrant a debate in the relevant committees. I am also disappointed that the rule on this bill does not even allow for discussion of these significant environmental exemptions.

No one will argue that the U.S. military does not provide an important service, and that its ability to operate is imperative. However, in preparing itself to protect this country, the Department of Defense should not be allowed to destroy the environment that American public cherishes and the clean and healthy communities that it demands.

The second question we should have more productively discussed in this House is what we could better have done with the enormous resources committed by this legislation. One answer is to better provide for the needs of those who have served our country. Our priorities should include funding concurrent receipts, which enable retirees who were injured in the line of duty to receive both their deserved retirement pay and disability payments. That is the number one issue I hear about from military retirees in my district. I am pleased that this bill starts that process by compensating retirees who are 60 percent or greater disabled, but I firmly believe we could have done more.

A second example, a special area of interest to me and one that has been neglected by all of us for too long, is unexploded ordnance. For 2 years now, I have been pursuing remedies to the problem of unexploded ordnance—the bombs and other munitions that didn't go off as intended and are subsequently buried or litter the landscape. There are some 2,000 former military properties in every state and nearly every congressional district where these hidden dangers lurk. This is a prime example of the need for the Federal Government to be a better partner and clean up after itself.

Last year, we succeeded in requiring a prioritized nationwide inventory of UXO-contaminated sites. This year's directs the Department of Defense to designate a single point of contact for UXO. That authority may be delegated no further than the Under Secretary of one of the military departments. In addition, this bill contains language calling for an independent advisory and review panel for UXO matters. All of these provisions are part of the legislation Representative RILEY and I introduced last year, the Ordnance and Explosive Risk Management Act (H.R. 2605).

The Defense Department has put forward a preliminary estimated cost-to-complete of \$15 billion for munitions response at Formerly Used Defense Sites. Neutral observers say this cost could in fact run into the hundreds of billions of dollars. At the FY03 proposed funding level of \$70 million, it will take 200 years to complete the job, even accepting the low DOD cost estimate. It is more realistic to assume costs over a hundred billion dollars and more than a thousand years to finish the job. The delay is absolutely unacceptable for the environment and the American people.

Those 2,000 sites are at locations nationwide, including Spring Valley right here in the District of Columbia which has munitions remnants left over from World War I weapons testing, and Five Points Outlying Field in Arlington, TX, where people in a new housing development are finding live ordnance in their gardens.

These sites are a legacy of past military activities; it is our nation's responsibility to clean them up. They not only constitute an environmental hazard; documentation has been found detailing at least 65 deaths in this country by accidents with UXO.

We are all profoundly aware of the broader implications of UXO across the globe. As we address the problem at home, we have the potential of sharing our technology and helping to solve UXO problems around the world. Placing greater emphasis on the problem of UXO and focusing a small portion of federal defense spending on it can truly have a transformational effect on the cleanup of tens of millions of acres in the United States. Such action can also impact the development and deployment of new technologies that will save millions of innocent civilians from death and dismemberment in some of the most distressed areas of the world.

There is much that we could do to strengthen and better protect America with the enormous resources authorized in this bill. There are many things authorized in this bill that threaten Americans' health and safety or waste tax dollars with no benefit to our country. We must do better in shaping our Nation's defense policy.

I vote "no."

Mr. JEFF MILLER of Florida. Mr. Chairman, I rise today in support of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, H.R. 4546.

Mr. Chairman, yesterday, in Pensacola, FL, the Navy suffered an air training accident whereby seven military and civilian contractor personnel are missing at sea. And while the search continues, and we pray for a successful recovery, this event is a reminder of the risks our uniformed men and women endure—either at home or away. I believe this legislation does much to honor and reward military service and I am proud to be a member of the

House Armed Services Committee and proud to have contributed to the work before us.

Mr. Chairman, this legislation remedies a wrong, long committed against our retired military veterans. By providing \$5.58 billion, over 5 years, toward retiree benefits, H.R. 4546 begins full concurrent receipt for veterans suffering from a disabled rating 60 percent or greater. These individuals, who have given decades of their life, serving this great country, will begin to receive their earned retired pay along with their earned disability pay.

This agreement builds upon the work of many people, the least not the veterans who walk these halls, write letters or otherwise make the effort to contact their Member of Congress. Due to the meticulous work of the budget committee, the requirement to have a full budget offset is no longer needed. Additionally, this legislation eliminates a stipulation that disability claims must be made within four years of military separation, effectively enacting my bill, H.R. 3620.

Navy training, an important function in my district, is supported in this bill by the authorization of 10 additional Joint Primary Air Training Systems, also known as JPATS. The Navy and Air Force will sue this system, consisting of both the T-6A aircraft and a ground-based training system, for primary pilot training. The T-6A will replace both the Navy's T-34 and Air Force's T-37B fleets, providing safer, more economical and more effective training for future student pilots.

Mr. Chairman, in closing I would like to thank Chairman STUMP for his service to this committee, to the men and women in uniform and to his country. It is my honor to have had the opportunity to serve under his leadership.

Mr. SIMMONS. Mr. Chairman, I rise in support of H.R. 4546, the Bob Stump National Defense Act of Fiscal Year 2003 and I ask my colleagues to support this important legislation.

Mr. Chairman, September 11 highlighted the fact that our military must remain the best trained and best equipped in the world. Our ability to stage Operation Enduring Freedom in South Asia is not the result of anything that happened since the attacks but are a result of years of training and management, tens of thousands of man-hours of research and development, and billions of dollars in testing and manufacturing. The defense budget pays not only for the fuel, munitions, and soldiers' salaries, but it pays for the investment in the weapons needed to fight and win the wars of the future, against any potential enemy in any part of the world.

For over 13 years, we have downsized our military because of cuts in our defense budget. We have decommissioned vessels rather than upgrade them and retired aircraft rather than build new ones. Our military was asked to do more with less. Our servicemen and women were asked to do more with less. We closed bases and gave up training areas, both irreversible and in many cases at great cost. It is no wonder that several years ago our soldiers and airmen began to leave the services in record numbers.

This strong and bipartisan legislation addresses many of these issues and reverses the trend of years past. It looks forward to the challenges of the future. This bill contains a 4.1 percent increase in basic pay with additional increases for mid-grade and senior non-commissioned officers and mid-grade officers.

It also works to honor the commitment our nation has to its veterans by eliminating current law provisions that cause military retirees who are eligible for veteran's disability compensation to have their retirement pay reduced. Veterans who are 60 percent or greater disabled will begin to receive concurrent pay phased in fully by 2007. As a veteran and having spent 30 years as an Army Reservist, I know that investments in our people are as important as any other aspect of our national defense.

This bill also addresses security and quality of life issues. It conveys almost \$8.0 million to the Naval Submarine Base in Groton for base security; and \$24 million for a 100 units of Navy housing for personnel and their families. This is a wise investment for the future.

Mr. Chairman, I have the privilege of representing the Second District of Connecticut here in Congress. The "Submarine Capital of the World," Groton, is in my district. For over a century, designers and manufacturers in Groton have built submarines. Our nuclear "silent service" is made up of the most sophisticated and complex systems ever created by man. In the 1980s, workers in my district built on average over 5 submarines a year, establishing American dominance of the seas around the world and providing the backbone of our strategic nuclear deterrence with the *Trident*-class ballistic missile submarines. My district also is home to an assembly plant for military aircraft engines that power the aircraft that make our air force second to none in the world. Just as important are hundreds of competitive small businesses and high-tech firms that keep our military on the cutting edge.

While I worked for a higher level of procurement funding, I am satisfied with what this bill does for our military and what it does for the State of Connecticut. Connecticut fares especially well with the procurement provisions authorizing funds for another Virginia class submarine, the *Trident* Class to SSGN conversion program, additional engine modifications of F-15s, and F-16 fighter aircraft, and the acquisition of thirty-nine H-60 variant helicopters for the National Guard and Navy. Important research programs at University of Connecticut will continue to bring new technology to the warfighter, and better equipment and medicine to assist and protect our troops in the field.

I am also pleased with the language in the bill that authorizes the Department of Defense, pending settlement of an outstanding legal case, to enter into a multiyear contract for the procurement of *Virginia* Class nuclear attack submarines. Using modern and innovative design and manufacturing techniques, the *Virginia* Class submarine program is using methods and processes that are likely to make it a model for future large-system acquisition programs. Multiyear procurement promises to save both jobs and taxpayer dollars.

Mr. Chairman, testimony received by the House Armed Services committee by both the Secretary of the Navy, the Chief of Naval Operations, other DOD officials and respected defense analysts have warned us of the impending force structure problem we are heading as our submarines begin to reach the end of their service lives or require refueling overhauls. Without increasing the procurement rate to two per year, our submarine force will not meet the mission and operational requirements determined as necessary by our military. Carrier and amphibious groups will not have the required protection and firepower of

our submarine fleet. The smartest and most cost-effective way to rebuild our submarine force is multiyear contracting. It is good for the workforce, it is good for the taxpayer, and it is good for our men and women in the military.

Mr. Chairman, this bill is a well-crafted bill to meet many of the needs of our military. I urge my colleagues to support the bill.

Mr. SOUDER. Mr. Chairman, I rise in support of this legislation and wanted to briefly comment as one of the Chairs of the Speaker's Task Force on a Drug Free America and chairman of the Drug Policy Subcommittee on the counterdrug provisions of the bill.

First, I want to commend the Armed Services Committee for its work on the bill and support for counterdrug programs. The Department of Defense plays a critical role in our nation's efforts to keep drugs off our streets, particularly with respect to interdiction programs in narcotics source and transit zones in the Caribbean and South America and in providing training and resources to our allies. There has been concern that the Department intended to substantially reduce its support for these programs, and I very much want to thank the committee for its continued careful attention to ensure that the Defense Department continues its important involvement. My subcommittee and the Speaker's Task Force will continue to follow this carefully, and we look forward to continuing to work with the Department and the Committee.

Second, I wanted to emphasize and associate myself with the guidance contained in the committee's report on this bill with respect to narcotics in Afghanistan. John Walters, the Director of the Office of National Drug Control Policy, recently stated in an interview that our military involvement in Afghanistan has given us the first meaningful opportunity to address the global heroin trade. Ninety percent of the world supply of heroin is grown in Afghanistan, and this huge supply inevitably affects the entire world market. I am concerned at public reports and briefings obtained by my staff which suggest that the Defense Department and the Central Command have been unwilling to participate vigorously in drug interdiction and eradication efforts.

While I agree that the protection of our forces must be the paramount concern, it also seems apparent that the Defense Department can make some important contributions not only to drug eradication, but also to the military goal of cutting off the source of economic support for potential enemies. As we know, the Taliban received substantial financial support from the drug trade. It makes no sense to leave as potentially lucrative a source of funding for future terrorists as the poppy crop in Afghanistan.

I also want to support the committee's report language on this issue with respect to targeting. It expressed concern with the lack of targeting of opium storage facilities in Afghanistan that were identified early in the conduct of Operation Enduring Freedom. The committee shared our understanding that U.S. Central Command had deemed that opium in any form did not constitute a credible military target. I agree strongly with its conclusion that the Department of Defense should review and revise its policy in this regard to ensure that such targets are properly prosecuted in Afghanistan and any future conflicts.

Mr. Chairman, the Department of Defense must continue to play an active role in our

drug control efforts, particularly in Afghanistan, and I hope that this bill will encourage it to do so.

Mr. BRADY of Pennsylvania. Mr. Chairman, I rise to support the FY03 Bob Stump National Defense Authorization Act and appreciate all the hard work my colleagues and my chairman did to produce a bill in support of our national defense.

One area of particular concern for me is the Maritime Administration's Title XI Vessel Loan Guarantee Program. I am pleased to see that we have decided to authorize \$50 million to continue this valuable program, which sustains our national shipbuilding industrial base by supporting commercial shipbuilding. This is necessary in the face of foreign competition and subsidies and is good for all U.S. shipyards, large and small. In addition, this will also serve to maintain a skilled labor force critical to our defense industrial base.

I note that the committee expects that the Maritime Administration will place a priority on providing loan guarantees under the Title XI Ship Loan Guarantee Program for the construction of commercially viable vessels that are militarily useful, such as for highspeed sealift, or that meet specific requirements of Federal law, such as the requirement for double-hull tankers. These types of commercial projects would be the highest priority for continuing this program. There are many laudable projects, including the FastShip project in my congressional district, which should be supported by the Department of Defense and the Department of Transportation. Military useful projects, like FastShip, have always been a key element of the Title XI program. High-speed sealift vessels are particularly important in light of the modern military's need for rapid logistical support.

I urge the Maritime Administration to fairly consider these projects for which applications have been filed so that these shipbuilding projects can go forward in our U.S. shipyards and built by our skilled American labor force. The Maritime Administration must consider all both the commercial and the military benefits of these projects by fairly and fully reviewing all available documents on current and future applications. The Maritime Administration is obligated to ensure the strength of our national security through the support of a strong merchant marine.

Finally, I would like to thank Chairman BOB STUMP for all his years of service to our country and for his hard work on this important bill. It has been an honor to serve with him and I am proud to call him my chairman. I urge all my colleagues to join me in supporting this bill and the Title XI vessel loan guarantee authorization.

Ms. LEE. Mr. Chairman, I rise in opposition to this bill.

Now more than ever, it is clear that cold war era thinking will not meet the security needs of today. But it is cold war thinking that continues to fuel our defense budget.

It is misguided thinking that seeks to put the United States back on the path toward renewed nuclear testing, when instead we would all be made safer if we would work toward nuclear nonproliferation.

It is misguided thinking that seeks to spend billions on the Crusader, a weapons system that the Secretary of State himself does not want, when we have so many profound needs here at home.

It is misguided thinking that seeks to allow the Department of Defense to ignore our existing environmental laws. The American public doesn't want fewer environmental protections. They want more.

It is misguided thinking to underfund important programs to destroy chemical weapons in Russia.

And, it is misguided thinking that pours billions into a missile defense system that we are rushing to deploy without fully considering either the enormous technical problems or the serious international repercussions.

As we abandon treaties and international agreements, we work against our own best interests by spurring on nuclear arms races and undermining proliferation and cooperation efforts.

I urge you, then, to oppose another \$7.8 billion for missile defense and to oppose this bill.

Mr. SPRATT. Mr. Chairman, I support this bill, but I think an admonition about the budget is in order. We actually have one bill before us, while holding another in abeyance. The President requested a total of \$396 billion for national security, primarily for the Department of Defense (DoD) and the nuclear weapons program run by the Department of Energy (DoE). The President asked us to set aside \$10 billion of the DoD budget as a "war reserve" for actions in Afghanistan and elsewhere in the war on terrorism. For DoD, he requested a total of \$379 billion, of which \$10 billion is for the war reserve and \$369 billion is the regular request.

There are two reasons for keeping separate the \$10 billion request. One is to earmark funds for the war on terrorism, the other is not to merge into the base budget funding that may be non-recurring.

One of the bills approved by the House Armed Services Committee authorizes \$3.8 billion, which is to be drawn from the \$10 billion war reserve. But the \$3.8 billion we are authorizing is actually part of the regular \$369 billion request. In the main bill, we are authorizing DoD activities at the \$369 billion level, but since \$3.8 billion of the regular request is now being provided for in the other bill, we have \$3.8 billion more in the main bill to be used for ships and other procurement needs, research and development, and member-interest items.

Here are the problems with this approach. One, we are actually authorizing \$3.8 billion more than the President requested for regular DoD appropriations, and DoD will eventually need that money for the war on terrorism. I met with the DoD Comptroller, Secretary Zakheim, and he acknowledged that while the \$10 billion war reserve was a good faith effort to account for the likely budgetary effect of the war, it is a low-ball estimate. So, if we use \$3.8 billion of the \$10 billion reserve for regular items, we will have to make up the \$3.8 billion by adding that amount to the supplementals that are likely to come later to fully fund the war on terrorism. If the appropriators follow our lead, we will spend \$3.8 billion more on defense than the President has requested, and add \$3.8 billion more to the deficit and national debt.

Second, what happens if the appropriators do not follow suit, or if they are not allowed to do so by the House leadership? Then, we will have \$3.8 billion in hollow BA (Budget Authority). We will authorize \$3.8 billion worth of items that never get appropriated. This is not

an idle concern because the White House and the Speaker are both resisting efforts by the Appropriations Committee to take up this \$3.8 billion shift.

Another shift of funds comes in the military personnel account. This account is reduced by \$810 million, and the money is shifted to other purposes. The DoD actuaries are likely in the next month to conclude that the military personnel budget overestimates the accrual payment for the Tricare-for-Life program. This is a program this committee established, and along with it, we instituted the accrual system to make sure the costs of this program are accounted for over the long term. If the actuaries do reduce it by that amount, the effect is minimal. But what if they reduce it by only \$400 million? Then we will be shorting the military personnel accounts by \$410 million, unless we shift the money back from the items to which it is transferred.

Committee staff asked DoD for a likely estimate of this adjustment and took the high end of the range indicated by DoD. If the actuaries come in lower, the adjustments will have to be made. Certain items now funded will have to be de-funded or cut. Congress should not get in the habit of trying to jump ahead of actuarial estimates in order to find savings to be used for other items.

There is a widespread sentiment that DoD needs more funding, even though the President's request for next year is the largest increase in twenty years. I share the sentiment, but question quite a few of the allocations in this bill. For example, if we took \$70,000,000 out of projects like the space-based kinetic interceptor (on which we have spent millions already, to no avail), we could buy 24 PAC-3s and lower the purchase cost from \$6.5 to \$5.6 million per missile. The PAC-3 is the only missile defense system that we will deploy in the next five years, and it is a theater system, where the threat is clear and present. With only 20 PAC-3s deployed, and 72 in process of being procured, 24 additional PAC-3's could make a major difference to the defense of our troops in some conceivable scenarios in the very near future. Moving from the tactical to the strategic. I have long been concerned that we are under-funding the DOE's nuclear complex both for stockpile stewardship and environmental cleanup. The bill we are reporting does little to address these important areas.

I have always supported a strong defense, but we should bear in mind that our economy is the first instrument of our national defense. The federal budget constitutes 20 percent of our economy and has a great impact on it, as we saw during the 1990s. Each year for eight years, we reduced the budget deficit and then moved the budget into surplus; and every year for 120 straight months, the economy grew. In passing this bill, we take the first step in a defense budget that will cost \$557 billion more than inflation over the next ten years. I recognize the need and the primacy we must give the defense of our country, and I do not think that we can be stinting about the cost of our war against terrorism. But I am concerned as to whether we can sustain over the long run all that we are supporting in this bill.

As we pass the bill authorizing a \$48 billion increase in defense, the budget overall is moving toward a unified deficit of \$150 billion this year. In other words, the federal budget in fiscal year 2002 will borrow and spend all of

the Medicare surplus, all of the Social Security surplus, and still need to borrow \$150 billion more. Revenue collections this year are lagging last year by \$130 billion. For the first time since 1995, the Treasury must borrow money to make it through the first calendar quarter of 2002. These signs are all the more ominous when we remember that the first of 77 million baby boomers will retire in 2008; and when all are retired, the number of beneficiaries on Social Security and Medicare will double.

I agree that the defense budget takes precedence for now, but the federal budget has a rendez-vous with destiny that we cannot dodge. By shifting regular DoD funds to the war reserve and second-guessing actuarial payments, the bill we report sets precedents that I am not eager to establish, and it begs a big question: for how long can we sustain what we have started?

Mr. UDALL of New Mexico. Mr. Chairman today, the House is considering H.R. 4546, the Defense Authorization Act for Fiscal Year 2003. At a time when the men and women of our armed forces are spread across the globe defending our nation and helping to combat terrorism, this is a critically important piece of legislation that deserves to have a full debate on a wide range of issues that affect our fighting men and women and will determine how we defend America in the 21st Century.

Unfortunately, Mr. Chairman, the majority has once again rigged the system to prevent the minority from offering the American people a real debate on these critically important issues. Even more unfortunately, Mr. Chairman, is the sad fact that I'm not really surprised any more when the majority presents us with so few choices. This isn't the first time we've had sham rules on the floor, and most certainly, it won't be the last. Repeatedly, we are given fewer opportunities to offer amendments on the important legislation.

Mr. Chairman, today, once again I am saddened that the majority has prevented us from offering important amendments to improve this bill on a wide range of issues.

We won't have a real debate on whether or not we should change our national nuclear policy. I find it amazing that the Administration seems to be steering our nation towards expanding nuclear weapons, and we seem to be allowing this without any debate.

We also don't have a chance to debate the impact this legislation will have on the environment. We won't debate the Administration's attempt to gut our national environmental protection laws by exempting the Department of Defense from the Migratory Bird and Endangered Species Acts and by waiving protections found in the Wilderness Act.

As many of my colleagues have stated, these issues and many others are of such national significance, it's unconscionable that we aren't having an open and fair debate on them. This sorry excuse for a Rule provided for by the majority is patently unfair. And it's patently undemocratic.

These issues are too important to allow the majority to gag us once again.

Mr. YOUNG of Alaska. Mr. Chairman, I would like to speak briefly on section 312 which says that an approved Integrated Natural Resource Management Plan (INRMP) that addresses the conservation needs of listed threatened or endangered species obviates the need to designate critical habitat under the Endangered Species Act. I would like to remind my colleagues of congressional intent

and statutory direction when we established INRMPs in the 1997 Amendments to the Sikes Act.

I strongly believe that we need to provide our men and women being sent "in harm's way" the most thorough and realistic readiness training as possible on our military installations. Let me also express my firm belief that military preparedness and sound stewardship of our natural resources, is not mutually exclusive, they are mutually beneficial. Appropriate land and natural resource management of our installations provides not only for sustainable use for military readiness, but for conservation of our natural resources on public lands under military department jurisdiction. This is the underlying philosophy of the amendments I sponsored to the Sikes Act in 1997 that directed the Secretary of Defense to prepare and implement INRMP's in cooperation with the U.S. Fish and Wildlife Service and respective State fish and wildlife agencies.

Specifically, the Sikes Act directs the Secretary of each military department to prepare and implement an INRMP for each military installation in the United States under the jurisdiction of the Secretary of Defense unless the Secretary determines that the absence of significant natural resources on a particular installation makes preparation of such a plan inappropriate. Section 670a(a)(2) directs that each INRMP shall be prepared "in cooperation" with the Secretary of the Interior, acting through the Director of the Fish and Wildlife Service, and with the head of each appropriate State fish and wildlife agency for the State in which the military installation is located. This section further provides that the resulting INRMP for the military installation "shall reflect the mutual agreement of the parties concerning conservation, protection and management of fish and wildlife resources."

I understand that DOD has, in practice, not always involved the other statutory parties in development of an INRMP at an early stage, but instead sought their concurrence to a completed draft. While such a policy might comport with the statutory direction as to "mutual agreement of the parties," it does not comport with the "preparation in cooperation with" directive. Cooperation of the statutory parties, begun at the earliest stages of development of an INRMP, is the contemplation of the statute. Such cooperation should go far to reconcile potential differences, and I would like to remind the Department of Defense that we expect the process explicitly contemplated in the Sikes Act to be undertaken by the Department. While there are exemplary INRMPs reflecting this sincere level of involvement, the Department needs to re-commit itself to Congress' direction in the 1997 amendments to the Sikes Act by involving all three parties at the beginning, during development, and during implementation of INRMPs. Consensus building and problem solving throughout the process will most likely facilitate the "mutual agreement" required by the statute of the three parties.

Finally, I would like to express my strong concerns about the evolution of environmental management practices. I'm strongly against INRMPs becoming something like the environmental impact studies that are required today. Today, EIS documents have become a black hole of time, money and bureaucracy. EIS documents were once two-page documents of environmental consequences. Now EIS docu-

ments are thousands of pages long, cost millions of dollars and take years to prepare. Even when good faith efforts have been made to address the minutiae of endless environmental issues in the EIS process, the documents are often subject to litigation, being overturned or disregarded. I want to make it very clear that the creation of the INRMPs were not intended to become a continual EIS process, or as a justification for endless studies on environmental stewardship and management.

#### PROPOSAL FOR WESTERN ALASKA WORKFORCE DEVELOPMENT

1. Contact Information—a. Alaska Contact: Wendy Redman, University of Alaska, Box 755000, Fairbanks, Alaska 99775.

b. Congressional Office Contact: Ann Gibson, Congressman Don Young's Office, 2111 Rayburn, Washington, DC 20515, 225-5765.

2. Describe the organization's main activities and whether it is a public, private or non-profit entity. The University of Alaska is Alaska's land grant postsecondary institution and the largest public post-secondary institution in the state.

3. A brief description of the proposal: This is a proposal to continue workforce training in an area of Alaska economically devastated by the failure of the salmon industry. The training effort is to re-train former fisheries workers in other fields where there is employment available. The training areas are office occupations, construction, computer repair and nursing assistants.

The primary private economic base in Western Alaska was the salmon fishery. Beginning several years ago, the salmon runs have failed to materialize leaving a dire economic situation. This program is to train workers in new areas and lift their dependence from public assistance.

4. Project costs: The request is for \$2.5 million which is all for training equipment, instructors and student stipends.

5. Other funding sources: The University of Alaska contributes approximately \$500,000 to the existing training.

6. Federal funding sources: The program did not receive federal funding in FY02.

7. National significance: This program addresses the federal responsibilities when a disaster occurs to assist in economic recovery. It accomplishes this by training workers in new fields where there is employment. The program could be a model for other areas of the nation experiencing similar economic devastation, particularly rural areas.

Mr. ABERCROMBIE. Mr. Chairman, although I am disappointed in the rule before this body, I rise in strong support of the National Defense Authorization Act for Fiscal Year 2003, and urge my colleagues to support this important measure. I deeply regret the decision of the Rules Committee to prohibit several critical amendments from being considered here today.

I would first like to recognize our committee leadership, Chairman STUMP and Ranking Member SKELTON, for the bipartisan bill they have crafted to address the immediate needs of our Armed Forces. Our committee has a long tradition of working across party lines to ensure the readiness and well-being of our Armed Forces, and I am greatly pleased to have participated in yet another cooperative effort with my Armed Services colleagues.

We all know that Chairman STUMP has announced this intention to retire at the end of this Congress. His steadfast leadership, acknowledged in the title of this bill, will be missed, and I know that the entire House wishes him the best of luck in the future.

I would also like to commend my very good friend, JIM SAXTON, Chairman of the Military Installations and Facilities Subcommittee, whom I have been so fortunate to work closely with, both on Armed Services and the Resources Committees. His sincere concern for the quality of life of our troops, as well as his truly bipartisan, cooperative leadership, have guaranteed an equitable bill that directly answers the pressing needs for our military infrastructure.

I would like to thank the committee staff for their tireless work and invaluable expertise. These professionals have been working day in and day out, weekends included, for the past two months, to put together the best bill possible. I would especially like to thank the Military Installations and Facilities Subcommittee professional staff, George Withers and Tom Hawley. No subcommittee is better served than ours with dedicated, smart, and consummate staff.

As ranking member of the Military Installations and Facilities Subcommittee, I am especially concerned about the effect this bill will have on our military housing and infrastructure. Our Subcommittee labored hard to compensate for an anemic construction budget proposed by the President—a budget \$1.7 billion lower than that put forward last year. From this highly unsatisfactory starting point, our Subcommittee added \$425 million to fund projects vital to the Services. An ongoing campaign against global terrorism is not an excuse to abandon our campaign against substandard facilities and housing. Funding for military construction must match the rhetoric; otherwise, we will lose the battle for quality people willing to serve. Our people, and their living and working conditions, must continue to be our number one priority.

Given the military's current operational tempo, it is imperative that we show our appreciation for those who volunteer to go in harm's way. These men and women pledge to support and defend American democracy, both at home and abroad, often at great personal sacrifice and for significant periods of time. We owe it to them, and to their families, to keep our promise of increased safety and morale in the home and in the workplace.

In pursuit of such a goal, this bill authorizes \$678.4 million—\$17.7 million more than the President's request—for construction and improvement of 3,447 family housing units and the privatization of over 30,000 units. Privatization authorities, extended in last year's defense bill, provide our military accelerated opportunities to renovate and build vastly improved family housing developments with private sector capital and I applaud the continuation of this important program. Our committee also included \$1.2 billion for construction of 49 new barracks and dormitories in the FY03 authorization and \$8.6 million in H.R. 4547, the Cost of War Against Terrorism Authorization Act, for unaccompanied personnel housing in Qatar. Once again, attention to the living conditions of our single soldiers, sailors, airmen, and Marines has been a high priority for our committee, and I sincerely hope that we can bring all of our barracks up to the same excellent standard set by the Army's Whole Barracks Renewal at Schofield Barracks, Hawaii. I am especially pleased to note the \$17.6 million provided to build Child Development Centers. This represents funding for four such

centers, \$6.9 million and one more than recommended by the President's budget, and acknowledges the emphasis this Congress and the military places on the needs of service members with children. Military couples and single parents alike benefit when the military recognizes their specific needs and eases their child-care burdens.

Our achievements in military construction will be an ongoing effort aimed at providing quality living and working facilities for our entire military family, stationed at home and overseas. I know that under Mr. SAXTON's excellent stewardship, the Subcommittee on Military Installations and Facilities will continue to focus on raising the living and working standards for our Armed Forces. They have volunteered to protect our freedom. Now we must protect them by building safe, modern facilities for the 21st century military.

Again, I urge my colleagues to support this measure.

Mr. NUSSLE. Mr. Chairman, I rise today in support of H.R. 4546, the Bob Stump National Defense Authorization Act for Fiscal Year 2003. This important piece of legislation is consistent with the levels established in H. Con. Res. 353, the House-passed budget resolution. On March 20, this body passed a budget resolution that made available the budgetary resources for the largest increase in defense spending in two decades. We provided \$393.8 billion in budget authority for national defense, including \$10 billion for the expected war costs.

The principal reason for that increase, of course, was our unwavering commitment to win the war against terrorism. But in addition to combating terrorism, we provided a blueprint in the resolution to give every service member a 4.1-percent pay rise, increased housing allowances, and increased incentive pay. Also, and I believe this deserves particularly to be noted, under Republican leadership we kept our promises to America's veterans: For the first time in decades we broke the legislative logjam over concurrent receipt of military retirement pay and veterans disability compensation. The budget resolution provided the resources to phase in full concurrent receipt for retirees with 60 percent or greater VA disabilities. I am happy to say that the defense authorization bill under consideration today is completely consistent with the approach we took on concurrent receipt in the budget resolution.

Finally, section 201 of the budget resolution provided for a \$10-billion reserve fund to continue military operations in fiscal year 2003. I am advised that the Armed Services Committee has opted to deal with that subject matter later in a separate bill, H.R. 4547, when the Pentagon provides more budgetary detail about how it plans to spend the \$10 billion.

I close in noting that the House Budget Committee completed its work on schedule and provided a framework for timely consideration of the vital bill on the floor today. But as we all know, the other body still has not passed a budget resolution for fiscal year 2003. Given the other body's glacial slowness in doing the public's business, it is all the more important that the House show leadership and pass a resolution deeming the provisions of H. Con. Res. 353 to be in force.

I express my support for H.R. 4546.

Mr. FORBES. Mr. Chairman, as many people are now aware, the largest increase in de-

fense spending in two decades, is not really an 'increase' so much as it is a 'payment past due' on a defense budget that was significantly under-funded in the 1990s. This outstanding debt is most easily seen in the Navy. It was the Navy that brought the Marine Expeditionary Units to the Afghanistan theater of operations, and it is the Navy that conducted 75% of the strike sorties flown in Afghanistan. As we speak, Navy assets are not just in the Indian Ocean, but also off the coasts of Somalia, Yemen, and the Philippines. The Carrier Battle Group was the force enabler in Afghanistan—and it will be the force enabler in the next theater of operations in the war on terror.

America's defense requires a combat credible expeditionary force. America's aircraft carriers with 2.5 acres of sovereign territory are just that. In the early part of the last century, President Theodore Roosevelt sent his 'Big Stick' fleet around the world to deter other nations from developing an aggressive stance towards the U.S. In the year 2002, we have sent our 'Big Stick' around the world to keep those that would terrorize America on the run. Now is the time for a 'Big Stick' budget and investments in carrier battle groups are crucial to maintaining our superiority over America's enemies—conventional, and unconventional.

Mr. HOLT. Mr. Chairman, this could be such a better bill if the committee had made many more amendments in order. There are major changes in defense policy in this bill that may become law without debate. The rule to stifle debate is not just a procedural outrage, it is contrary to our national security. I offered an amendment to the Rules Committee that was not made in order that would have eliminated funding for a program in the bill that does not merit the support of this Congress. My amendment would remove \$7.5 million added to this bill for the Kinetic Energy Anti-Satellite—also known as the KE-ASAT—program. Like a giant fly swatter in space, this weapon would knock out enemy satellites.

The Department of Defense does not support KE-ASAT. President Bush requested no money for it. Former President Clinton line item vetoed funding for it in 1998. Defense Secretaries, Pentagon weapons advisory boards and independent defense analysts have all called KE-ASAT a horrendous waste. The GAO, in its examination of this program called KE-ASAT a program "in disarray."

Yet we continue to fund it. This money was added to the bill without debate, and, unfortunately, we will not have the opportunity to debate it today. I ask my colleagues: How many other meritorious defense needs could benefit from that \$7.5 million? Any one of us could write a laundry list of other, better uses for this money, both in and out of the defense budget.

At this time, when our nation's military is facing so many challenges, it is simply unconscionable to waste money on systems like this. I respectfully urge my colleagues to make my amendment in order and give the Members of the House the opportunity to work their will on this subject.

Mr. UDALL of Colorado. Mr. Chairman, this bill is one of the most important measures that the House will consider this year. It is intended to set out our vision for the defense of our country in the years ahead—both in terms of policy direction and spending priorities. Unfortunately, the vision this bill puts forth is not one I can endorse, and so I cannot vote for it.

There is no doubt that September 11th changed the way we view our national de-

fense. There is no doubt that more than ever, we must focus on defending our homeland against terrorism, we must support our military personnel, and we must give our military the training, equipment, and weapons it needs to beat terrorism around the world.

Like all of my colleagues, I remain steadfastly committed to our fight against terrorism. And yet, as this nation faces the most difficult threat it has faced in decades, I believe it is essential that we understand how our defense capabilities need to change to reflect new 21st century threats. I believe Secretary Rumsfeld is trying to refocus and reprioritize our defense programs along those lines, but clearly he isn't being assisted by some of our colleagues here in the House, who seem content to address new threats with Cold War-era technologies.

So my first objection to this bill is that although it funds defense programs at their highest levels since 1966, it doesn't present a coherent vision of how to realign our defense priorities. We need to make clear decisions about our defense spending, and this bill doesn't begin to consider the choices that must be made.

I have other objections to the bill. It includes provisions concerning the Endangered Species Act and the Migratory Bird Treaty Act, matters within the jurisdiction of other Committees, including the Resources Committee, but which that Committee had no opportunity to consider. There is broad-based support for existing environmental laws—as there should be—and these laws already allow case-by-case flexibility to protect national security. I find it simply unacceptable that neither our Committee nor the full House will have the opportunity to consider whether the changes that would be made by this bill are necessary or appropriate.

The bill also includes an entire title—Title XIV—that not only includes provisions dealt with in a bill referred to the Resources Committee, but also goes further to include matters within our Committee's exclusive jurisdiction. Many Armed Services Committee members themselves have said this was "a procedural foul," but once again the Rules Committee has made it impossible for the House to consider changes. That is another reason I must oppose the bill.

I am also concerned that the bill endorses the President's recent review of the U.S. nuclear posture. That review includes some troubling provisions, such as the one to increase the speed at which nuclear testing could resume if needed. Another provision would reduce the U.S. nuclear arsenal to 1,700–2,200 weapons, but without destroying the weapons removed. I worry that simply storing weapons would encourage a similar move in Russia, where the government's control over its nuclear stockpile is considered less than secure. I also worry that the bill includes a minimum requirement of operationally deployed weapons at 1,700, which would not give the president flexibility in his current negotiations with Russia.

The bill would also urge the Administration to develop nuclear earth-penetrating weapons and nuclear-tipped ballistic missile interceptors. I believe we must be extremely cautious before we consider expanding applications of nuclear use. We all agree on the need to maintain the deterrent capability of our nuclear forces, but I fear the language in this bill could

begin to blur the distinction between conventional and nuclear weapons and thus increase the likelihood of nuclear use.

Finally, I am concerned that this bill would give the Pentagon's National Missile Agency exemptions from regulations for controlling and monitoring new weapons programs. Giving the Pentagon this exemption effectively eliminates the checks and balances that are so necessary in weapons development, and especially given the past technical failures and cost overruns in missile defense programs to date, I can't support a bill that includes this provision.

In short, Mr. Chairman, I don't question the urgent need to provide for this country's defense—I just think we need to do it right. This bill doesn't do it right, and so I can't support it.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 4546

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

**SECTION 1. SHORT TITLE; FINDINGS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Bob Stump National Defense Authorization Act for Fiscal Year 2003”.

(b) **FINDINGS.**—Congress makes the following findings:

(1) Representative Bob Stump of Arizona was elected to the House of Representatives in 1976 for service in the 95th Congress, after serving in the Arizona legislature for 18 years and serving as President of the Arizona State Senate from 1975 to 1976, and he has been reelected to each subsequent Congress.

(2) A World War II combat veteran, Representative Stump entered service in the United States Navy in 1943, just after his 16th birthday, and served aboard the USS LUNGA POINT and the USS TULAGI, which participated in the invasions of Luzon, Iwo Jima, and Okinawa.

(3) Representative Stump was elected to the Committee on Armed Services in 1978 and has served on nearly all of its subcommittees and panels during 25 years of distinguished service on the committee. He has served as chairman of the committee during the 107th Congress and has championed United States national security as the paramount function of the Federal Government.

(4) Also serving on the Committee on Veterans' Affairs of the House of Representatives, chairing that committee from 1995 to 2000, and serving on the Permanent Select Committee on Intelligence of the House of Representatives, including service as the ranking minority member in 1985 and 1986, Representative Stump has dedicated his entire congressional career to steadfastly supporting America's courageous men and women in uniform both on and off the battlefield.

(5) Representative Stump's tireless efforts on behalf of those in the military and veterans have been recognized with numerous awards for outstanding service from active duty and reserve military, veterans' service, military retiree, and industry organizations.

(6) During his tenure as chairman of the Committee on Armed Services of the House of Representatives, Representative Stump has—

(A) overseen the largest sustained increase to defense spending since the Reagan administration;

(B) led efforts to improve the quality of military life, including passage of the largest military pay raise since 1982;

(C) supported military retirees, including efforts to reverse concurrent receipt law and to save the Armed Forces Retirement Homes;

(D) championed military readiness by defending military access to critical training facilities such Vieques, Puerto Rico, expanding the National Training Center at Ft. Irwin, California, and working to restore balance between environmental concerns and military readiness requirements;

(E) reinvigorated efforts to defend America against ballistic missiles by supporting an increase in fiscal year 2002 of nearly 50 percent above the fiscal year 2001 level for missile defense programs; and

(F) honored America's war heroes by expanding Arlington National Cemetery, establishing a site for the Air Force Memorial, and assuring construction of the World War II Memorial.

(7) In recognition of his long record of accomplishments in enhancing the national security of the United States and his legislative victories on behalf of active duty service members, reservists, guardsmen, and veterans, it is altogether fitting and proper that this Act be named in honor of Representative Bob Stump of Arizona, as provided in subsection (a).

**SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.**

(a) **DIVISIONS.**—This Act is organized into three divisions as follows:

(1) **Division A—Department of Defense Authorizations.**

(2) **Division B—Military Construction Authorizations.**

(3) **Division C—Department of Energy National Security Authorizations and Other Authorizations.**

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; findings.

Sec. 2. Organization of Act into divisions; table of contents.

Sec. 3. Congressional defense committees defined.

**DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS**

**TITLE I—PROCUREMENT**

**Subtitle A—Authorization of Appropriations**

Sec. 101. Army.

Sec. 102. Navy and Marine Corps.

Sec. 103. Air Force.

Sec. 104. Defense-wide activities.

Sec. 105. Defense Inspector General.

Sec. 106. Chemical demilitarization program.

Sec. 107. Defense health programs.

**Subtitle B—Navy Programs**

Sec. 111. Shipbuilding initiative.

**Subtitle C—Air Force Programs**

Sec. 121. Multiyear procurement authority for C-130J aircraft program.

**Subtitle D—Other Programs**

Sec. 141. Revisions to multiyear contracting authority.

Sec. 142. Transfer of technology items and equipment in support of homeland security.

Sec. 143. Destruction of existing stockpile of lethal chemical agents and munitions.

Sec. 144. Report on unmanned aerial vehicle systems.

Sec. 145. Report on impact of Army Aviation Modernization Plan on the Army National Guard.

**TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**

**Subtitle A—Authorization of Appropriations**

Sec. 201. Authorization of appropriations.

Sec. 202. Amount for defense science and technology.

**Subtitle B—Program Requirements, Restrictions, and Limitations**

Sec. 211. RAH-66 Comanche aircraft program.

Sec. 212. Extension of requirement relating to management responsibility for naval mine countermeasures programs.

Sec. 213. Extension of authority to carry out pilot program for revitalizing the laboratories and test and evaluation centers of the Department of Defense.

Sec. 214. Revised requirements for plan for Manufacturing Technology Program.

Sec. 215. Technology Transition Initiative.

Sec. 216. Defense Acquisition Challenge Program.

**Subtitle C—Ballistic Missile Defense**

Sec. 231. Limitation on obligation of funds for procurement of Patriot (PAC-3) missiles pending submission of required certification.

Sec. 232. Responsibility of Missile Defense Agency for research, development, test, and evaluation related to system improvements of programs transferred to military departments.

Sec. 233. Amendments to reflect change in name of Ballistic Missile Defense Organization to Missile Defense Agency.

**TITLE III—OPERATION AND MAINTENANCE**

**Subtitle A—Authorization of Appropriations**

Sec. 301. Operation and maintenance funding.

Sec. 302. Working capital funds.

Sec. 303. Armed Forces Retirement Home.

**Subtitle B—Environmental Provisions**

Sec. 311. Incidental taking of migratory birds during military readiness activity.

Sec. 312. Military readiness and the conservation of protected species.

Sec. 313. Single point of contact for policy and budgeting issues regarding unexploded ordnance, discarded military munitions, and munitions constituents.

**Subtitle C—Commissaries and**

**Nonappropriated Fund Instrumentalities**

Sec. 321. Authority for each military department to provide base operating support to fisher houses.

Sec. 322. Use of commissary stores and MWR retail facilities by members of National Guard serving in national emergency.

Sec. 323. Uniform funding and management of morale, welfare, and recreation programs.

**Subtitle D—Workplace and Depot Issues**

Sec. 331. Notification requirements in connection with required studies for conversion of commercial or industrial type functions to contractor performance.

Sec. 332. Waiver authority regarding prohibition on contracts for performance of security-guard functions.

Sec. 333. Exclusion of certain expenditures from percentage limitation on contracting for performance of depot-level maintenance and repair workloads.

Sec. 334. Repeal of obsolete provision regarding depot-level maintenance and repair workloads that were performed at closed or realigned military installations.

Sec. 335. Clarification of required core logistics capabilities.

**Subtitle E—Defense Dependents Education**

- Sec. 341. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
- Sec. 342. Availability of quarters allowance for unaccompanied defense department teacher required to reside on overseas military installation.
- Sec. 343. Provision of summer school programs for students who attend defense dependents' education system.

**Subtitle F—Information Technology**

- Sec. 351. Navy-Marine Corps Intranet contract.
- Sec. 352. Annual submission of information on national security and information technology capital assets.
- Sec. 353. Implementation of policy regarding certain commercial off-the-shelf information technology products.
- Sec. 354. Installation and connection policy and procedures regarding Defense Switch Network.

**Subtitle G—Other Matters**

- Sec. 361. Distribution of monthly reports on allocation of funds within operation and maintenance budget sub-activities.
- Sec. 362. Minimum deduction from pay of certain members of the Armed Forces to support Armed Forces Retirement Home.
- Sec. 363. Condition on conversion of Defense Security Service to a working capital funded entity.
- Sec. 364. Continuation of Arsenal support program initiative.
- Sec. 365. Training range sustainment plan, Global Status of Resources and Training System, and training range inventory.
- Sec. 366. Amendments to certain education and nutrition laws relating to acquisition and improvement of military housing.

**TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS**

**Subtitle A—Active Forces**

- Sec. 401. End strengths for active forces.
- Sec. 402. Revision in permanent end strength minimum levels.
- Sec. 403. Authority for military department Secretaries to increase active-duty end strengths by up to 1 percent.
- Sec. 404. General and flag officer management.
- Sec. 405. Extension of certain authorities relating to management of numbers of general and flag officers in certain grades.

**Subtitle B—Reserve Forces**

- Sec. 411. End strengths for Selected Reserve.
- Sec. 412. End strengths for reserves on active duty in support of the Reserves.
- Sec. 413. End strengths for military technicians (dual status).
- Sec. 414. Fiscal year 2003 limitation on non-dual status technicians.

**Subtitle C—Authorization of Appropriations**

- Sec. 421. Authorization of appropriations for military personnel.

**TITLE V—MILITARY PERSONNEL POLICY**

**Subtitle A—General Personnel Management Authorities**

- Sec. 501. Increase in number of Deputy Commandants of the Marine Corps.
- Sec. 502. Extension of good-of-the-service waiver authority for officers appointed to a Reserve Chief or Guard Director position.

**Subtitle B—Reserve Component Management**

- Sec. 511. Reviews of National Guard strength accounting and management and other issues.

Sec. 512. Courts-martial for the National Guard when not in Federal service.

Sec. 513. Matching funds requirements under National Guard Youth Challenge Program.

**Subtitle C—Reserve Component Officer Personnel Policy**

Sec. 521. Exemption from active status strength limitation for reserve component general and flag officers serving on active duty in certain joint duty assignments designated by the Chairman of the Joint Chiefs of Staff.

Sec. 522. Eligibility for consideration for promotion to grade of major general for certain reserve component brigadier generals who do not otherwise qualify for consideration for promotion under the one-year rule.

Sec. 523. Retention of promotion eligibility for reserve component general and flag officers transferred to an inactive status.

Sec. 524. Authority for limited extension of medical deferment of mandatory retirement or separation for reserve officers.

**Subtitle D—Education and Training**

Sec. 531. Authority for phased increase to 4,400 in authorized strengths for the service academies.

Sec. 532. Enhancement of reserve component delayed training program.

**Subtitle E—Decorations and Awards**

Sec. 541. Waiver of time limitations for award of certain decorations to certain persons.

Sec. 542. Option to convert award of Armed Forces Expeditionary Medal awarded for Operation Frequent Wind to Vietnam Service Medal.

**Subtitle F—Administrative Matters**

Sec. 551. Staffing and funding for Defense Prisoner of War/Missing Personnel Office.

Sec. 552. Three-year freeze on reductions of personnel of agencies responsible for review and correction of military records.

Sec. 553. Department of Defense support for persons participating in military funeral honors details.

Sec. 554. Authority for use of volunteers as proctors for administration of Armed Services Vocational Aptitude Battery test.

Sec. 555. Annual report on status of female members of the Armed Forces.

**Subtitle G—Benefits**

Sec. 561. Voluntary leave sharing program for members of the Armed Forces.

Sec. 562. Enhanced flexibility in medical loan repayment program.

Sec. 563. Expansion of overseas tour extension benefits.

Sec. 564. Vehicle storage in lieu of transportation when member is ordered to a nonforeign duty station outside continental United States.

**Subtitle H—Military Justice Matters**

Sec. 571. Right of convicted accused to request sentencing by military judge.

Sec. 572. Report on desirability and feasibility of consolidating separate courses of basic instruction for judge advocates.

**TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS**

**Subtitle A—Pay and Allowances**

Sec. 601. Increase in basic pay for fiscal year 2003.

Sec. 602. Expansion of basic allowance for housing low-cost or no-cost moves authority to members assigned to duty outside United States.

**Subtitle B—Bonuses and Special and Incentive Pays**

Sec. 611. One-year extension of certain bonus and special pay authorities for reserve forces.

Sec. 612. One-year extension of certain bonus and special pay authorities for certain health care professionals.

Sec. 613. One-year extension of special pay and bonus authorities for nuclear officers.

Sec. 614. One-year extension of other bonus and special pay authorities.

Sec. 615. Minimum levels of hardship duty pay for duty on the ground in Antarctica or on Arctic icepack.

Sec. 616. Increase in maximum rates for prior service enlistment bonus.

Sec. 617. Retention incentives for health care providers qualified in a critical military skill.

**Subtitle C—Travel and Transportation Allowances**

Sec. 631. Extension of leave travel deferral period for members performing consecutive overseas tours of duty.

**Subtitle D—Retired Pay and Survivors Benefits**

Sec. 641. Phase-in of full concurrent receipt of military retired pay and veterans disability compensation for military retirees with disabilities rated at 60 percent or higher.

Sec. 642. Change in service requirements for eligibility for retired pay for non-regular service.

Sec. 643. Elimination of possible inversion in retired pay cost-of-living adjustment for initial COLA computation.

Sec. 644. Technical revisions to so-called "forgotten widows" annuity program.

**Subtitle E—Reserve Component Montgomery GI Bill**

Sec. 651. Extension of Montgomery GI Bill-Selected Reserve eligibility period.

**Subtitle F—Other Matters**

Sec. 661. Addition of definition of continental United States in title 37.

**TITLE VII—HEALTH CARE MATTERS**

**Subtitle A—Health Care Program Improvements**

Sec. 701. Elimination of requirement for TRICARE preauthorization of inpatient mental health care for medicare-eligible beneficiaries.

Sec. 702. Expansion of TRICARE Prime Remote for certain dependents.

Sec. 703. Enabling dependents of certain members who died while on active duty to enroll in the TRICARE dental program.

Sec. 704. Improvements regarding the Department of Defense Medicare-Eligible Retiree Health Care Fund.

Sec. 705. Certification of institutional and non-institutional providers under the TRICARE program.

Sec. 706. Technical correction regarding transitional health care.

**Subtitle B—Reports**

Sec. 711. Comptroller General report on TRICARE claims processing.

Sec. 712. Comptroller General report on provision of care under the TRICARE program.

Sec. 713. Repeal of report requirement.

**TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS**

Sec. 801. Plan for acquisition management professional exchange pilot program.

- Sec. 802. Evaluation of training, knowledge, and resources regarding negotiation of intellectual property arrangements.
- Sec. 803. Limitation period for task and delivery order contracts.
- Sec. 804. One-year extension of program applying simplified procedures to certain commercial items; report.
- Sec. 805. Authority to make inflation adjustments to simplified acquisition threshold.
- Sec. 806. Improvement of personnel management policies and procedures applicable to the civilian acquisition workforce.
- Sec. 807. Modification of scope of ball and roller bearings covered for purposes of procurement limitation.
- Sec. 808. Rapid acquisition and deployment procedures.
- Sec. 809. Quick-reaction special projects acquisition team.
- Sec. 810. Report on development of anti-cyberterrorism technology.
- Sec. 811. Contracting with Federal Prison Industries.

**TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT**

- Sec. 901. Change in title of Secretary of the Navy to Secretary of the Navy and Marine Corps.
- Sec. 902. Report on implementation of United States Northern Command.
- Sec. 903. National defense mission of Coast Guard to be included in future Quadrennial Defense Reviews.
- Sec. 904. Change in year for submission of Quadrennial Defense Review.
- Sec. 905. Report on effect of noncombat operations on combat readiness of the Armed Forces.
- Sec. 906. Conforming amendment to reflect disestablishment of Department of Defense Consequence Management Program Integration Office.

**TITLE X—GENERAL PROVISIONS**

**Subtitle A—Financial Matters**

- Sec. 1001. Transfer authority.
- Sec. 1002. Authorization of supplemental appropriations for fiscal year 2002.
- Sec. 1003. Uniform standards throughout Department of Defense for exposure of personnel to pecuniary liability for loss of Government property.
- Sec. 1004. Accountable officials in the Department of Defense.
- Sec. 1005. Improvements in purchase card management.
- Sec. 1006. Authority to transfer funds within a major acquisition program from procurement to RDT&E.
- Sec. 1007. Development and procurement of financial and nonfinancial management systems.

**Subtitle B—Reports**

- Sec. 1011. After-action reports on the conduct of military operations conducted as part of Operation Enduring Freedom.
- Sec. 1012. Report on biological weapons defense and counter-proliferation.
- Sec. 1013. Requirement that Department of Defense reports to Congress be accompanied by electronic version.
- Sec. 1014. Strategic force structure plan for nuclear weapons and delivery systems.
- Sec. 1015. Report on establishment of a joint national training complex and joint opposing forces.
- Sec. 1016. Repeal of various reports required of the Department of Defense.
- Sec. 1017. Report on the role of the Department of Defense in supporting homeland security.

- Sec. 1018. Study of short-term and long-term effects of nuclear earth penetrator weapon.
- Sec. 1019. Study of short-term and long-term effects of nuclear-tipped ballistic missile interceptor.

**Subtitle C—Other Matters**

- Sec. 1021. Sense of Congress on maintenance of a reliable, flexible, and robust strategic deterrent.
- Sec. 1022. Time for transmittal of annual defense authorization legislative proposal.
- Sec. 1023. Technical and clerical amendments.
- Sec. 1024. War risk insurance for vessels in support of NATO-approved operations.
- Sec. 1025. Conveyance, Navy drydock, Portland, Oregon.
- Sec. 1026. Additional Weapons of Mass Destruction Civil Support Teams.

**TITLE XI—CIVILIAN PERSONNEL MATTERS**

- Sec. 1101. Eligibility of Department of Defense nonappropriated fund employees for long-term care insurance.
- Sec. 1102. Extension of Department of Defense authority to make lump-sum severance payments.
- Sec. 1103. Common occupational and health standards for differential payments as a consequence of exposure to asbestos.
- Sec. 1104. Continuation of Federal Employee Health Benefits program eligibility.
- Sec. 1105. Triennial full-scale Federal wage system wage surveys.

**TITLE XII—MATTERS RELATING TO OTHER NATIONS**

- Sec. 1201. Support of United Nations-sponsored efforts to inspect and monitor Iraqi weapons activities.
- Sec. 1202. Strengthening the defense of Taiwan.
- Sec. 1203. Administrative services and support for foreign liaison officers.
- Sec. 1204. Additional countries covered by loan guarantee program.
- Sec. 1205. Limitation on funding for Joint Data Exchange Center in Moscow.
- Sec. 1206. Limitation on number of military personnel in Colombia.

**TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION**

- Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.
- Sec. 1302. Funding allocations.
- Sec. 1303. Prohibition against use of funds until submission of reports.
- Sec. 1304. Report on use of revenue generated by activities carried out under Cooperative Threat Reduction programs.
- Sec. 1305. Prohibition against use of funds for second wing of fissile material storage facility.
- Sec. 1306. Sense of Congress and report requirement regarding Russian proliferation to Iran.
- Sec. 1307. Prohibition against use of Cooperative Threat Reduction funds outside the States of the former Soviet Union.
- Sec. 1308. Limited waiver of restriction on use of funds.
- Sec. 1309. Limitation on use of funds until submission of report on defense and military contacts activities.

**TITLE XIV—UTAH TEST AND TRAINING RANGE**

- Sec. 1401. Definition of Utah Test and Training Range.
- Sec. 1402. Military operations and overflights at Utah Test and Training Range.
- Sec. 1403. Designation and management of lands in Utah Test and Training Range.

- Sec. 1404. Designation of Pilot Range Wilderness.
- Sec. 1405. Designation of Cedar Mountain Wilderness.

**DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS**

- Sec. 2001. Short title; definition.

**TITLE XXI—ARMY**

- Sec. 2101. Authorized Army construction and land acquisition projects.
- Sec. 2102. Family housing.
- Sec. 2103. Improvements to military family housing units.
- Sec. 2104. Authorization of appropriations, Army.
- Sec. 2105. Modification of authority to carry out certain fiscal year 2002 projects.

**TITLE XXII—NAVY**

- Sec. 2201. Authorized Navy construction and land acquisition projects.
- Sec. 2202. Family housing.
- Sec. 2203. Improvements to military family housing units.
- Sec. 2204. Authorization of appropriations, Navy.
- Sec. 2205. Modification of authority to carry out certain fiscal year 2002 project.

**TITLE XXIII—AIR FORCE**

- Sec. 2301. Authorized Air Force construction and land acquisition projects.
- Sec. 2302. Family housing.
- Sec. 2303. Improvements to military family housing units.
- Sec. 2304. Authorization of appropriations, Air Force.

**TITLE XXIV—DEFENSE AGENCIES**

- Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
- Sec. 2402. Improvements to military family housing units.
- Sec. 2403. Energy conservation projects.
- Sec. 2404. Authorization of appropriations, Defense Agencies.
- Sec. 2405. Modification of authority to carry out certain fiscal year 2000 project.
- Sec. 2406. Modification of authority to carry out certain fiscal year 1999 project.
- Sec. 2407. Modification of authority to carry out certain fiscal year 1997 project.

**TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM**

- Sec. 2501. Authorized NATO construction and land acquisition projects.
- Sec. 2502. Authorization of appropriations, NATO.

**TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES**

- Sec. 2601. Authorized guard and reserve construction and land acquisition projects.

**TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS**

- Sec. 2701. Expiration of authorizations and amounts required to be specified by law.
- Sec. 2702. Extension of authorizations of certain fiscal year 2000 projects.
- Sec. 2703. Extension of authorizations of certain fiscal year 1999 projects.
- Sec. 2704. Effective date.

**TITLE XXVIII—GENERAL PROVISIONS**

**Subtitle A—Military Construction Program and Military Family Housing Changes**

- Sec. 2801. Changes to alternative authority for acquisition and improvement of military housing.

- Sec. 2802. Modification of authority to carry out construction projects as part of environmental response action.
- Sec. 2803. Leasing of military family housing in Korea.

**Subtitle B—Real Property and Facilities Administration**

- Sec. 2811. Agreements with private entities to limit encroachments and other constraints on military training, testing, and operations.
- Sec. 2812. Conveyance of surplus real property for natural resource conservation purposes.
- Sec. 2813. National emergency exemption from screening and other requirements of McKinney-Vento Homeless Assistance Act for property used in support of response activities.
- Sec. 2814. Demonstration program on reduction in long-term facility maintenance costs.
- Sec. 2815. Expanded authority to transfer property at military installations to be closed to persons who construct or provide military family housing.

**Subtitle C—Land Conveyances**

**PART I—ARMY CONVEYANCES**

- Sec. 2821. Land conveyances, lands in Alaska no longer required for National Guard purposes.
- Sec. 2822. Land conveyance, Fort Campbell, Kentucky.
- Sec. 2823. Land conveyance, Army Reserve Training Center, Buffalo, Minnesota.
- Sec. 2824. Land conveyance, Fort Bliss, Texas.
- Sec. 2825. Land conveyance, Fort Hood, Texas.

**PART II—NAVY CONVEYANCES**

- Sec. 2831. Land conveyance, Marine Corps Air Station, Miramar, San Diego, California.
- Sec. 2832. Boundary adjustments, Marine Corps Base, Quantico, and Prince William Forest Park, Virginia.

**PART III—AIR FORCE CONVEYANCES**

- Sec. 2841. Land conveyances, Wendover Air Force Base Auxiliary Field, Nevada.

**Subtitle D—Other Matters**

- Sec. 2861. Easement for construction of roads or highways, Marine Corps Base, Camp Pendleton, California.
- Sec. 2862. Sale of excess treated water and wastewater treatment capacity, Marine Corps Base, Camp Lejeune, North Carolina.
- Sec. 2863. Ratification of agreement regarding Adak Naval Complex, Alaska, and related land conveyances.
- Sec. 2864. Special requirements for adding military installation to closure list.

**DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS**

**TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**

**Subtitle A—National Security Programs Authorizations**

- Sec. 3101. National Nuclear Security Administration.
- Sec. 3102. Environmental and other defense activities.

**Subtitle B—Department of Energy National Security Authorizations General Provisions**

- Sec. 3120. Short title; definitions.
- Sec. 3121. Reprogramming.
- Sec. 3122. Minor construction projects.
- Sec. 3123. Limits on construction projects.
- Sec. 3124. Fund transfer authority.
- Sec. 3125. Authority for conceptual and construction design.
- Sec. 3126. Authority for emergency planning, design, and construction activities.

- Sec. 3127. Funds available for all national security programs of the Department of Energy.

- Sec. 3128. Availability of funds.

- Sec. 3129. Transfer of defense environmental management funds.

- Sec. 3130. Transfer of weapons activities funds.

- Sec. 3131. Scope of authority to carry out plant projects.

**Subtitle C—Program Authorizations, Restrictions, and Limitations**

- Sec. 3141. One-year extension of panel to assess the reliability, safety, and security of the United States nuclear stockpile.

- Sec. 3142. Transfer to National Nuclear Security Administration of Department of Defense's Cooperative Threat Reduction program relating to elimination of weapons grade plutonium in Russia.

- Sec. 3143. Repeal of requirement for reports on obligation of funds for programs on fissile materials in Russia.

- Sec. 3144. Annual certification to the President and Congress on the condition of the United States nuclear weapons stockpile.

- Sec. 3145. Plan for achieving one-year readiness posture for resumption by the United States of underground nuclear weapons tests.

**Subtitle D—Matters Relating to Defense Environmental Management**

- Sec. 3151. Defense environmental management cleanup reform program.

- Sec. 3152. Report on status of environmental management initiatives to accelerate the reduction of environmental risks and challenges posed by the legacy of the Cold War.

**TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD**

- Sec. 3201. Authorization.

**TITLE XXXIII—NATIONAL DEFENSE STOCKPILE**

- Sec. 3301. Authorized uses of National Defense Stockpile funds.

**TITLE XXXIV—NAVAL PETROLEUM RESERVES**

- Sec. 3401. Authorization of appropriations.

**TITLE XXXV—MARITIME ADMINISTRATION**

- Sec. 3501. Authorization of appropriations for fiscal year 2003.

- Sec. 3502. Authority to convey vessel USS SPHINX (ARL-24).

- Sec. 3503. Financial assistance to States for preparation of transferred obsolete ships for use as artificial reefs.

- Sec. 3504. Independent analysis of title XI insurance guarantee applications.

**SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.**

For purposes of this Act, the term "congressional defense committees" means—

- (1) the Committee on Armed Services and the Committee on Appropriations of the Senate; and
- (2) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

**DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS**

**TITLE I—PROCUREMENT**

**Subtitle A—Authorization of Appropriations**

**SEC. 101. ARMY.**

Funds are hereby authorized to be appropriated for fiscal year 2003 for procurement for the Army as follows:

- (1) For aircraft, \$2,300,327,000.
- (2) For missiles, \$1,693,896,000.
- (3) For weapons and tracked combat vehicles, \$2,372,958,000.

- (4) For ammunition, \$1,320,026,000.

- (5) For other procurement, \$6,119,447,000.

**SEC. 102. NAVY AND MARINE CORPS.**

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2003 for procurement for the Navy as follows:

- (1) For aircraft, \$8,971,555,000.
- (2) For weapons, including missiles and torpedoes, \$1,916,617,000.

- (3) For shipbuilding and conversion, \$9,279,494,000.

- (4) For other procurement, \$4,527,763,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2003 for procurement for the Marine Corps in the amount of \$1,351,983,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2003 for procurement of ammunition for the Navy and the Marine Corps in the amount of \$1,104,453,000.

**SEC. 103. AIR FORCE.**

Funds are hereby authorized to be appropriated for fiscal year 2003 for procurement for the Air Force as follows:

- (1) For aircraft, \$12,522,755,000.

- (2) For missiles, \$3,482,639,000.

- (3) For ammunition, \$1,176,864,000.

- (4) For other procurement, \$10,907,730,000.

**SEC. 104. DEFENSE-WIDE ACTIVITIES.**

Funds are hereby authorized to be appropriated for fiscal year 2003 for Defense-wide procurement in the amount of \$2,621,009,000.

**SEC. 105. DEFENSE INSPECTOR GENERAL.**

Funds are hereby authorized to be appropriated for fiscal year 2003 for procurement for the Inspector General of the Department of Defense in the amount of \$2,000,000.

**SEC. 106. CHEMICAL DEMILITARIZATION PROGRAM.**

There is hereby authorized to be appropriated for fiscal year 2003 the amount of \$1,490,199,000 for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

**SEC. 107. DEFENSE HEALTH PROGRAMS.**

Funds are hereby authorized to be appropriated for fiscal year 2003 for the Department of Defense for procurement for carrying out health care programs, projects, and activities of the Department of Defense in the total amount of \$278,742,000.

**SEC. 111. SHIPBUILDING INITIATIVE.**

(a) USE OF SPECIFIED SHIPBUILDING AUTHORIZATION AMOUNT SUBJECT TO CONTRACTOR AGREEMENT.—Of the amounts authorized to be appropriated by section 102(a)(3) for fiscal year 2003, \$810,000,000 shall be available for shipbuilding programs of the Navy either in accordance with subsection (b) or in accordance with subsection (c).

(b) DDG-51 AUTHORIZATION IF AGREEMENT REACHED.—If as of the date of the enactment of this Act the Secretary of the Navy has submitted to Congress a certification described in subsection (d), then the amount referred to in subsection (a) shall be available for procurement of one Arleigh Burke class (DDG-51) destroyer.

(c) AUTHORIZATION IF AGREEMENT NOT REACHED.—If as of the date of the enactment of this Act the Secretary of the Navy has not submitted to Congress a certification described in subsection (d), then the amount referred to in subsection (a) shall be available as follows:

- (1) \$415,000,000 shall be available for advance procurement for Virginia class submarines.

- (2) \$210,000,000 shall be available for advance procurement for cruiser conversion.

- (3) \$185,000,000 shall be available for nuclear-powered submarine (SSN) engineered refueling overhaul.

(d) **CERTIFICATION.**—A certification referred to in subsections (b) and (c) is a certification by the Secretary of the Navy that the prime contractor for the Virginia class submarine program has entered into a binding agreement with the United States to expend from its own funds an amount not less than \$385,000,000 for economic order quantity procurement of nuclear and non-nuclear components for Virginia class submarines beginning in fiscal year 2003.

(e) **MULTIYEAR PROCUREMENT AUTHORITY.**—(1) If the terms of an agreement described in subsection (d) between the United States and the prime contractor for the Virginia class submarine program include a requirement for the Secretary of the Navy to seek to acquire Virginia class submarines through a multiyear procurement contract, the Secretary of the Navy may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract for procurement of Virginia class submarines, beginning with the fiscal year 2003 program year.

(2)(A) In the case of a contract authorized by paragraph (1), a certification under subsection (i)(1)(A) of section 2306b of title 10, United States Code, with respect to that contract may only be submitted if the certification includes an additional certification that each of the conditions specified in subsection (a) of that section has been satisfied with respect to that contract.

(B) Upon transmission to Congress of a certification referred to in subparagraph (A) with respect to a contract authorized by paragraph (1), the contract may then be entered into only after a period of 30 days has elapsed after the date of the transmission of such certification.

#### Subtitle C—Air Force Programs

##### SEC. 121. MULTIYEAR PROCUREMENT AUTHORITY FOR C-130J AIRCRAFT PROGRAM.

(a) **MULTIYEAR AUTHORITY.**—Beginning with the fiscal year 2003 program year, the Secretary of the Air Force may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract for procurement of C-130J aircraft.

(b) **LIMITATION.**—The Secretary of Defense may not enter into a contract authorized by subsection (a) until—

(1) the Secretary submits to the congressional defense committees a certification described in subsection (c); and

(2) a period of 30 days has expired after such certification is submitted.

(c) **REQUIRED CERTIFICATION AS TO PROGRESS TOWARD SUCCESSFUL OPERATIONAL TEST AND EVALUATION.**—A certification under subsection (b)(1) is a certification by the Secretary of Defense that the C-130J program is making satisfactory progress towards a successful operational test and evaluation.

(d) **REQUIRED CERTIFICATION WITH RESPECT TO MULTIYEAR CONTRACTING CONDITIONS.**—(1) In the case of a contract authorized by subsection (a) of this section, a certification under subsection (i)(1)(A) of section 2306b of title 10, United States Code, with respect to that contract may only be submitted if the certification includes an additional certification that each of the conditions specified in subsection (a) of that section has been satisfied with respect to that contract.

(2) Upon transmission to Congress of a certification referred to in paragraph (1) with respect to a contract authorized by subsection (a), the contract may then be entered into only after a period of 30 days has elapsed after the date of the transmission of such certification.

#### Subtitle D—Other Programs

##### SEC. 141. REVISIONS TO MULTIYEAR CONTRACTING AUTHORITY.

(a) **USE OF PROCUREMENT AND ADVANCE PROCUREMENT FUNDS.**—Section 2306b(i) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(4)(A) Unless otherwise authorized by law, the Secretary of Defense may obligate funds for

procurement of an end item under a multiyear contract for the purchase of property only for procurement of a complete and usable end item.

“(B) Unless otherwise authorized by law, the Secretary of Defense may obligate funds appropriated for any fiscal year for advance procurement under a multiyear contract for the purchase of property only for the procurement of those long-lead items necessary in order to meet a planned delivery schedule for complete major end items that are programmed under the contract to be acquired with funds appropriated for a subsequent fiscal year.”

(b) **EFFECTIVE DATE.**—Paragraph (4) of section 2306b(i) of title 10, United States Code, as added by subsection (a), shall not apply with respect to any multiyear contract authorized by law before the date of the enactment of this Act.

##### SEC. 142. TRANSFER OF TECHNOLOGY ITEMS AND EQUIPMENT IN SUPPORT OF HOMELAND SECURITY.

(a) **IN GENERAL.**—Subchapter III of chapter 148 of title 10, United States Code, is amended by adding at the end the following new section:

##### “§2520. Transfer of technology items and equipment in support of homeland security

“The Secretary of Defense shall enter into an agreement with an independent, nonprofit, technology-oriented entity that has demonstrated the ability to facilitate the transfer of defense technologies, developed by both the private and public sectors, to aid Federal, State, and local first responders. Under the agreement the entity shall develop and deploy technology items and equipment, through coordination between Government agencies and private sector, commercial developers and suppliers of technology, that will enhance public safety and shall—

“(1) work in coordination with the Inter-Agency Board for Equipment Standardization and Interoperability;

“(2) develop technology items and equipment that meet the standardization requirements established by the Board;

“(3) evaluate technology items and equipment that have been identified using the standards developed by the Board and other state-of-the-art technology items and equipment that may benefit first responders;

“(4) identify and coordinate among the public and private sectors research efforts applicable to national security and homeland security;

“(5) facilitate the timely transfer of technology items and equipment between public and private sources;

“(6) eliminate redundant research efforts with respect to technologies to be deployed to first responders;

“(7) expedite the advancement of high priority projects from research through implementation of initial manufacturing; and

“(8) establish an outreach program, in coordination with the Board, with first responders to facilitate awareness of available technology items and equipment to support crisis response.”

(b) **DEADLINE FOR AGREEMENT.**—The Secretary of Defense shall enter into the agreement required by section 2520 of title 10, United States Code (as added by subsection (a)) not later than January 15, 2003.

(c) **STRATEGIC PLAN.**—The entity described in section 2520 of such title shall develop a strategic plan to carry out the goals described in such section, which shall include identification of—

(1) the initial technology items and equipment considered for development; and

(2) the program schedule timelines for such technology items and equipment.

(d) **REPORT REQUIRED.**—Not later than March 15, 2003, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on—

(1) the actions taken to carry out such section 2520;

(2) the relationship of the entity described in such section to the Inter-Agency Board for Equipment Standardization and Interoperability; and

(3) the strategic plan of such entity to meet the goals described in such section.

(e) **CLERICAL AMENDMENT.**—The table of sections at the beginning of subchapter III of chapter 148 of title 10, United States Code, is amended by adding at the end the following new item: “2520. Transfer of technology items and equipment in support of homeland security.”

##### SEC. 143. DESTRUCTION OF EXISTING STOCKPILE OF LETHAL CHEMICAL AGENTS AND MUNITIONS.

(a) **PROGRAM MANAGEMENT.**—The Secretary of Defense shall ensure that the program for destruction of the United States stockpile of lethal chemical agents and munitions is managed as a major defense acquisition program (as defined in section 2430 of title 10, United States Code) in accordance with the essential elements of such programs as may be determined by the Secretary.

(b) **REQUIREMENT FOR UNDER SECRETARY OF DEFENSE (COMPTROLLER) ANNUAL CERTIFICATION.**—Beginning with respect to the budget request for fiscal year 2004, the Under Secretary of Defense (Comptroller) shall submit to the congressional defense committees on an annual basis a certification that the budget request for the chemical agents and munitions destruction program has been submitted in accordance with the requirements of applicable Federal laws.

##### SEC. 144. REPORT ON UNMANNED AERIAL VEHICLE SYSTEMS.

(a) **REPORT.**—Not later than January 1, 2003, the Secretary of Defense shall submit to Congress a report on unmanned aerial vehicle systems of the Department of Defense.

(b) **MATTERS TO BE INCLUDED CONCERNING UNMANNED AERIAL VEHICLE SYSTEMS.**—The Secretary shall include in the report under subsection (a) the following, shown for each system referred to in that subsection:

(1) A description of the infrastructure that the Department of Defense has (or is planning) for the system.

(2) A description of the operational requirements document (ORD) for the system.

(3) A description of the physical infrastructure of the Department for training and basing.

(4) A description of the manner in which the Department is interfacing with the industrial base.

(5) A description of the acquisition plan for the system.

(c) **SUGGESTIONS FOR CHANGES IN LAW.**—The Secretary shall also include in the report under subsection (a) such suggestions as the Secretary considers appropriate for changes in law that would facilitate the way the Department acquires unmanned aerial vehicle systems.

##### SEC. 145. REPORT ON IMPACT OF ARMY AVIATION MODERNIZATION PLAN ON THE ARMY NATIONAL GUARD.

(a) **REPORT BY CHIEF OF THE NATIONAL GUARD BUREAU.**—Not later than February 1, 2003, the Chief of the National Guard Bureau shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the requirements for Army National Guard aviation. The report shall include the following:

(1) An analysis of the impact of the Army Aviation Modernization Plan on the ability of the Army National Guard to conduct its aviation missions.

(2) The plan under that aviation modernization plan for the transfer of aircraft from the active component of the Army to the Army reserve components, including a timeline for those transfers.

(3) The progress, as of January 1, 2003, in carrying out the transfers under the plan referred to in paragraph (2).

(4) An evaluation of the suitability of existing Commercial Off The Shelf (COTS) light-twin engine helicopters for performance of Army National Guard aviation missions.

(b) VIEWS OF THE CHIEF OF STAFF OF THE ARMY.—If, before the report under subsection (a) is submitted, the Chief of the National Guard Bureau receives from the Chief of Staff of the Army the views of the Chief of Staff on the matters to be covered in the report, the Chief of the Bureau shall include those views with the report as submitted under subsection (a).

## TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

### Subtitle A—Authorization of Appropriations

#### SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2003 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, \$6,933,319,000.

(2) For the Navy, \$13,274,540,000.

(3) For the Air Force, \$18,803,184,000.

(4) For Defense-wide activities, \$17,413,291,000, of which \$222,054,000 is authorized for the Director of Operational Test and Evaluation.

#### SEC. 202. AMOUNT FOR DEFENSE SCIENCE AND TECHNOLOGY.

(a) FISCAL YEAR 2003.—Of the amounts authorized to be appropriated by section 201, \$10,023,658,000 shall be available for the Defense Science and Technology Program, including basic research, applied research, and advanced technology development projects.

(b) BASIC RESEARCH, APPLIED RESEARCH, AND ADVANCED TECHNOLOGY DEVELOPMENT DEFINED.—For purposes of this section, the term “basic research, applied research, and advanced technology development” means work funded in program elements for defense research and development under Department of Defense category 6.1, 6.2, or 6.3.

### Subtitle B—Program Requirements, Restrictions, and Limitations

#### SEC. 211. RAH-66 COMANCHE AIRCRAFT PROGRAM.

(a) LIMITATION.—None of the funds authorized to be appropriated for fiscal year 2003 for engineering and manufacturing development for the RAH-66 Comanche aircraft program may be obligated until the Secretary of the Army submits to the congressional defense committees a report, prepared in coordination with the Under Secretary of Defense for Acquisition, Technology, and Logistics, containing an accurate estimate of funds required to complete engineering and manufacturing development for that aircraft and the new time line and plan for bringing that aircraft to initial operational capability, as called for in the joint explanatory statement of the committee of conference on the bill S. 1438 of the One Hundred Seventh Congress (at page 535 of House Report 107-333, submitted December 12, 2001).

(b) LIMITATION ON TOTAL COST OF ENGINEERING AND MANUFACTURING DEVELOPMENT.—The total amount obligated or expended for engineering and manufacturing development under the RAH-66 Comanche aircraft program may not exceed \$6,000,000,000.

(c) ADJUSTMENT OF LIMITATION AMOUNTS.—(1) Subject to paragraph (2), the Secretary of the Army shall adjust the amount of the limitation set forth in subsection (b) by the following amounts:

(A) The amounts of increases or decreases in costs attributable to economic inflation after September 30, 2002.

(B) The amounts of increases or decreases in costs attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 2002.

(2) Before making any adjustment under paragraph (1) in an amount greater than \$20,000,000, the Secretary of the Army shall submit to the congressional defense committees notice in writing of the proposed increase.

(d) ANNUAL DOD INSPECTOR GENERAL REVIEW.—(1) Not later than March 1 of each year, the Department of Defense Inspector General shall review the RAH-66 Comanche aircraft program and submit to Congress a report on the results of the review.

(2) The report submitted on the program each year shall include the following:

(A) The extent to which engineering and manufacturing development under the program is meeting the goals established for engineering and manufacturing development under the program, including the performance, cost, and schedule goals.

(B) The status of modifications expected to have a significant effect on cost, schedule, or performance of RAH-66 aircraft.

(C) The plan for engineering and manufacturing development (leading to production) under the program for the fiscal year that begins in the following year.

(D) A conclusion regarding whether the plan referred to in subparagraph (C) is consistent with the limitation in subsection (a).

(E) A conclusion regarding whether engineering and manufacturing development (leading to production) under the program is likely to be completed at a total cost not in excess of the amount specified in subsection (a).

(3) No report is required under this subsection after the RAH-66 aircraft has completed engineering and manufacturing development.

(e) LIMITATION ON OBLIGATION OF FUNDS.—Of the total amount authorized to be appropriated for the RAH-66 Comanche aircraft program for research, development, test, and evaluation for a fiscal year, not more than 90 percent of that amount may be obligated until the Department of Defense Inspector General submits to Congress the report required to be submitted in that fiscal year under subsection (d).

#### SEC. 212. EXTENSION OF REQUIREMENT RELATING TO MANAGEMENT RESPONSIBILITY FOR NAVAL MINE COUNTERMEASURES PROGRAMS.

Section 216(a) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1317), as most recently amended by section 211 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 1946), is amended by striking “through 2003” and inserting “through 2008”.

#### SEC. 213. EXTENSION OF AUTHORITY TO CARRY OUT PILOT PROGRAM FOR REVITALIZING THE LABORATORIES AND TEST AND EVALUATION CENTERS OF THE DEPARTMENT OF DEFENSE.

Section 246 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 1955; 10 U.S.C. 2358 note) is amended—

(1) in subsection (a)(1), by inserting before the period at the end the following: “, and to demonstrate improved efficiency in the performance of the research, development, test, and evaluation functions of the Department of Defense”;

(2) in subsection (a)(4), by striking “for a period” and all that follows through the period at the end and inserting “until March 1, 2008.”;

(3) in subsection (b)(2), by striking “Promptly after” and all that follows through “The report shall contain” and inserting “Not later than December 31 of each year, the Secretary of Defense shall submit to the congressional defense committees a report on the activities of the pilot program during the preceding fiscal year. Each such report shall contain, for each laboratory or center in the pilot program,”; and

(4) by adding at the end of subsection (b) the following new paragraph:

“(3) Not later than March 1, 2007, the Secretary of Defense shall submit to the committees referred to in paragraph (2) the Secretary’s recommendation as to whether, and to what extent, the authority to carry out the pilot program should be extended.”.

#### SEC. 214. REVISED REQUIREMENTS FOR PLAN FOR MANUFACTURING TECHNOLOGY PROGRAM.

(a) STREAMLINED CONTENTS OF PLAN.—Subsection (e) of section 2521 of title 10, United States Code, is amended by striking “prepare a five-year plan” in paragraph (1) and all that follows through the end of subparagraph (B) of paragraph (2) and inserting the following: “prepare and maintain a five-year plan for the program.

“(2) The plan shall establish the following:

“(A) The overall manufacturing technology objectives, milestones, priorities, and investment strategy for the program.

“(B) The specific objectives of, and funding for the program by, each military department and each Defense Agency participating in the program.”.

(b) BIENNIAL REPORT.—Such subsection is further amended in paragraph (3)—

(1) by striking “annually” and inserting “biennially”; and

(2) by striking “for a fiscal year” and inserting “for each even-numbered fiscal year”.

#### SEC. 215. TECHNOLOGY TRANSITION INITIATIVE.

(a) ESTABLISHMENT AND CONDUCT.—Chapter 139 of title 10, United States Code, is amended by inserting after section 2359 the following new section:

##### “§2359a. Technology Transition Initiative

“(a) INITIATIVE REQUIRED.—The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall carry out an initiative, to be known as the Technology Transition Initiative (hereinafter in this section referred to as the ‘Initiative’), to facilitate the rapid transition of new technologies from science and technology programs of the Department of Defense into acquisition programs of the Department for the production of such technologies.

“(b) OBJECTIVES.—The Initiative shall have the following objectives:

“(1) To accelerate the introduction of new technologies into appropriate acquisition programs.

“(2) To successfully demonstrate new technologies in relevant environments.

“(3) To ensure that new technologies are sufficiently mature for production.

“(c) MANAGEMENT OF INITIATIVE.—(1) The Initiative shall be managed by a senior official in the Office of the Secretary of Defense designated by the Secretary (hereinafter in this section referred to as the ‘Manager’). In managing the Initiative, the Manager shall report directly to the Under Secretary of Defense for Acquisition, Technology, and Logistics.

“(2) The Secretary shall establish a board of directors (hereinafter in this section referred to as the ‘Board’), composed of the acquisition executive of each military department, the members of the Joint Requirements Oversight Council, and the commander of the Joint Forces Command. The Board shall assist the Manager in managing the Initiative.

“(3) The Secretary shall establish, under the auspices of the Under Secretary of Defense for Acquisition, Technology, and Logistics, a panel of highly qualified scientists and engineers. The panel shall advise the Under Secretary on matters relating to the Initiative.

“(d) DUTIES OF MANAGER.—The Manager shall have following duties:

“(1) To identify, in consultation with the Board, promising technologies that have been demonstrated in science and technology programs of the Department.

“(2) To identify potential sponsors in the Department to undertake the transition of such technologies into production.

“(3) To work with the science and technology community and the acquisition community to develop memoranda of agreement, joint funding agreements, and other cooperative arrangements to provide for the transition of such technologies into production.”.

“(4) Provide funding support for projects selected under subsection (e).”

“(e) JOINTLY FUNDED PROJECTS.—(1) The acquisition executive of each military department shall identify technology projects of that military department to recommend for funding support under the Initiative and shall submit to the Manager a list of such recommended projects, ranked in order of priority. Such executive shall identify such projects, and establish priorities among such projects, using a competitive process, on the basis of the greatest potential benefits in areas of interest identified by the Secretary of that military department.

“(2) The Manager, in consultation with the Board, shall select projects for funding support from among the projects on the lists submitted under paragraph (1). From the funds made available to the Manager for the Initiative, the Manager shall provide funds for each selected project in an amount determined by mutual agreement between the Manager and the acquisition executive of the military department concerned, but not less than 50 percent of the total cost of the project.

“(3) The acquisition executive of the military department concerned shall manage each project selected under paragraph (2) that is undertaken by the military department. Memoranda of agreement, joint funding agreements, and other cooperative arrangements between the science and technology community and the acquisition community shall be used in carrying out the project if the acquisition executive determines that it is appropriate to do so to achieve the objectives of the project.

“(f) REQUIREMENT FOR PROGRAM ELEMENT.—In the budget justification materials submitted to Congress in support of the Department of Defense budget for any fiscal year (as submitted with the budget of the President under section 1105(a) of title 31), the amount requested for activities of the Initiative shall be set forth in a separate program element within amounts requested for research, development, test, and evaluation for Defense-wide activities.

“(g) DEFINITION OF ACQUISITION EXECUTIVE.—In this section, the term ‘acquisition executive’, with respect to a military department, means the official designated as the senior procurement executive for that military department under section 16(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(3)).”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2359 the following new item:

“2359a. Technology Transition Initiative.”

**SEC. 216. DEFENSE ACQUISITION CHALLENGE PROGRAM.**

(a) IN GENERAL.—(1) Chapter 139 of title 10, United States Code, is amended by inserting after section 2359a (as added by section 215) the following new section:

**“§2359b. Defense Acquisition Challenge Program**

“(a) PROGRAM REQUIRED.—The Secretary of Defense shall carry out a program to provide opportunities for the increased introduction of innovative and cost-saving technology in acquisition programs of the Department of Defense. The program, to be known as the Defense Acquisition Challenge Program (hereinafter in this section referred to as the ‘Challenge Program’), shall provide any person or activity within or outside the Department of Defense with the opportunity to propose alternatives, to be known as challenge proposals, at the component, subsystem, or system level of an existing Department of Defense acquisition program that would result in improvements in performance, affordability, manufacturability, or operational capability of that acquisition program.

“(b) PANEL.—(1) In carrying out the Challenge Program, the Secretary shall establish a panel of highly qualified scientists and engineers (hereinafter in this section referred to as

the ‘Panel’) under the auspices of the Under Secretary of Defense for Acquisition, Technology, and Logistics. The duty of the Panel shall be to carry out evaluations of challenge proposals under subsection (c).

“(2) A member of the Panel may not participate in any evaluation of a challenge proposal under subsection (c) if at any time within the previous five years that member has, in any capacity, participated in or been affiliated with the acquisition program for which the challenge proposal is submitted.

“(c) EVALUATION BY PANEL.—(1) Under procedures prescribed by the Secretary, a person or activity within or outside the Department of Defense may submit challenge proposals to the Panel.

“(2) The Panel shall carry out an evaluation of each challenge proposal submitted under paragraph (1) to determine each of the following criteria:

“(A) Whether the challenge proposal has merit.

“(B) Whether the challenge proposal is likely to result in improvements in performance, affordability, manufacturability, or operational capability at the component, subsystem, or system level of the applicable acquisition program.

“(C) Whether the challenge proposal could be implemented rapidly in the applicable acquisition program.

“(3) If the Panel determines that a challenge proposal satisfies each of the criteria specified in paragraph (2), the person or activity submitting that challenge proposal shall be provided an opportunity to submit such challenge proposal for a full review and evaluation under subsection (d).

“(d) FULL REVIEW AND EVALUATION.—(1) Under procedures prescribed by the Secretary, for each challenge proposal submitted for a full review and evaluation as provided in subsection (c)(3), the office carrying out the applicable acquisition program, and the prime system contractor carrying out such program, shall jointly conduct a full review and evaluation of the challenge proposal.

“(2) The full review and evaluation shall, independent of the determination of the Panel under subsection (c)(2), determine each of the matters specified in subparagraphs (A), (B), and (C) of such subsection.

“(e) ACTION UPON FAVORABLE FULL REVIEW AND EVALUATION.—(1) Under procedures prescribed by the Secretary, each challenge proposal determined under a full review and evaluation to satisfy each of the criteria specified in subsection (c)(2) shall be considered by the prime system contractor for incorporation into the applicable acquisition program as a new technology insertion at the component, subsystem, or system level.

“(2) The Secretary shall encourage the adoption of each challenge proposal referred to in paragraph (1) by providing suitable incentives to the office carrying out the applicable acquisition program and the prime system contractor carrying out such program.

“(f) ACCESS TO TECHNICAL RESOURCES.—The Secretary shall ensure that the Panel (in carrying out evaluations of challenge proposals under subsection (c)) and each office and prime system contractor (in conducting a full review and evaluation under subsection (d)) have the authority to call upon the technical resources of the laboratories, research, development, and engineering centers, test and evaluation activities, and other elements of the Department.

“(g) ELIMINATION OF CONFLICTS OF INTEREST.—In carrying out each evaluation under subsection (c) and full review under subsection (d), the Secretary shall ensure the elimination of conflicts of interest.

“(h) REPORT.—The Secretary shall submit to Congress, with the submission of the budget request for the Department of Defense for each fiscal year during which the Challenge Program is carried out, a report on the Challenge Pro-

gram for that fiscal year. The report shall include the number and scope of challenge proposals submitted, evaluated, subjected to full review, and adopted.

“(i) SUNSET.—The authority to carry out this section shall terminate on September 30, 2007.”

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2359a (as added by section 215) the following new item:

“2359b. Defense Acquisition Challenge Program.”

(b) INITIAL FUNDING.—(1) Of the funds authorized to be appropriated by section 201(4) for Defense-wide research, development, test, and evaluation for fiscal year 2003, \$25,000,000 shall be available in program element 0603826D8Z for the Defense Acquisition Challenge Program required by section 2359b of title 10, United States Code, as added by subsection (a).

(2) The funds provided under paragraph (1) may be used only for review and evaluation of challenge proposals, and not for implementation of challenge proposals.

**Subtitle C—Ballistic Missile Defense**

**SEC. 231. LIMITATION ON OBLIGATION OF FUNDS FOR PROCUREMENT OF PATRIOT (PAC-3) MISSILES PENDING SUBMISSION OF REQUIRED CERTIFICATION.**

None of the funds appropriated for fiscal year 2003 for procurement of missiles for the Army may be obligated for the Patriot Advanced Capability (PAC-3) missile program until the Secretary of Defense has submitted to the congressional defense committees the following:

(1) The criteria for the transfer of responsibility for a missile defense program from the Director of the Missile Defense Agency to the Secretary of a military department, as required by section 224(b)(2) of title 10, United States Code.

(2) The notice and certification with respect to the transfer of responsibility for the Patriot Advanced Capability (PAC-3) missile program from the Director to the Secretary of the Army required by section 224(c) of such title.

**SEC. 232. RESPONSIBILITY OF MISSILE DEFENSE AGENCY FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION RELATED TO SYSTEM IMPROVEMENTS OF PROGRAMS TRANSFERRED TO MILITARY DEPARTMENTS.**

Section 224(e) of title 10, United States Code, is amended—

(1) by striking “before a” and inserting “for each”;

(2) by striking “is”; and

(3) by striking “roles and responsibilities” and all that follows through the period at the end and inserting “responsibility for research, development, test, and evaluation related to system improvements for that program remains with the Director.”

**SEC. 233. AMENDMENTS TO REFLECT CHANGE IN NAME OF BALLISTIC MISSILE DEFENSE ORGANIZATION TO MISSILE DEFENSE AGENCY.**

(a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) Sections 203, 223, and 224 are each amended by striking “Ballistic Missile Defense Organization” each place it appears and inserting “Missile Defense Agency”.

(2)(A) The heading of section 203 is amended to read as follows:

**“§203. Director of Missile Defense Agency.”**

(B) The item relating to such section in the table of sections at the beginning of subchapter II of chapter 8 is amended to read as follows:

“203. Director of Missile Defense Agency.”

(b) PUBLIC LAW 107-107.—(1) Section 232 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 10 U.S.C. 2431 note) is amended by striking “Ballistic Missile Defense Organization” each place it appears and inserting “Missile Defense Agency”.

(2) The heading for such section is amended to read as follows:

**“SEC. 232. PROGRAM ELEMENTS FOR MISSILE DEFENSE AGENCY.”**

(c) PUBLIC LAW 106-398.—(1) Section 3132 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 10 U.S.C. 2431 note) is amended by striking “Ballistic Missile Defense Organization” each place it appears and inserting “Missile Defense Agency”.

(2) Such section is further amended in subsection (c) by striking “BMDO” and inserting “MDA”.

(3) The section heading for such section is amended to read as follows:

**“SEC. 3132. ENHANCED COOPERATION BETWEEN NATIONAL NUCLEAR SECURITY ADMINISTRATION AND MISSILE DEFENSE AGENCY.”**

(d) OTHER LAWS.—The following provisions are each amended by striking “Ballistic Missile Defense Organization” each place it appears and inserting “Missile Defense Agency”:

(1) Section 233 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 10 U.S.C. 223 note).

(2) Section 234 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 10 U.S.C. 2431 note).

(3) Sections 235 (10 U.S.C. 2431 note) and 243 (10 U.S.C. 2431 note) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160).

**TITLE III—OPERATION AND MAINTENANCE****Subtitle A—Authorization of Appropriations****SEC. 301. OPERATION AND MAINTENANCE FUNDING.**

Funds are hereby authorized to be appropriated for fiscal year 2003 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

- (1) For the Army, \$24,159,733,000.
- (2) For the Navy, \$29,428,876,000.
- (3) For the Marine Corps, \$3,588,512,000.
- (4) For the Air Force, \$27,299,404,000.
- (5) For Defense-wide activities, \$14,370,037,000.
- (6) For the Army Reserve, \$1,918,110,000.
- (7) For the Naval Reserve, \$1,233,759,000.
- (8) For the Marine Corps Reserve, \$185,532,000.
- (9) For the Air Force Reserve, \$2,194,719,000.
- (10) For the Army National Guard, \$4,300,767,000.
- (11) For the Air National Guard, \$4,077,845,000.
- (12) For the Defense Inspector General, \$155,165,000.
- (13) For the United States Court of Appeals for the Armed Forces, \$9,614,000.
- (14) For Environmental Restoration, Army, \$395,900,000.
- (15) For Environmental Restoration, Navy, \$256,948,000.
- (16) For Environmental Restoration, Air Force, \$389,773,000.
- (17) For Environmental Restoration, Defense-wide, \$23,498,000.
- (18) For Environmental Restoration, Formerly Used Defense Sites, \$212,102,000.
- (19) For Overseas Humanitarian, Disaster, and Civic Aid programs, \$58,400,000.
- (20) For Drug Interdiction and Counter-drug Activities, Defense-wide, \$848,907,000.
- (21) For the Kaho’olawe Island Conveyance, Remediation, and Environmental Restoration Trust Fund, \$25,000,000.
- (22) For Defense Health Program, \$14,242,541,000.
- (23) For Cooperative Threat Reduction programs, \$416,700,000.
- (24) For Support for International Sporting Competitions, Defense, \$19,000,000.

**SEC. 302. WORKING CAPITAL FUNDS.**

Funds are hereby authorized to be appropriated for fiscal year 2003 for the use of the

Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Working Capital Funds, \$1,504,956,000.

(2) For the National Defense Sealift Fund, \$934,129,000.

**SEC. 303. ARMED FORCES RETIREMENT HOME.**

There is hereby authorized to be appropriated for fiscal year 2003 from the Armed Forces Retirement Home Trust Fund the sum of \$69,921,000 for the operation of the Armed Forces Retirement Home.

**Subtitle B—Environmental Provisions****SEC. 311. INCIDENTAL TAKING OF MIGRATORY BIRDS DURING MILITARY READINESS ACTIVITY.**

Section 3 of the Migratory Bird Treaty Act (16 U.S.C. 704) is amended by adding at the end the following new subsection:

“(c)(1) Section 2 shall not apply to the incidental taking of a migratory bird by a member of the Armed Forces during a military readiness activity authorized by the Secretary of Defense or the Secretary of the military department concerned.

“(2)(A) In this subsection, the term ‘military readiness activity’ includes—

“(i) all training and operations of the Armed Forces that relate to combat; and

“(ii) the adequate and realistic testing of military equipment, vehicles, weapons, and sensors for proper operation and suitability for combat use.

“(B) The term does not include—

“(i) the routine operation of installation operating support functions, such as administrative offices, military exchanges, commissaries, water treatment facilities, storage facilities, schools, housing, motor pools, laundries, morale, welfare, and recreation activities, shops, and mess halls;

“(ii) the operation of industrial activities; or

“(iii) the construction or demolition of facilities used for a purpose described in clause (i) or (ii).”

**SEC. 312. MILITARY READINESS AND THE CONSERVATION OF PROTECTED SPECIES.**

(a) LIMITATION ON DESIGNATION OF CRITICAL HABITAT.—Section 4(a)(3) of the Endangered Species Act of 1973 (16 U.S.C. 1533(a)(3)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) by inserting “(A)” after “(3)”; and

(3) by adding at the end the following:

“(B)(i) The Secretary may not designate as critical habitat any lands or other geographical areas owned or controlled by the Department of Defense, or designated for its use, that are subject to an integrated natural resources management plan prepared under section 101 of the Sikes Act (16 U.S.C. 670a), if the Secretary determines that such plan addresses special management considerations or protection (as those terms are used in section 3(5)(A)(i)).

“(ii) Nothing in this subparagraph affects the requirement to consult under section 7(a)(2) with respect to an agency action (as that term is defined in that section).

“(iii) Nothing in this subparagraph affects the obligation of the Department of Defense to comply with section 9 of the Endangered Species Act of 1973, including the prohibition preventing extinction and taking of endangered species and threatened species.”

(b) CONSIDERATION OF EFFECTS OF DESIGNATION OF CRITICAL HABITAT.—Section 4(b)(2) of the Endangered Species Act of 1973 (16 U.S.C. 1533(b)(2)) is amended by inserting “the impact on national security,” after “the economic impact,”.

**SEC. 313. SINGLE POINT OF CONTACT FOR POLICY AND BUDGETING ISSUES REGARDING UNEXPLODED ORDNANCE, DISCARDED MILITARY MUNITIONS, AND MUNITIONS CONSTITUENTS.**

Section 2701 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(k) UXO PROGRAM MANAGER.—(1) The Secretary of Defense shall establish a program manager who shall serve as the single point of contact in the Department of Defense for policy and budgeting issues involving the characterization, remediation, and management of explosive and related risks with respect to unexploded ordnance, discarded military munitions, and munitions constituents at defense sites (as such terms are defined in section 2710 of this title) that pose a threat to human health or safety.

“(2) The Secretary of Defense may delegate this authority to the Secretary of a military department, who may delegate the authority to the Under Secretary of that military department. The authority may not be further delegated.

“(3) The program manager may establish an independent advisory and review panel that may include representatives of the National Academy of Sciences, nongovernmental organizations with expertise regarding unexploded ordnance, discarded military munitions, or munitions constituents, the Environmental Protection Agency, States (as defined in section 2710 of this title), and tribal governments. If established, the panel would report annually to Congress on progress made by the Department of Defense to address unexploded ordnance, discarded military munitions, or munitions constituents at defense sites and make such recommendations as the panel considered appropriate.”

**Subtitle C—Commissaries and Nonappropriated Fund Instrumentalities****SEC. 321. AUTHORITY FOR EACH MILITARY DEPARTMENT TO PROVIDE BASE OPERATING SUPPORT TO FISHER HOUSES.**

Section 2493(f) of title 10, United States Code, is amended to read as follows:

“(f) BASE OPERATING SUPPORT.—The Secretary of a military department may provide base operating support for Fisher Houses associated with health care facilities of that military department.”

**SEC. 322. USE OF COMMISSARY STORES AND MWR RETAIL FACILITIES BY MEMBERS OF NATIONAL GUARD SERVING IN NATIONAL EMERGENCY.**

(a) ADDITIONAL BASIS FOR AUTHORIZED USE.—Section 1063a of title 10, United States Code, is amended—

(1) in subsection (a), by inserting “or national emergency” after “federally declared disaster”; and

(2) in subsection (c), by adding at the end the following new paragraph:

“(3) NATIONAL EMERGENCY.—The term ‘national emergency’ means a national emergency declared by the President or Congress.”

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

**“§1063a. Use of commissary stores and MWR retail facilities: members of National Guard serving in federally declared disaster or national emergency”.**

(2) The table of sections at the beginning of chapter 54 of such title is amended by striking the item relating to section 1063a and inserting the following new item:

“1063a. Use of commissary stores and MWR retail facilities: members of National Guard serving in federally declared disaster or national emergency.”

**SEC. 323. UNIFORM FUNDING AND MANAGEMENT OF MORALE, WELFARE, AND RECREATION PROGRAMS.**

(a) IN GENERAL.—Chapter 147 of title 10, United States Code, is amended by adding at the end the following new section:

**§2494. Uniform funding and management of morale, welfare, and recreation programs**

(a) **AUTHORITY FOR UNIFORM FUNDING AND MANAGEMENT.**—Under regulations prescribed by the Secretary of Defense, funds appropriated to the Department of Defense and available for morale, welfare, and recreation programs may be treated as nonappropriated funds and expended in accordance with laws applicable to the expenditures of nonappropriated funds. When made available for morale, welfare, and recreation programs under such regulations, appropriated funds shall be considered to be nonappropriated funds for all purposes and shall remain available until expended.

(b) **CONDITIONS ON AVAILABILITY.**—Funds appropriated to the Department of Defense may be made available to support a morale, welfare, or recreation program only if the program is authorized to receive appropriated fund support and only in the amounts the program is authorized to receive.

(c) **CONVERSION OF EMPLOYMENT POSITIONS.**—(1) The Secretary of Defense may identify positions of employees in morale, welfare, and recreation programs within the Department of Defense who are paid with appropriated funds whose status may be converted from the status of an employee paid with appropriated funds to the status of an employee of a nonappropriated fund instrumentality.

(2) The status of an employee in a position identified by the Secretary under paragraph (1) may, with the consent of the employee, be converted to the status of an employee of a nonappropriated fund instrumentality. An employee who does not consent to the conversion may not be removed from the position because of the failure to provide such consent.

(3) The conversion of an employee from the status of an employee paid by appropriated funds to the status of an employee of a nonappropriated fund instrumentality shall be without a break in service for the concerned employee. The conversion shall not entitle an employee to severance pay, back pay or separation pay under subchapter IX of chapter 55 of title 5, or be considered an involuntary separation or other adverse personnel action entitling an employee to any right or benefit under such title or any other provision of law or regulation.

(4) In this subsection, the term ‘an employee of a nonappropriated fund instrumentality’ means an employee described in section 2105(c) of title 5.”

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding at the end the following new item: “2494. Uniform funding and management of morale, welfare, and recreation programs.”

**Subtitle D—Workplace and Depot Issues****SEC. 331. NOTIFICATION REQUIREMENTS IN CONNECTION WITH REQUIRED STUDIES FOR CONVERSION OF COMMERCIAL OR INDUSTRIAL TYPE FUNCTIONS TO CONTRACTOR PERFORMANCE.**

Subsection (c) of section 2461 of title 10, United States Code, is amended to read as follows:

(c) **SUBMISSION OF ANALYSIS RESULTS.**—(1) Upon the completion of an analysis of a commercial or industrial type function described in subsection (a) for possible change to performance by the private sector, the Secretary of Defense shall submit to Congress a report containing the results of the analysis, including the results of the examinations required by subsection (b)(3).

(2) The report shall also contain the following:

(A) The date when the analysis of the function was commenced.

(B) The Secretary’s certification that the Government calculation of the cost of performance of the function by Department of Defense civilian employees is based on an estimate of the

most cost effective manner for performance of the function by Department of Defense civilian employees.

(C) The number of Department of Defense civilian employees who were performing the function when the analysis was commenced and the number of such employees whose employment was or will be terminated or otherwise affected by changing to performance of the function by the private sector or by implementation of the most efficient organization of the function.

(D) The Secretary’s certification that the factors considered in the examinations performed under subsection (b)(3), and in the making of the decision regarding changing to performance of the function by the private sector or retaining performance in the most efficient organization of the function, did not include any predetermined personnel constraint or limitation in terms of man years, end strength, full-time equivalent positions, or maximum number of employees.

(E) A statement of the potential economic effect of implementing the decision regarding changing to performance of the function by the private sector or retaining performance in the most efficient organization of the function on each affected local community, as determined in the examination under subsection (b)(3)(B)(ii).

(F) A schedule for completing the change to performance of the function by the private sector or implementing the most efficient organization of the function

(G) In the case of a commercial or industrial type function performed at a Center of Industrial and Technical Excellence designated under section 2474(a) of this title or an Army ammunition plant, a description of the effect that the manner of performance of the function, and administration of the resulting contract if any, will have on the overhead costs of the center or ammunition plant, as the case may be.

(H) The Secretary’s certification that the entire analysis is available for examination.

(3)(A) If a decision is made to change the commercial or industrial type function that was the subject of the analysis to performance by the private sector, the change of the function to contractor performance may not begin until after the submission of the report required by paragraph (1).

(B) Notwithstanding subparagraph (A), in the case of a commercial or industrial type function performed at a Center of Industrial and Technical Excellence designated under section 2474(a) of this title or an Army ammunition plant, the change of the function to contractor performance may not begin until at least 60 days after the submission of the report.”

**SEC. 332. WAIVER AUTHORITY REGARDING PROHIBITION ON CONTRACTS FOR PERFORMANCE OF SECURITY-GUARD FUNCTIONS.**

Section 2465 of title 10, United States Code, is amended by adding at the end the following new subsection:

(c) The Secretary of Defense or the Secretary of a military department may waive the prohibition under subsection (a) regarding contracting for the performance of security-guard functions at a military installation or facility under the jurisdiction of the Secretary if such functions—

(1) are or will be performed by members of the armed forces in the absence of a waiver; or

(2) were not performed at the installation or facility before September 11, 2001.”

**SEC. 333. EXCLUSION OF CERTAIN EXPENDITURES FROM PERCENTAGE LIMITATION ON CONTRACTING FOR PERFORMANCE OF DEPOT-LEVEL MAINTENANCE AND REPAIR WORKLOADS.**

Section 2474(f)(2) of title 10, United States Code, is amended by striking “for fiscal years 2002 through 2005”.

**SEC. 334. REPEAL OF OBSOLETE PROVISION REGARDING DEPOT-LEVEL MAINTENANCE AND REPAIR WORKLOADS THAT WERE PERFORMED AT CLOSED OR REALIGNED MILITARY INSTALLATIONS.**

(a) **REPEAL.**—Section 2469a of title 10, United States Code, is repealed.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 146 of such title is amended by striking the item relating to section 2469a.

**SEC. 335. CLARIFICATION OF REQUIRED CORE LOGISTICS CAPABILITIES.**

Section 2464(a)(3) of title 10, United States Code, is amended by striking “those capabilities that are necessary to maintain and repair the weapon systems” and inserting “those logistics capabilities (including acquisition logistics, supply management, system engineering, maintenance, and modification management) that are necessary to sustain the weapon systems”.

**Subtitle E—Defense Dependents Education****SEC. 341. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.**

(a) **CONTINUATION OF DEPARTMENT OF DEFENSE PROGRAM FOR FISCAL YEAR 2003.**—Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities, \$30,000,000 shall be available only for the purpose of providing educational agencies assistance to local educational agencies.

(b) **NOTIFICATION.**—Not later than June 30, 2003, the Secretary of Defense shall notify each local educational agency that is eligible for educational agencies assistance for fiscal year 2003 of—

(1) that agency’s eligibility for the assistance; and

(2) the amount of the assistance for which that agency is eligible.

(c) **DISBURSEMENT OF FUNDS.**—The Secretary of Defense shall disburse funds made available under subsection (a) not later than 30 days after the date on which notification to the eligible local educational agencies is provided pursuant to subsection (b).

(d) **DEFINITIONS.**—In this section:

(1) The term “educational agencies assistance” means assistance authorized under section 386(b) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 20 U.S.C. 7703 note).

(2) The term “local educational agency” has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7113(9)).

**SEC. 342. AVAILABILITY OF QUARTERS ALLOWANCE FOR UNACCOMPANIED DEFENSE DEPARTMENT TEACHER REQUIRED TO RESIDE ON OVERSEAS MILITARY INSTALLATION.**

(a) **AUTHORITY TO PROVIDE ALLOWANCE.**—Subsection (b) of section 7 of the Defense Department Overseas Teachers Pay and Personnel Practices Act (20 U.S.C. 905) is amended by adding at the end the following new sentence: “If the teacher is unaccompanied by dependents and is required to reside on a United States military installation in an overseas area, the teacher may receive a quarters allowance to reside in excess family housing at the installation notwithstanding the availability single room housing at the installation.”

(b) **TECHNICAL CORRECTION TO REFLECT CODIFICATION.**—Such section is further amended by striking “the Act of June 26, 1930 (5 U.S.C. 118a)” both places it appears and inserting “section 5912 of title 5, United States Code”.

**SEC. 343. PROVISION OF SUMMER SCHOOL PROGRAMS FOR STUDENTS WHO ATTEND DEFENSE DEPENDENTS’ EDUCATION SYSTEM.**

Section 1402(d) of the Defense Dependents’ Education Act of 1978 (20 U.S.C. 921(d)) is

amended by striking paragraph (2) and inserting the following new paragraph (2):

“(2) Individuals eligible to receive a free public education under subsection (a) may enroll without charge in a summer school program offered under this subsection. Students who are required under section 1404 to pay tuition to enroll in a school of the defense dependents’ education system shall also be charged a fee, at a rate established by the Secretary, to attend a course offered as part of the summer school program.”

#### Subtitle F—Information Technology

##### SEC. 351. NAVY-MARINE CORPS INTRANET CONTRACT.

(a) AUTHORIZED DURATION OF CONTRACT.—Section 814 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, as enacted into law by Public Law 106-398 (114 Stat. 1654A-215) and amended by section 362 of Public Law 107-107 (115 Stat. 1065), is amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting after subsection (h) the following new subsection (i):

“(i) DURATION OF NAVY-MARINE CORPS INTRANET CONTRACT.—Notwithstanding section 2306c of title 10, United States Code, the Navy-Marine Corps Intranet contract may have a term in excess of five years, but not more than seven years.”

(b) CLARIFICATION OF PHASED IMPLEMENTATION REQUIREMENTS.—Subsection (b) of such section is amended in paragraphs (2) and (3) by striking “provided” each place it appears and inserting “ordered”.

##### SEC. 352. ANNUAL SUBMISSION OF INFORMATION ON NATIONAL SECURITY AND INFORMATION TECHNOLOGY CAPITAL ASSETS.

(a) REQUIREMENT TO SUBMIT INFORMATION.—Not later than the date that the President submits the budget of the United States Government to Congress each year, the Secretary of Defense shall submit to Congress a description of, and relevant budget information on, each information technology and national security capital asset of the Department of Defense that—

(1) has an estimated life cycle cost (as computed in fiscal year 2003 constant dollars), in excess of \$120,000,000; and

(2) has a cost for the fiscal year in which the description is submitted (as computed in fiscal year 2003 constant dollars) in excess of \$30,000,000.

(b) INFORMATION TO BE INCLUDED.—The description submitted under subsection (a) shall include, with respect to each such capital asset and national security system—

(1) the name and identifying acronym;

(2) the date of initiation;

(3) a summary of performance measurements and metrics;

(4) the total amount of funds, by appropriation account, appropriated and obligated for prior fiscal years, with a specific breakout of such information for the two preceding fiscal years;

(5) the funds, by appropriation account, requested for that fiscal year;

(6) each prime contractor and the work to be performed;

(7) a description of program management and management oversight;

(8) the original baseline cost and most current baseline information; and

(9) a description of compliance with the provisions enacted in the Government Performance Results Act of 1993 (Public Law 103-62; 107 Stat. 285) and the Clinger-Cohen Act of 1996 (division D of Public Law 104-106; 110 Stat. 642).

(c) ADDITIONAL INFORMATION TO BE INCLUDED FOR CERTAIN SYSTEMS.—(1) For each information technology and national security system of the Department of Defense that has a cost for the fiscal year in excess of \$2,000,000,

the Secretary shall identify that system by name, function, and total funds requested for the system.

(2) For each information technology and national security system of the Department of Defense that has a cost for the fiscal year in excess of \$10,000,000, the Secretary shall identify that system by name, function, and total funds requested (by appropriation account) for that fiscal year, the funds appropriated for the preceding fiscal year, and the funds estimated to be requested for the next fiscal year.

(d) DEFINITIONS.—In this section:

(1) The term “information technology” has the meaning given that term in section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401(3)).

(2) The term “capital asset” has the meaning given that term in Office of Management and Budget Circular A-11.

(3) The term “national security system” has the meaning given that term in section 5142 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1452).

##### SEC. 353. IMPLEMENTATION OF POLICY REGARDING CERTAIN COMMERCIAL OFF-THE-SHELF INFORMATION TECHNOLOGY PRODUCTS.

The Secretary of Defense shall ensure that—

(1) the Department of Defense implements the policy established by the Committee on National Security Systems (formerly the National Security Telecommunications and Information Systems Security Committee) that limits the acquisition by the Federal Government of all commercial off-the-shelf information assurance and information assurance-enabled information technology products to those products that have been evaluated and validated in accordance with appropriate criteria, schemes, or programs; and

(2) implementation of such policy includes uniform enforcement procedures.

##### SEC. 354. INSTALLATION AND CONNECTION POLICY AND PROCEDURES REGARDING DEFENSE SWITCH NETWORK.

(a) ESTABLISHMENT OF POLICY AND PROCEDURES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish clear and uniform policy and procedures, applicable to the military departments and Defense Agencies, regarding the installation and connection of telecom switches to the Defense Switch Network.

(b) ELEMENTS OF POLICY AND PROCEDURES.—The policy and procedures shall address at a minimum the following:

(1) Clear interoperability and compatibility requirements for certifying, installing, and connecting telecom switches to the Defense Switch Network.

(2) Current, complete, and enforceable testing, validation, and certification procedures needed to ensure the interoperability and compatibility requirements are satisfied.

(c) EXCEPTIONS.—(1) The Secretary of Defense may specify certain circumstances in which—

(A) the requirements for testing, validation, and certification of telecom switches may be waived; or

(B) interim authority for the installation and connection of telecom switches to the Defense Switch Network may be granted.

(2) Only the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence, after consultation with the Chairman of the Joint Chiefs of Staff, may approve a waiver or grant of interim authority under paragraph (1).

(d) INVENTORY OF DEFENSE SWITCH NETWORK.—The Secretary of Defense shall prepare and maintain an inventory of all telecom switches that, as of the date on which the Secretary issues the policy and procedures—

(1) are installed or connected to the Defense Switch Network; but

(2) have not been tested, validated, and certified by the Defense Information Systems Agency (Joint Interoperability Test Center).

(e) TELECOM SWITCH DEFINED.—In this section, the term “telecom switch” means hardware or software designed to send and receive voice, data, and video signals across a network.

#### Subtitle G—Other Matters

##### SEC. 361. DISTRIBUTION OF MONTHLY REPORTS ON ALLOCATION OF FUNDS WITHIN OPERATION AND MAINTENANCE BUDGET SUBACTIVITIES.

(a) DESIGNATION OF RECIPIENTS.—Subsection (a) of section 228 of title 10, United States Code, is amended by striking “to Congress” and inserting “to the congressional defense committees”.

(b) CONGRESSIONAL DEFENSE COMMITTEES DEFINED.—Subsection (e) of such section is amended—

(1) by striking “(e) O&M BUDGET ACTIVITY DEFINED.—For purposes of this section, the” and inserting the following:

“(e) DEFINITIONS.—In this section:

“(1) The”; and

(2) by adding at the end the following:

“(2) The term ‘congressional defense committees’ means the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.”

##### SEC. 362. MINIMUM DEDUCTION FROM PAY OF CERTAIN MEMBERS OF THE ARMED FORCES TO SUPPORT ARMED FORCES RETIREMENT HOME.

Section 1007(i) of title 37, United States Code, is amended—

(1) in paragraph (1), by striking “an amount (determined under paragraph (3)) not to exceed \$1.00.” and inserting “an amount equal to \$1.00 and such additional amount as may be determined under paragraph (3).”; and

(2) in paragraph (3)—

(A) by striking “the amount” in the first sentence and inserting “the additional amount”; and

(B) by striking “The amount” in the second sentence and inserting “The additional amount”.

##### SEC. 363. CONDITION ON CONVERSION OF DEFENSE SECURITY SERVICE TO A WORKING CAPITAL FUNDED ENTITY.

The Secretary of Defense may not convert the Defense Security Service to a working capital funded entity of the Department of Defense unless the Secretary submits, in advance, to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a certification that the Defense Security Service has the financial systems in place to fully support operation of the Defense Security Service as a working capital funded entity under section 2208 of title 10, United States Code.

##### SEC. 364. CONTINUATION OF ARSENAL SUPPORT PROGRAM INITIATIVE.

(a) EXTENSION THROUGH FISCAL YEAR 2004.—Subsection (a) of section 343 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-65) is amended by striking “and 2002” and inserting “through 2004”.

(b) REPORTING REQUIREMENTS.—Subsection (g) of such section is amended—

(1) in paragraph (1), by striking “2002” and inserting “2004”; and

(2) in paragraph (2), by striking the first sentence and inserting the following new sentence: “Not later than July 1, 2003, the Secretary of the Army shall submit to the congressional defense committees a report on the results of the demonstration program since its implementation, including the Secretary’s views regarding the benefits of the program for Army manufacturing arsenals and the Department of the Army and the success of the program in achieving the purposes specified in subsection (b).”

**SEC. 365. TRAINING RANGE SUSTAINMENT PLAN, GLOBAL STATUS OF RESOURCES AND TRAINING SYSTEM, AND TRAINING RANGE INVENTORY.**

(a) **PLAN REQUIRED.**—(1) The Secretary of Defense shall develop a comprehensive plan for using existing authorities available to the Secretary of Defense and the Secretaries of the military departments to address problems created by limitations on the use of military lands, marine areas, and airspace reserved, withdrawn, or designated for training and testing activities by, for, or on behalf of the Armed Forces.

(2) The plan shall include the following:

(A) Goals and milestones for tracking planned actions and measuring progress.

(B) Projected funding requirements for implementing planned actions.

(C) Designation of an office in the Office of the Secretary of Defense and each of the military departments that will have lead responsibility for overseeing implementation of the plan.

(3) The Secretary of Defense shall submit the plan to Congress at the same time as the President submits the budget for fiscal year 2004 and shall submit an annual report to Congress describing the progress made in implementing the plan and any additional encroachment problems.

(b) **READINESS REPORTING IMPROVEMENT.**—Not later than June 30, 2003, the Secretary of Defense, using existing measures within the authority of the Secretary, shall submit to Congress a report on the plans of the Department of Defense to improve the Global Status of Resources and Training System—

(1) to better reflect the increasing challenges units of the Armed Forces must overcome to achieve training requirements; and

(2) to quantify the extent to which encroachment and other individual factors are making military lands, marine areas, and airspace less available to support unit accomplishment of training plans and readiness goals.

(c) **TRAINING RANGE INVENTORY.**—The Secretary of Defense shall develop and maintain a training range data bank for each of the Armed Forces—

(1) to identify all available operational training ranges;

(2) to identify all training capacities and capabilities available at each training range;

(3) to identify all current encroachment threats or other potential limitations on training that are, or are likely to, adversely affect training and readiness; and

(4) to provide a point of contact for each training range.

(d) **GAO EVALUATION.**—(1) With respect to each report submitted under this section, the Comptroller General shall submit to Congress, within 60 days after receiving the report, an evaluation of the report.

(e) **ARMED FORCES DEFINED.**—In this section, the term “Armed Forces” means the Army, Navy, Air Force, and Marine Corps.

**SEC. 366. AMENDMENTS TO CERTAIN EDUCATION AND NUTRITION LAWS RELATING TO ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.**

(a) **ELIGIBILITY FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES AFFECTED BY PRIVATIZATION OF MILITARY HOUSING.**—Section 8003(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)) is amended by adding at the end the following:

“(H) **ELIGIBILITY FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES AFFECTED BY PRIVATIZATION OF MILITARY HOUSING.**—

“(i) **ELIGIBILITY.**—For any fiscal year beginning with fiscal year 2003, a heavily impacted local educational agency that received a basic support payment under subparagraph (A) for the prior fiscal year, but is ineligible for such payment for the current fiscal year under subparagraph (B) or (C), as the case may be, by reason of the conversion of military housing units to private housing described in clause (iii),

shall be deemed to meet the eligibility requirements under subparagraph (B) or (C), as the case may be, for the period during which the housing units are undergoing such conversion.

“(ii) **AMOUNT OF PAYMENT.**—The amount of a payment to a heavily impacted local educational agency for a fiscal year by reason of the application of clause (i), and calculated in accordance with subparagraph (D) or (E) (as the case may be), shall be based on the number of children in average daily attendance in the schools of such agency for the fiscal year.

“(iii) **CONVERSION OF MILITARY HOUSING UNITS TO PRIVATE HOUSING DESCRIBED.**—For purposes of clause (i), ‘conversion of military housing units to private housing’ means the conversion of military housing units to private housing units pursuant to subchapter IV of chapter 169 of title 10, United States Code, or pursuant to any other related provision of law.”

(b) **EXCLUSION OF CERTAIN MILITARY BASIC ALLOWANCES FOR HOUSING FOR DETERMINATION OF ELIGIBILITY FOR FREE AND REDUCED PRICE MEALS.**—Section 9(b)(3) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(3)) is amended by adding at the end the following: “For the one-year period beginning on the date of the enactment of this sentence, the amount of a basic allowance provided under section 403 of title 37, United States Code, on behalf of an individual who is a member of the uniformed services for housing that is acquired or constructed under the authority of subchapter IV of chapter 169 of title 10, United States Code, or any other related provision of law, shall not be considered to be income for purposes of determining the eligibility of a child of the individual for free or reduced price lunches under this Act.”

**TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS**

**Subtitle A—Active Forces**

**SEC. 401. END STRENGTHS FOR ACTIVE FORCES.**

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2003, as follows:

- (1) The Army, 484,800.
- (2) The Navy, 379,457.
- (3) The Marine Corps, 175,000.
- (4) The Air Force, 360,795.

**SEC. 402. REVISION IN PERMANENT END STRENGTH MINIMUM LEVELS.**

(a) **REVISED END STRENGTH FLOORS.**—Section 691(b) of title 10, United States Code, is amended—

- (1) in paragraph (1), by striking “480,000” and inserting “484,800”;
- (2) in paragraph (2), by striking “376,000” and inserting “379,457”;
- (3) in paragraph (3), by striking “172,600” and inserting “175,000”;
- (4) in paragraph (4), by striking “358,800” and inserting “360,795”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on October 1, 2002, or the date of the enactment of this Act, whichever is later.

**SEC. 403. AUTHORITY FOR MILITARY DEPARTMENT SECRETARIES TO INCREASE ACTIVE-DUTY END STRENGTHS BY UP TO 1 PERCENT.**

(a) **SERVICE SECRETARY AUTHORITY.**—Section 115 of title 10, United States Code, is amended by inserting after subsection (e) the following new subsection:

“(f) Upon determination by the Secretary of a military department that such action would enhance manning and readiness in essential units or in critical specialties or ratings, the Secretary may increase the end strength authorized pursuant to subsection (a)(1)(A) for a fiscal year for the armed force under the jurisdiction of that Secretary or, in the case of the Secretary of the Navy, for any of the armed forces under the jurisdiction of that Secretary. Any such increase for a fiscal year—

“(1) shall be by a number equal to not more than 1 percent of such authorized end strength; and

“(2) shall be counted as part of the increase for that armed force for that fiscal year authorized under subsection (c)(1).”

(b) **EFFECTIVE DATE.**—Subsection (f) of section 115 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 2002, or the date of the enactment of this Act, whichever is later.

**SEC. 404. GENERAL AND FLAG OFFICER MANAGEMENT.**

(a) **EXCLUSION OF SENIOR MILITARY ASSISTANT TO THE SECRETARY OF DEFENSE FROM LIMITATION ON ACTIVE DUTY OFFICERS IN GRADES ABOVE MAJOR GENERAL AND REAR ADMIRAL.**—Effective on the date specified in subsection (e), section 525(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(8) An officer while serving in a position designated by the Secretary of Defense as Senior Military Assistant to the Secretary of Defense, if serving in the grade of lieutenant general or vice admiral, is in addition to the number that otherwise would be permitted for that officer’s armed force for that grade under paragraph (1) or (2). Only one officer may be designated as Senior Military Assistant to the Secretary of Defense for purposes of this paragraph.”

(b) **INCREASE IN NUMBER OF LIEUTENANT GENERALS AUTHORIZED FOR THE MARINE CORPS.**—Effective on the date specified in subsection (e), paragraph (2)(B) of such section is amended by striking “16.2 percent” and inserting “17.5 percent”.

(c) **GRADE OF CHIEF OF VETERINARY CORPS OF THE ARMY.**—(1) Effective on the date specified in subsection (e), chapter 307 of such title is amended by adding at the end the following new section:

**“§3084. Chief of Veterinary Corps: grade**

“The Chief of the Veterinary Corps of the Army serves in the grade of brigadier general. An officer appointed to that position who holds a lower grade shall be appointed in the grade of brigadier general.”

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

“3084. Chief of Veterinary Corps: grade.”

(d) **REVIEW OF ACTIVE DUTY AND RESERVE GENERAL AND FLAG OFFICER AUTHORIZATIONS.**—(1) The Secretary of Defense shall submit to Congress a report containing any recommendations of the Secretary (together with the rationale of the Secretary for the recommendations) concerning the following:

(A) Revision of the limitations on general and flag officer grade authorizations and distribution in grade prescribed by sections 525, 526, and 12004 of title 10, United States Code.

(B) Statutory designation of the positions and grades of any additional general and flag officers in the commands specified in chapter 1006 of title 10, United States Code, and the reserve component offices specified in sections 3038, 5143, 5144, and 8038 of such title.

(2) The provisions of subsection (b) through (e) of section 1213 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2694) shall apply to the report under paragraph (1) in the same manner as they applied to the report required by subsection (a) of that section.

(e) **EFFECTIVE DATE.**—The amendments made by subsections (a), (b), and (c) shall take effect on the date of the receipt by Congress of the report required by subsection (d).

**SEC. 405. EXTENSION OF CERTAIN AUTHORITIES RELATING TO MANAGEMENT OF NUMBERS OF GENERAL AND FLAG OFFICERS IN CERTAIN GRADES.**

(a) **SENIOR JOINT OFFICER POSITIONS.**—Section 604(c) of title 10, United States Code, is amended by striking “September 30, 2003” and inserting “December 31, 2004”.

(b) **DISTRIBUTION OF OFFICERS ON ACTIVE DUTY IN GENERAL AND FLAG OFFICER GRADES.**—

Section 525(b)(5)(C) of such title is amended by striking "September 30, 2003" and inserting "December 31, 2004".

(c) **AUTHORIZED STRENGTH FOR GENERAL AND FLAG OFFICERS ON ACTIVE DUTY.**—Section 526(b)(3) of such title is amended by striking "October 1, 2002" and inserting "December 31, 2004".

#### Subtitle B—Reserve Forces

##### SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) **IN GENERAL.**—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2003, as follows:

- (1) The Army National Guard of the United States, 350,000.
- (2) The Army Reserve, 205,000.
- (3) The Naval Reserve, 87,800.
- (4) The Marine Corps Reserve, 39,558.
- (5) The Air National Guard of the United States, 105,600.
- (6) The Air Force Reserve, 75,600.
- (7) The Coast Guard Reserve, 9,000.

(b) **ADJUSTMENTS.**—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strengths of such units and by the total number of such individual members.

##### SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2003, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

- (1) The Army National Guard of the United States, 24,562.
- (2) The Army Reserve, 14,070.
- (3) The Naval Reserve, 14,572.
- (4) The Marine Corps Reserve, 2,261.
- (5) The Air National Guard of the United States, 11,697.
- (6) The Air Force Reserve, 1,498.

##### SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

The minimum number of military technicians (dual status) as of the last day of fiscal year 2003 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

- (1) For the Army National Guard of the United States, 24,102.
- (2) For the Army Reserve, 6,599.
- (3) For the Air National Guard of the United States, 22,495.
- (4) For the Air Force Reserve, 9,911.

##### SEC. 414. FISCAL YEAR 2003 LIMITATION ON NON-DUAL STATUS TECHNICIANS.

(a) **ARMY.**—The number of non-dual status technicians employed by the reserve components of the Army as of September 30, 2003, may not exceed the following:

- (1) For the Army Reserve, 995.

(2) For the Army National Guard of the United States, 1,600, to be counted within the limitation specified in section 10217(c)(2) of title 10, United States Code.

(b) **AIR FORCE.**—The number of non-dual status technicians employed by the reserve components of the Army and the Air Force as of September 30, 2003, may not exceed the following:

- (1) For the Air Force Reserve, 90.
- (2) For the Air National Guard of the United States, 350, to be counted within the limitation specified in section 10217(c)(2) of title 10, United States Code.

(c) **NON-DUAL STATUS TECHNICIANS DEFINED.**—In this section, the term "non-dual status technician" has the meaning given that term in section 10217(a) of title 10, United States Code.

(d) **TECHNICAL AMENDMENTS.**—Effective October 1, 2002, section 10217(c)(2) of title 10, United States Code, is amended—

- (1) in the first sentence, by striking "Effective October 1, 2002, the" and inserting "The"; and
- (2) in the second sentence, by striking "after the preceding sentence takes effect".

#### Subtitle C—Authorization of Appropriations

##### SEC. 421. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2003 a total of \$93,725,028,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2003.

#### TITLE V—MILITARY PERSONNEL POLICY

##### SEC. 501. INCREASE IN NUMBER OF DEPUTY COMMANDANTS OF THE MARINE CORPS.

Section 5045 of title 10, United States Code, is amended by striking "five" and inserting "six".

##### SEC. 502. EXTENSION OF GOOD-OF-THE-SERVICE WAIVER AUTHORITY FOR OFFICERS APPOINTED TO A RESERVE CHIEF OR GUARD DIRECTOR POSITION.

(a) **WAIVER OF REQUIREMENT FOR SIGNIFICANT JOINT DUTY EXPERIENCE.**—Sections 3038(b)(4), 5143(b)(4), 5144(b)(4), 8038(b)(4), and 10506(a)(3)(D) of title 10, United States Code, are each amended by striking "October 1, 2003" and inserting "December 31, 2004".

(b) **REPORT ON FUTURE IMPLEMENTATION OF REQUIREMENT.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report setting forth the steps being taken (and proposed to be taken) by the Secretary, the Secretaries of the military departments, and the Chairman of the Joint Chiefs of Staff to ensure that no further extension of the waiver authority under the sections amended by subsection (a) is required and that after December 31, 2004, appointment of officers to serve in the positions covered by those sections shall be made from officers with the requisite joint duty experience.

#### Subtitle B—Reserve Component Management

##### SEC. 511. REVIEWS OF NATIONAL GUARD STRENGTH ACCOUNTING AND MANAGEMENT AND OTHER ISSUES.

(a) **COMPTROLLER GENERAL ASSESSMENTS.**—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on management of the National Guard. The report shall include the following:

- (1) The Comptroller General's assessment of the effectiveness of the implementation of Department of Defense plans for improving management and accounting for personnel strengths in the National Guard, including an assessment of the process that the Department of Defense, the National Guard Bureau, the Army National Guard and State-level National Guard leadership, and leadership in the other reserve compo-

nents have for identifying and addressing in a timely manner specific units in which non-participation rates are significantly in excess of the established norms.

(2) The Comptroller General's assessment of the effectiveness of the process for Federal recognition of senior National Guard officers and recommendations for improvement to that process.

(3) The Comptroller General's assessment of the process for, and the nature and extent of, the administrative or judicial corrective action taken by the Secretary of Defense, the Secretary of the Army, and the Secretary of the Air Force as a result of Inspector General investigations or other investigations in which allegations against senior National Guard officers are substantiated in whole or in part.

(4) The Comptroller General's determination of the effectiveness of the Federal protections provided for members or employees of the National Guard who report allegations of waste, fraud, abuse, or mismanagement and the nature and extent to which corrective action is taken against those in the National Guard who retaliate against such members or employees.

(b) **SECRETARY OF DEFENSE REPORT ON DIFFERENT ARMY AND AIR FORCE PROCEDURES.**—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the differing Army and Air Force policies for taking adverse administrative actions against National Guard officers in a State status. The report shall include the Secretary's determination as to whether changes should be made in those policies, especially through requiring the Air Force to adopt the same policy as the Army for such administrative actions.

##### SEC. 512. COURTS-MARTIAL FOR THE NATIONAL GUARD WHEN NOT IN FEDERAL SERVICE.

(a) **MANNER OF PRESCRIBING PUNISHMENTS.**—Section 326 of title 32, United States Code, is amended by adding at the end the following new sentence: "Punishments shall be as provided by the laws of the respective States and Territories, Puerto Rico, and the District of Columbia."

(b) **CONVENING AUTHORITY.**—Section 327 of such title is amended to read as follows:

##### "§327. Courts-martial of National Guard not in Federal service: convening authority

"(a) In the National Guard not in Federal service, general, special, and summary courts-martial may be convened as provided by the laws of the States and Territories, Puerto Rico, and the District of Columbia.

"(b) In addition to convening authorities as provided under subsection (a), in the National Guard not in Federal service—

"(1) general courts-martial may be convened by the President;

"(2) special courts-martial may be convened—

"(A) by the commanding officer of a garrison, fort, post, camp, air base, auxiliary air base, or other place where troops are on duty; or

"(B) by the commanding officer of a division, brigade, regiment, wing, group, detached battalion, separate squadron, or other detached command; and

"(3) summary courts-martial may be convened—

"(A) by the commanding officer of a garrison, fort, post, camp, air base, auxiliary air base, or other place where troops are on duty; or

"(B) by the commanding officer of a division, brigade, regiment, wing, group, detached battalion, detached squadron, detached company, or other detachment."

(2) The item relating to such section in the table of sections at the beginning of chapter 3 of such title is amended to read as follows:

"327. Courts-martial of National Guard not in Federal service: convening authority."

(c) **REPEAL OF SUPERSEDED AND OBSOLETE PROVISIONS.**—

(1) Sections 328, 329, 330, 331, 332, and 333 of title 32, United States Code, are repealed.

(2) The table of sections at the beginning of chapter 3 of such title is amended by striking the items relating to sections 328, 329, 330, 331, 332, and 333.

(d) PREPARATION OF MODEL STATE CODE OF MILITARY JUSTICE AND MODEL STATE MANUAL FOR COURTS-MARTIAL.—(1) The Secretary of Defense shall prepare, for consideration for enactment by the States, a model State code of military justice and a model State manual of courts-martial for use with respect to the National Guard not in Federal service. Both such models shall be consistent with the recommendations contained in the report, issued in 1998, by the panel known as the Department of Defense Panel to Study Military Justice in the National Guard not in Federal Service.

(2) The Secretary shall ensure that adequate support for the preparation of such model State code and model State manual (including the detailing of attorneys and other staff) is provided by the General Counsel of the Department of Defense, the Secretary of the Army, the Secretary of the Air Force, and the Chief of the National Guard Bureau.

(3) If the amounts available to the Chief of the National Guard Bureau are not adequate for the costs required to provide support under paragraph (2) (including costs for increased pay when members of the National Guard are ordered to active duty, cost of detailed attorneys and other staff, allowances, and travel expenses), the Secretary shall, upon request of the Chief of the Bureau, provide such additional amounts as are necessary.

(4) Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the implementation of this subsection. The report shall include proposals in final form of both the model State code and the model State manual required by paragraph (1) and shall set forth the efforts being made to present those proposals to the States for their consideration for enactment.

(5) In this subsection, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

**SEC. 513. MATCHING FUNDS REQUIREMENTS UNDER NATIONAL GUARD YOUTH CHALLENGE PROGRAM.**

Effective October 1, 2002, subsection (d) of section 509 of title 32, United States Code, is amended to read as follows:

"(d) MATCHING FUNDS REQUIRED.—The amount of assistance provided under this section to a State program of the National Guard Challenge Program for a fiscal year may not exceed 75 percent of the costs of operating the State program during that fiscal year."

**Subtitle C—Reserve Component Officer Personnel Policy**

**SEC. 521. EXEMPTION FROM ACTIVE STATUS STRENGTH LIMITATION FOR RESERVE COMPONENT GENERAL AND FLAG OFFICERS SERVING ON ACTIVE DUTY IN CERTAIN JOINT DUTY ASSIGNMENTS DESIGNATED BY THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF.**

Section 12004 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(f)(1) A general or flag officer who is on active duty but who is not counted under section 526(a) of this title by reason of section 526(b)(2)(B) of this title shall also be excluded from being counted under subsection (a).

"(2) This subsection shall cease to be effective on the date specified in section 526(b)(3) of this title."

**SEC. 522. ELIGIBILITY FOR CONSIDERATION FOR PROMOTION TO GRADE OF MAJOR GENERAL FOR CERTAIN RESERVE COMPONENT BRIGADIER GENERALS WHO DO NOT OTHERWISE QUALIFY FOR CONSIDERATION FOR PROMOTION UNDER THE ONE-YEAR RULE.**

Section 14301(g) of title 10, United States Code, is amended to read as follows:

"(g) BRIGADIER GENERALS.—(1) An officer who is a reserve component brigadier general of the Army or the Air Force who is not eligible for consideration for promotion under subsection (a) because the officer is not on the reserve active status list (as required by paragraph (1) of that subsection for such eligibility) is nevertheless eligible for consideration for promotion to the grade of major general by a promotion board convened under section 14101(a) of this title if—

"(A) as of the date of the convening of the promotion board, the officer has been in an inactive status for less than one year; and

"(B) immediately before the date of the officer's most recent transfer to an inactive status, the officer had continuously served on the reserve active status list or the active-duty list (or a combination of the reserve active status list and the active-duty list) for at least one year.

"(2) An officer who is a reserve component brigadier general of the Army or the Air Force who is on the reserve active status list but who is not eligible for consideration for promotion under subsection (a) because the officer's service does not meet the one-year-of-continuous-service requirement under paragraph (2) of that subsection is nevertheless eligible for consideration for promotion to the grade of major general by a promotion board convened under section 14101(a) of this title if—

"(A) the officer was transferred from an inactive status to the reserve active status list during the one-year period preceding the date of the convening of the promotion board;

"(B) immediately before the date of the officer's most recent transfer to an active status, the officer had been in an inactive status for less than one year; and

"(C) immediately before the date of the officer's most recent transfer to an inactive status, the officer had continuously served for at least one year on the reserve active status list or the active-duty list (or a combination of the reserve active status list and the active-duty list)."

**SEC. 523. RETENTION OF PROMOTION ELIGIBILITY FOR RESERVE COMPONENT GENERAL AND FLAG OFFICERS TRANSFERRED TO AN INACTIVE STATUS.**

Section 14317 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(f) EFFECT OF TRANSFER OF OFFICERS IN PAY GRADE O-7 TO INACTIVE STATUS.—Notwithstanding subsection (a), if a reserve officer on the active-status list in the grade of brigadier general or rear admiral (lower half) is transferred to an inactive status after having been recommended for promotion to the grade of major general or rear admiral under this chapter, or after having been found qualified for Federal recognition in the grade of major general under title 32, but before being promoted, the officer shall retain promotion eligibility and, if otherwise qualified, may be promoted to the higher grade after returning to an active status."

**SEC. 524. AUTHORITY FOR LIMITED EXTENSION OF MEDICAL DEFERMENT OF MANDATORY RETIREMENT OR SEPARATION FOR RESERVE OFFICERS.**

(a) DEFERMENT OF RETIREMENT OR SEPARATION FOR MEDICAL REASONS.—Chapter 1407 of title 10, United States Code, is amended by adding at the end the following new section:

**"§ 14519. Deferment of retirement or separation for medical reasons**

"(a) If the Secretary of the military department concerned determines that the evaluation

of the physical condition of a Reserve officer and determination of the officer's entitlement to retirement or separation for physical disability require hospitalization or medical observation and that such hospitalization or medical observation cannot be completed with confidence in a manner consistent with the officer's well-being before the date on which the officer would otherwise be required to be separated, retired, or transferred to the Retired Reserve under this title, the Secretary may defer the separation, retirement, or transfer of the officer under this title.

"(b) A deferral under subsection (a) of separation, retirement, or transfer to the Retired Reserve may not extend for more than 30 days after completion of the evaluation requiring hospitalization or medical observation."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item: "14519. Deferment of retirement or separation for medical reasons."

**Subtitle D—Education and Training**

**SEC. 531. AUTHORITY FOR PHASED INCREASE TO 4,400 IN AUTHORIZED STRENGTHS FOR THE SERVICE ACADEMIES.**

(a) MILITARY ACADEMY.—Section 4342 of title 10, United States Code, is amended—

(1) in subsection (a), by inserting before the period at the end of the first sentence the following: "or such higher number as may be prescribed by the Secretary of the Army under subsection (j)"; and

(2) by adding at the end the following new subsection:

"(j)(1) Beginning with the 2003–2004 academic year, the Secretary of the Army may prescribe annual increases in the cadet strength limit in effect under subsection (a). For any academic year, any such increase shall be by no more than 100 cadets or such lesser number as applies under paragraph (3) for that year. Such annual increases may be prescribed until the cadet strength limit is 4,400. However, no increase may be prescribed for any academic year after the 2007–2008 academic year.

"(2) Any increase in the cadet strength limit under paragraph (1) with respect to an academic year shall be prescribed not later than the date on which the budget of the President is submitted to Congress under section 1105 of title 31 for the fiscal year beginning in the same year as the year in which that academic year begins. Whenever the Secretary prescribes such an increase, the Secretary shall submit to Congress a notice in writing of the increase. The notice shall state the amount of the increase in the cadet strength limit and the new cadet strength limit, as so increased, and the amount of the increase in Senior Army Reserve Officers' Training Corps enrollment under each of sections 2104 and 2107 of this title.

"(3) The amount of an increase under paragraph (1) in the cadet strength limit for an academic year may not exceed the increase (if any) for the preceding academic year in the total number of cadets enrolled in the Army Senior Reserve Officers' Training Corps program under chapter 103 of this title who have entered into an agreement under section 2104 or 2107 of this title.

"(4) In this subsection, the term 'cadet strength limit' means the authorized maximum strength of the Corps of Cadets of the Academy."

(b) NAVAL ACADEMY.—Section 6954 of title 10, United States Code, is amended—

(1) in subsection (a), by inserting before the period at the end of the first sentence the following: "or such higher number as may be prescribed by the Secretary of the Navy under subsection (h)"; and

(2) by adding at the end the following new subsection:

"(h)(1) Beginning with the 2003–2004 academic year, the Secretary of the Navy may prescribe

annual increases in the midshipmen strength limit in effect under subsection (a). For any academic year, any such increase shall be by no more than 100 midshipmen or such lesser number as applies under paragraph (3) for that year. Such annual increases may be prescribed until the midshipmen strength limit is 4,400. However, no increase may be prescribed for any academic year after the 2007–2008 academic year.

“(2) Any increase in the midshipmen strength limit under paragraph (1) with respect to an academic year shall be prescribed not later than the date on which the budget of the President is submitted to Congress under section 1105 of title 31 for the fiscal year beginning in the same year as the year in which that academic year begins. Whenever the Secretary prescribes such an increase, the Secretary shall submit to Congress a notice in writing of the increase. The notice shall state the amount of the increase in the midshipmen strength limit and the new midshipmen strength limit, as so increased, and the amount of the increase in Senior Navy Reserve Officers’ Training Corps enrollment under each of sections 2104 and 2107 of this title.

“(3) The amount of an increase under paragraph (1) in the midshipmen strength limit for an academic year may not exceed the increase (if any) for the preceding academic year in the total number of midshipmen enrolled in the Navy Senior Reserve Officers’ Training Corps program under chapter 103 of this title who have entered into an agreement under section 2104 or 2107 of this title.

“(4) In this subsection, the term ‘midshipmen strength limit’ means the authorized maximum strength of the Brigade of Midshipmen.”

(c) AIR FORCE ACADEMY.—Section 9342 of title 10, United States Code, is amended—

(1) in subsection (a), by inserting before the period at the end of the first sentence the following: “or such higher number as may be prescribed by the Secretary of the Air Force under subsection (j)”; and

(2) by adding at the end the following new subsection:

“(j)(1) Beginning with the 2003–2004 academic year, the Secretary of the Air Force may prescribe annual increases in the cadet strength limit in effect under subsection (a). For any academic year, any such increase shall be by no more than 100 cadets or such lesser number as applies under paragraph (3) for that year. Such annual increases may be prescribed until the cadet strength limit is 4,400. However, no increase may be prescribed for any academic year after the 2007–2008 academic year.

“(2) Any increase in the cadet strength limit under paragraph (1) with respect to an academic year shall be prescribed not later than the date on which the budget of the President is submitted to Congress under sections 1105 of title 31 for the fiscal year beginning in the same year as the year in which that academic year begins. Whenever the Secretary prescribes such an increase, the Secretary shall submit to Congress a notice in writing of the increase. The notice shall state the amount of the increase in the cadet strength limit and the new cadet strength limit, as so increased, and the amount of the increase in Senior Air Force Reserve Officers’ Training Corps enrollment under each of sections 2104 and 2107 of this title.

“(3) The amount of an increase under paragraph (1) in the cadet strength limit for an academic year may not exceed the increase (if any) for the preceding academic year in the total number of cadets enrolled in the Air Force Senior Reserve Officers’ Training Corps program under chapter 103 of this title who have entered into an agreement under section 2104 or 2107 of this title.

“(4) In this subsection, the term ‘cadet strength limit’ means the authorized maximum strength of Air Force Cadets of the Academy.”

(d) TARGET FOR INCREASES IN NUMBER OF ROTC SCHOLARSHIP PARTICIPANTS.—Section 2107 of such title is amended by adding at the end the following new subsection:

“(i) The Secretary of each military department shall seek to achieve an increase in the number of agreements entered into under this section so as to achieve an increase, by the 2006–2007 academic year, of not less than 400 in the number of cadets or midshipmen, as the case may be, enrolled under this section, compared to such number enrolled for the 2002–2003 academic year. In the case of the Secretary of the Navy, the Secretary shall seek to ensure that not less than one-third of such increase in agreements under this section are with students enrolled (or seeking to enroll) in programs of study leading to a baccalaureate degree in nuclear engineering or another appropriate technical, scientific, or engineering field of study.”

(e) REPEAL OF LIMIT ON NUMBER OF ROTC SCHOLARSHIPS.—Section 2107 of such title is further amended by striking the first sentence of subsection (h)(1).

(f) REPEAL OF OBSOLETE LANGUAGE.—Section 4342(i) of such title is amended by striking “(beginning with the 2001–2002 academic year)”.

**SEC. 532. ENHANCEMENT OF RESERVE COMPONENT DELAYED TRAINING PROGRAM.**

(a) INCREASE IN TIME FOLLOWING ENLISTMENT FOR COMMENCEMENT OF INITIAL PERIOD OF ACTIVE DUTY FOR TRAINING.—Section 12103(d) of title 10, United States Code, is amended by striking “270 days” in the last sentence and inserting “one year”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to enlistments under section 12103(d) of title 10, United States Code, after the end of the 90-day period beginning on the date of the enactment of this Act.

(c) TRANSITION.—In the case of a person who enlisted under section 12103(d) of title 10, United States Code, before the date of the enactment of this Act and who as of such date has not commenced the required initial period of active duty for training under that section, the amendment made by subsection (a) may be applied to that person, but only with the agreement of that person and the Secretary concerned.

**Subtitle E—Decorations and Awards**

**SEC. 541. WAIVER OF TIME LIMITATIONS FOR AWARD OF CERTAIN DECORATIONS TO CERTAIN PERSONS.**

(a) WAIVER.—Any limitation established by law or policy for the time within which a recommendation for the award of a military decoration or award must be submitted shall not apply to awards of decorations described in this section, the award of each such decoration having been determined by the Secretary concerned to be warranted in accordance with section 1130 of title 10, United States Code.

(b) DISTINGUISHED FLYING CROSS.—Subsection (a) applies to the award of the Distinguished Flying Cross (including multiple awards to the same individual) in the case of each individual concerning whom the Secretary of the military department concerned (or a designated official acting on behalf of the Secretary of the military department concerned) submitted to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate, during the period beginning on December 28, 2001, and ending on the day before the date of the enactment of this Act, a notice as provided in section 1130(b) of title 10, United States Code, that the award of the Distinguished Flying Cross to that individual is warranted and that a waiver of time restrictions prescribed by law for recommendation for such award is recommended.

**SEC. 542. OPTION TO CONVERT AWARD OF ARMED FORCES EXPEDITIONARY MEDAL AWARDED FOR OPERATION FREQUENT WIND TO VIETNAM SERVICE MEDAL.**

(a) IN GENERAL.—The Secretary of the military department concerned shall, upon the application of an individual who is an eligible Vietnam evacuation veteran, award that indi-

vidual the Vietnam Service Medal, notwithstanding any otherwise applicable requirements for the award of that medal. Any such award shall be made in lieu of the Armed Forces Expeditionary Medal awarded the individual for participation in Operation Frequent Wind.

(b) ELIGIBLE VIETNAM EVACUATION VETERAN.—For purposes of this section, the term “eligible Vietnam evacuation veteran” means a member or former member of the Armed Forces who was awarded the Armed Forces Expeditionary Medal for participation in military operations designated as Operation Frequent Wind arising from the evacuation of Vietnam on April 29 and 30, 1975.

**Subtitle F—Administrative Matters**

**SEC. 551. STAFFING AND FUNDING FOR DEFENSE PRISONER OF WAR/MISSING PERSONNEL OFFICE.**

(a) REQUIREMENT FOR STAFFING AND FUNDING AT LEVELS REQUIRED FOR PERFORMANCE OF FULL RANGE OF MISSIONS.—Subsection (a) of section 1501 of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(5)(A) The Secretary of Defense shall ensure that the office is provided sufficient military and civilian personnel levels, and sufficient funding, to enable the office to fully perform its complete range of missions. The Secretary shall ensure that Department of Defense programming, planning, and budgeting procedures are structured so as to ensure compliance with the preceding sentence for each fiscal year.

“(B) For any fiscal year, the number of military and civilian personnel assigned or detailed to the office may not be less than the number requested in the President’s budget for fiscal year 2003, unless a level below such number is expressly required by law.

“(C) For any fiscal year, the level of funding allocated to the office within the Department of Defense may not be below the level requested for such purposes in the President’s budget for fiscal year 2003, unless such a level of funding is expressly required by law.”

(b) NAME OF OFFICE.—Such subsection is further amended by inserting after the first sentence of paragraph (1) the following new sentence: “Such office shall be known as the Defense Prisoner of War/Missing Personnel Office.”

**SEC. 552. THREE-YEAR FREEZE ON REDUCTIONS OF PERSONNEL OF AGENCIES RESPONSIBLE FOR REVIEW AND CORRECTION OF MILITARY RECORDS.**

(a) IN GENERAL.—Chapter 79 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 1559. Personnel limitation**

“(a) LIMITATION.—During fiscal years 2003, 2004, and 2005, the Secretary of a military department may not carry out any reduction in the number of military and civilian personnel assigned to duty with the service review agency for that military department below the baseline number for that agency until—

“(1) the Secretary submits to Congress a report that—

“(A) describes the reduction proposed to be made;

“(B) provides the Secretary’s rationale for that reduction; and

“(C) specifies the number of such personnel that would be assigned to duty with that agency after the reduction; and

“(2) a period of 90 days has elapsed after the date on which the report is submitted.

“(b) BASELINE NUMBER.—The baseline number for a service review agency under this section is—

“(1) for purposes of the first report with respect to a service review agency under this section, the number of military and civilian personnel assigned to duty with that agency as of January 1, 2002; and

“(2) for purposes of any subsequent report with respect to a service review agency under

this section, the number of such personnel specified in the most recent report with respect to that agency under this section.

“(c) SERVICE REVIEW AGENCY DEFINED.—In this section, the term ‘service review agency’ means—

“(1) with respect to the Department of the Army, the Army Review Boards Agency;

“(2) with respect to the Department of the Navy, the Board for Correction of Naval Records; and

“(3) with respect to the Department of the Air Force, the Air Force Review Boards Agency.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item: “1559. Personnel limitation.”.

**SEC. 553. DEPARTMENT OF DEFENSE SUPPORT FOR PERSONS PARTICIPATING IN MILITARY FUNERAL HONORS DETAILS.**

Section 1491(d) of title 10, United States Code, is amended—

(1) by striking “To provide a” after “SUPPORT.—” and inserting “(1) To support a”;

(2) by redesignating paragraph (1) as subparagraph (A) and amending such subparagraph, as so redesignated, to read as follows:

“(A) For a person who participates in a funeral honors detail (other than a person who is a member of the armed forces not in a retired status or an employee of the United States), either transportation (or reimbursement for transportation) and expenses or the daily stipend prescribed under paragraph (2).”;

(3) by redesignating paragraph (2) as subparagraph (B) and in that subparagraph—

(A) by striking “Materiel, equipment, and training for” and inserting “For”; and

(B) by inserting before the period at the end “and for members of the armed forces in a retired status, materiel, equipment, and training”;

(4) by redesignating paragraph (3) as subparagraph (C) and in that subparagraph—

(A) by striking “Articles of clothing for” and inserting “For”; and

(B) by inserting “, articles of clothing” after “subsection (b)(2).”; and

(5) by adding at the end the following new paragraphs:

“(2) The Secretary of Defense shall prescribe annually a flat rate daily stipend for purposes of paragraph (1)(A). Such stipend shall be set at a rate so as to encompass typical costs for transportation and other miscellaneous expenses for persons participating in funeral honors details who are members of the armed forces in a retired status and other persons are not members of the armed forces or employees of the United States.

“(3) A stipend paid under this subsection to a member of the armed forces in a retired status is in addition to any compensation to which the member is entitled under section 435(a)(2) of title 37 and any other compensation to which the member may be entitled.”.

**SEC. 554. AUTHORITY FOR USE OF VOLUNTEERS AS PROCTORS FOR ADMINISTRATION OF ARMED SERVICES VOCATIONAL APTITUDE BATTERY TEST.**

Section 1588(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(6) Voluntary services as a proctor for administration to secondary school students of the test known as the ‘Armed Services Vocational Aptitude Battery’.”.

**SEC. 555. ANNUAL REPORT ON STATUS OF FEMALE MEMBERS OF THE ARMED FORCES.**

(a) IN GENERAL.—Chapter 23 of title 10, United States Code, is amended by adding at the end the following new section:

“§488. Status of female members of the armed forces: annual report

“(a) ANNUAL REPORT.—The Secretary of Defense shall submit to Congress an annual report on the status of female members of the armed

forces. Information in the report shall be shown for the Department of Defense as a whole and separately for each of the Army, Navy, Air Force, and Marine Corps.

“(b) MATTERS TO BE INCLUDED.—Each report under subsection (a) shall include, at a minimum, the following information with respect to female members:

“(1) Access to health care.

“(2) Positions open.

“(3) Assignment policies.

“(4) Joint spouse assignments.

“(5) Deployment availability rates.

“(6) Promotion and retention rates.

“(7) Assignments in nontraditional fields.

“(8) Assignments to command positions.

“(9) Selection for service schools.

“(10) Sexual harassment.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“488. Status of female members of the armed forces: annual report.”.

**Subtitle G—Benefits**

**SEC. 561. VOLUNTARY LEAVE SHARING PROGRAM FOR MEMBERS OF THE ARMED FORCES.**

(a) IN GENERAL.—(1) Chapter 40 of title 10, United States Code, is amended by adding at the end the following new section:

“§709. Voluntary transfers of leave

“(a) PROGRAM.—The Secretary concerned shall, by regulation, establish a program under which leave accrued by a member of an armed force may be transferred to another member of the same armed force who requires additional leave because of a qualifying emergency. Any such transfer of leave may be made only upon the voluntary written application of the member whose leave is to be transferred.

“(b) APPROVAL OF COMMANDING OFFICER REQUIRED.—Any transfer of leave under a program under this section may only be made with the approval of the commanding officer of the leave donor and the leave recipient.

“(c) QUALIFYING EMERGENCY.—In this section, the term ‘qualifying emergency’, with respect to a member of the armed forces, means a circumstance that—

“(1) is likely to require the prolonged absence of the member from duty; and

“(2) is due to—

“(A) a medical condition of a member of the immediate family of the member; or

“(B) any other hardship that the Secretary concerned determines appropriate for purposes of this section.

“(d) MILITARY DEPARTMENT REGULATIONS.—Regulations prescribed under this section by the Secretaries of the military department shall be as uniform as practicable and shall be subject to approval by the Secretary of Defense.”.

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

“709. Voluntary transfers of leave.”.

(b) DEADLINE FOR IMPLEMENTING REGULATIONS.—Regulations to implement section 709 of title 10, United States Code, as added by subsection (a), shall be prescribed not later than six months after the date of the enactment of this Act.

**SEC. 562. ENHANCED FLEXIBILITY IN MEDICAL LOAN REPAYMENT PROGRAM.**

(a) ELIGIBLE PERSONS.—Subsection (d) of section 2173 of title 10, United States Code, is amended by striking “Participants” and all that follows through “and students” and inserting “Students”.

(b) LOAN REPAYMENT AMOUNTS.—Subsection (e)(2) of such section is amended by striking the last sentence.

**SEC. 563. EXPANSION OF OVERSEAS TOUR EXTENSION BENEFITS.**

Section 705(b)(2) of title 10, United States Code, is amended—

(1) by striking “recuperative” and inserting “recuperation”; and

(2) by inserting before the period at the end the following: “, or to an alternate location at a cost not to exceed the cost of transportation to the nearest port in the 48 contiguous States, and return”.

**SEC. 564. VEHICLE STORAGE IN LIEU OF TRANSPORTATION WHEN MEMBER IS ORDERED TO A NONFOREIGN DUTY STATION OUTSIDE CONTINENTAL UNITED STATES.**

(a) STORAGE COSTS AUTHORIZED.—Subsection (b) of section 2634 of title 10, United States Code, is amended by striking paragraphs (1) and (2) and inserting the following:

“(b)(1) When a member receives a vehicle storage qualifying order, the member may elect to have a motor vehicle described in subsection (a) stored at the expense of the United States at a location approved by the Secretary concerned. In the case of a vehicle storage qualifying order that is to make a change of permanent station, such storage is in lieu of transportation authorized by subsection (a).

“(2) In this subsection, the term ‘vehicle storage qualifying order’ means any of the following:

“(A) An order to make a change of permanent station to a foreign country in a case in which the laws, regulations, or other restrictions imposed by the foreign country or by the United States either—

“(i) preclude entry of a motor vehicle described in subsection (a) into that country; or

“(ii) would require extensive modification of the vehicle as a condition to entry.

“(B) An order to make a change of permanent station to a nonforeign area outside the continental United States in a case in which the laws, regulations, or other restrictions imposed by that area or by the United States either—

“(i) preclude entry of a motor vehicle described in subsection (a) into that area; or

“(ii) would require extensive modification of the vehicle as a condition to entry.

“(C) An order under which a member is transferred or assigned in connection with a contingency operation to duty at a location other than the permanent station of the member for a period of more than 30 consecutive days but which is not considered a change of permanent station.”.

(b) NONFOREIGN AREA OUTSIDE THE CONTINENTAL UNITED STATES DEFINED.—Subsection (h) of such section is amended by adding at the end the following new paragraph:

“(3) The term ‘nonforeign area outside the continental United States’ means any of the following: the States of Alaska and Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands, and any possession of the United States.”.

(c) EFFECTIVE DATE.—The amendments made by this section apply to orders to make a change of permanent station to a nonforeign area outside the continental United States (as such term is defined in subsection (h)(3) of section 2634 of title 10, United States Code, as added by subsection (b)) that are issued on or after the date of the enactment of this Act.

**Subtitle H—Military Justice Matters**

**SEC. 571. RIGHT OF CONVICTED ACCUSED TO REQUEST SENTENCING BY MILITARY JUDGE.**

(a) SENTENCING BY JUDGE.—(1) Chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by inserting after section 852 (article 52) the following new section:

“§852a. Art. 52a. Right of accused to request sentencing by military judge rather than by members

“(a) In the case of an accused convicted of an offense by a court-martial composed of a military judge and members, the sentence shall be tried before and adjudged by the military judge

rather than the members if, after the findings are announced and before evidence in the sentencing proceeding is introduced, the accused, knowing the identity of the military judge and after consultation with defense counsel, requests orally on the record or in writing that the sentence be tried before and adjudged by the military judge rather than the members.

“(b) This section shall not apply with respect to an offense for which the death penalty may be adjudged unless the case has been previously referred to trial as a noncapital case.”.

(2) The table of sections at the beginning of subchapter VII of such chapter is amended by inserting after the item relating to section 852 (article 52) the following new item:

“852a. 52a. Right of accused to request sentencing by military judge rather than by members.”.

(b) EFFECTIVE DATE.—Section 852a of title 10, United States Code (article 52a of the Uniform Code of Military Justice), as added by subsection (a), shall apply with respect to offenses committed on or after January 1, 2003.

**SEC. 572. REPORT ON DESIRABILITY AND FEASIBILITY OF CONSOLIDATING SEPARATE COURSES OF BASIC INSTRUCTION FOR JUDGE ADVOCATES.**

Not later than February 1, 2003, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the desirability and feasibility of consolidating the separate Army, Navy, and Air Force courses of basic instruction for judge advocates into a single course to be conducted at a single location. The report shall include—

(1) an assessment of the advantages and disadvantages of such a consolidation;

(2) a recommendation as to whether such a consolidation is desirable and feasible; and

(3) any proposal for legislative action that the Secretary considers appropriate for carrying out such a consolidation.

**TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS**

**Subtitle A—Pay and Allowances**

**SEC. 601. INCREASE IN BASIC PAY FOR FISCAL YEAR 2003.**

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2003 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 2003, the rates of monthly basic pay for members of the uniformed services within each pay grade are as follows:

**COMMISSIONED OFFICERS<sup>1</sup>**

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
O-10 <sup>2</sup>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
O-9	0.00	0.00	0.00	0.00	0.00
O-8	7,474.50	7,719.30	7,881.60	7,927.20	8,129.40
O-7	6,210.90	6,499.20	6,633.00	6,739.20	6,930.90
O-6	4,603.20	5,057.10	5,388.90	5,388.90	5,409.60
O-5	3,837.60	4,323.00	4,622.40	4,678.50	4,864.80
O-4	3,311.10	3,832.80	4,088.70	4,145.70	4,383.00
O-3 <sup>3</sup>	2,911.20	3,300.30	3,562.20	3,883.50	4,069.50
O-2 <sup>3</sup>	2,515.20	2,864.70	3,299.40	3,410.70	3,481.20
O-1 <sup>3</sup>	2,183.70	2,272.50	2,746.80	2,746.80	2,746.80
	Over 8	Over 10	Over 12	Over 14	Over 16
O-10 <sup>2</sup>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
O-9	0.00	0.00	0.00	0.00	0.00
O-8	8,468.70	8,547.30	8,868.90	8,961.30	9,238.20
O-7	7,120.80	7,340.40	7,559.40	7,779.00	8,468.70
O-6	5,641.20	5,672.10	5,672.10	5,994.60	6,564.30
O-5	4,977.00	5,222.70	5,403.00	5,635.50	5,991.90
O-4	4,637.70	4,954.50	5,201.40	5,372.70	5,471.10
O-3 <sup>3</sup>	4,273.50	4,405.80	4,623.30	4,736.10	4,736.10
O-2 <sup>3</sup>	3,481.20	3,481.20	3,481.20	3,481.20	3,481.20
O-1 <sup>3</sup>	2,746.80	2,746.80	2,746.80	2,746.80	2,746.80
	Over 18	Over 20	Over 22	Over 24	Over 26
O-10 <sup>2</sup>	\$0.00	\$12,077.70	\$12,137.10	\$12,389.40	\$12,829.20
O-9	0.00	10,563.60	10,715.70	10,935.60	11,319.60
O-8	9,639.00	10,008.90	10,255.80	10,255.80	10,255.80
O-7	9,051.30	9,051.30	9,051.30	9,051.30	9,096.90
O-6	6,898.80	7,233.30	7,423.50	7,616.10	7,989.90
O-5	6,161.70	6,329.10	6,519.60	6,519.60	6,519.60
O-4	5,528.40	5,528.40	5,528.40	5,528.40	5,528.40
O-3 <sup>3</sup>	4,736.10	4,736.10	4,736.10	4,736.10	4,736.10
O-2 <sup>3</sup>	3,481.20	3,481.20	3,481.20	3,481.20	3,481.20
O-1 <sup>3</sup>	2,746.80	2,746.80	2,746.80	2,746.80	2,746.80

<sup>1</sup> Notwithstanding the basic pay rates specified in this table, the actual rate of basic pay for commissioned officers in pay grades O-7 through O-10 may not exceed the rate of pay for level III of the Executive Schedule and the actual rate of basic pay for all other officers may not exceed the rate of pay for level V of the Executive Schedule.

<sup>2</sup> Subject to the preceding footnote, while serving as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, the rate of basic pay for this grade is \$14,155.50, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

<sup>3</sup> This table does not apply to commissioned officers in pay grade O-1, O-2, or O-3 who have been credited with over 4 years of active duty service as an enlisted member or warrant officer.

**COMMISSIONED OFFICERS WITH OVER 4 YEARS OF ACTIVE DUTY SERVICE AS AN ENLISTED MEMBER OR WARRANT OFFICER**

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
O-3E	\$0.00	\$0.00	\$0.00	\$3,883.50	\$4,069.50
O-2E	0.00	0.00	0.00	3,410.70	3,481.20
O-1E	0.00	0.00	0.00	2,746.80	2,933.70
	Over 8	Over 10	Over 12	Over 14	Over 16
O-3E	\$4,273.50	\$4,405.80	\$4,623.30	\$4,806.30	\$4,911.00
O-2E	3,591.90	3,778.80	3,923.40	4,031.10	4,031.10
O-1E	3,042.00	3,152.70	3,261.60	3,410.70	3,410.70
	Over 18	Over 20	Over 22	Over 24	Over 26

COMMISSIONED OFFICERS WITH OVER 4 YEARS OF ACTIVE DUTY SERVICE AS AN ENLISTED MEMBER OR WARRANT OFFICER  
Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
O-3E .....	\$5,054.40	\$5,054.40	\$5,054.40	\$5,054.40	\$5,054.40
O-2E .....	4,031.10	4,031.10	4,031.10	4,031.10	4,031.10
O-1E .....	3,410.70	3,410.70	3,410.70	3,410.70	3,410.70

WARRANT OFFICERS<sup>1</sup>

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
W-5 .....	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
W-4 .....	3,008.10	3,236.10	3,329.10	3,420.60	3,578.10
W-3 .....	2,747.10	2,862.00	2,979.30	3,017.70	3,141.00
W-2 .....	2,416.50	2,554.50	2,675.10	2,763.00	2,838.30
W-1 .....	2,133.90	2,308.50	2,425.50	2,501.10	2,662.50
	Over 8	Over 10	Over 12	Over 14	Over 16
W-5 .....	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
W-4 .....	3,733.50	3,891.00	4,044.60	4,203.60	4,356.00
W-3 .....	3,281.70	3,467.40	3,580.50	3,771.90	3,915.60
W-2 .....	2,993.10	3,148.50	3,264.00	3,376.50	3,453.90
W-1 .....	2,782.20	2,888.40	3,006.90	3,085.20	3,203.40
	Over 18	Over 20	Over 22	Over 24	Over 26
W-5 .....	\$0.00	\$5,169.30	\$5,346.60	\$5,524.50	\$5,703.30
W-4 .....	4,512.00	4,664.40	4,822.50	4,978.20	5,137.50
W-3 .....	4,058.40	4,201.50	4,266.30	4,407.00	4,548.00
W-2 .....	3,579.90	3,705.90	3,831.00	3,957.30	3,957.30
W-1 .....	3,320.70	3,409.50	3,409.50	3,409.50	3,409.50

<sup>1</sup>Notwithstanding the basic pay rates specified in this table, the actual rate of basic pay for warrant officers may not exceed the rate of pay for level V of the Executive Schedule.

ENLISTED MEMBERS<sup>1</sup>

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
E-9 <sup>2</sup> .....	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
E-8 .....	0.00	0.00	0.00	0.00	0.00
E-7 .....	2,068.50	2,257.80	2,343.90	2,428.20	2,516.40
E-6 .....	1,770.60	1,947.60	2,033.70	2,117.10	2,204.10
E-5 .....	1,625.40	1,733.70	1,817.40	1,903.50	2,037.00
E-4 .....	1,502.70	1,579.80	1,665.30	1,749.30	1,824.00
E-3 .....	1,356.90	1,442.10	1,528.80	1,528.80	1,528.80
E-2 .....	1,290.00	1,290.00	1,290.00	1,290.00	1,290.00
E-1 .....	<sup>3</sup> 1,150.80	1,150.80	1,150.80	1,150.80	1,150.80
	Over 8	Over 10	Over 12	Over 14	Over 16
E-9 <sup>2</sup> .....	\$0.00	\$3,564.30	\$3,645.00	\$3,747.00	\$3,867.00
E-8 .....	2,975.40	3,061.20	3,141.30	3,237.60	3,342.00
E-7 .....	2,667.90	2,753.40	2,838.30	2,990.40	3,066.30
E-6 .....	2,400.90	2,477.40	2,562.30	2,636.70	2,663.10
E-5 .....	2,151.90	2,236.80	2,283.30	2,283.30	2,283.30
E-4 .....	1,824.00	1,824.00	1,824.00	1,824.00	1,824.00
E-3 .....	1,528.80	1,528.80	1,528.80	1,528.80	1,528.80
E-2 .....	1,290.00	1,290.00	1,290.00	1,290.00	1,290.00
E-1 .....	1,150.80	1,150.80	1,150.80	1,150.80	1,150.80
	Over 18	Over 20	Over 22	Over 24	Over 26
E-9 <sup>2</sup> .....	\$3,987.30	\$4,180.80	\$4,344.30	\$4,506.30	\$4,757.40
E-8 .....	3,530.10	3,625.50	3,787.50	3,877.50	4,099.20
E-7 .....	3,138.60	3,182.70	3,331.50	3,427.80	3,671.40
E-6 .....	2,709.60	2,709.60	2,709.60	2,709.60	2,709.60
E-5 .....	2,283.30	2,283.30	2,283.30	2,283.30	2,283.30
E-4 .....	1,824.00	1,824.00	1,824.00	1,824.00	1,824.00
E-3 .....	1,528.80	1,528.80	1,528.80	1,528.80	1,528.80
E-2 .....	1,290.00	1,290.00	1,290.00	1,290.00	1,290.00
E-1 .....	1,150.80	1,150.80	1,150.80	1,150.80	1,150.80

<sup>1</sup>Notwithstanding the basic pay rates specified in this table, the actual rate of basic pay for enlisted members may not exceed the rate of pay for level V of the Executive Schedule.

<sup>2</sup>Subject to the preceding footnote, while serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, or Master Chief Petty Officer of the Coast Guard, basic pay for this grade is \$5,732.70, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

<sup>3</sup>In the case of members in pay grade E-1 who have served less than 4 months on active duty, the rate of basic pay is \$1,064.70.

**SEC. 602. EXPANSION OF BASIC ALLOWANCE FOR HOUSING LOW-COST OR NO-COST MOVES AUTHORITY TO MEMBERS ASSIGNED TO DUTY OUTSIDE UNITED STATES.**

Section 403(c) of title 37, United States Code, is amended by adding at the end the following new paragraph:

“(4) In the case of a member who is assigned to duty outside of the United States, the location or the circumstances of which make it necessary that the member be reassigned under the conditions of low-cost or no-cost permanent change of station or permanent change of assignment, the member may be treated as if the member were not reassigned if the Secretary concerned determines that it would be inequitable to base the member’s entitlement to, and amount of, a basic allowance for housing on the cost of housing in the area to which the member is reassigned.”.

**Subtitle B—Bonuses and Special and Incentive Pays**

**SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.**

(a) **SELECTED RESERVE REENLISTMENT BONUS.**—Section 308b(f) of title 37, United States Code, is amended by striking “December 31, 2002” and inserting “December 31, 2003”.

(b) **SELECTED RESERVE ENLISTMENT BONUS.**—Section 308c(e) of such title is amended by striking “December 31, 2002” and inserting “December 31, 2003”.

(c) **SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.**—Section 308d(c) of such title is amended by striking “December 31, 2002” and inserting “December 31, 2003”.

(d) **SELECTED RESERVE AFFILIATION BONUS.**—Section 308e(e) of such title is amended by striking “December 31, 2002” and inserting “December 31, 2003”.

(e) **READY RESERVE ENLISTMENT AND REENLISTMENT BONUS.**—Section 308h(g) of such title is amended by striking “December 31, 2002” and inserting “December 31, 2003”.

(f) **PRIOR SERVICE ENLISTMENT BONUS.**—Section 308i(f) of such title is amended by striking “December 31, 2002” and inserting “December 31, 2003”.

**SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR CERTAIN HEALTH CARE PROFESSIONALS.**

(a) **NURSE OFFICER CANDIDATE ACCESSION PROGRAM.**—Section 2130a(a)(1) of title 10, United States Code, is amended by striking “December 31, 2002” and inserting “December 31, 2003”.

(b) **REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.**—Section 16302(d) of such title is amended by striking “January 1, 2003” and inserting “January 1, 2004”.

(c) **ACCESSION BONUS FOR REGISTERED NURSES.**—Section 302d(a)(1) of title 37, United States Code, is amended by striking “December 31, 2002” and inserting “December 31, 2003”.

(d) **INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.**—Section 302e(a)(1) of such title is amended by striking “December 31, 2002” and inserting “December 31, 2003”.

(e) **SPECIAL PAY FOR SELECTED RESERVE HEALTH PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES.**—Section 302g(f) of such title is amended by striking “December 31, 2002” and inserting “December 31, 2003”.

(f) **ACCESSION BONUS FOR DENTAL OFFICERS.**—Section 302h(a)(1) of such title is amended by striking “December 31, 2002” and inserting “December 31, 2003”.

**SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.**

(a) **SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.**—Section 312(e) of title 37, United States

Code, is amended by striking “December 31, 2002” and inserting “December 31, 2003”.

(b) **NUCLEAR CAREER ACCESSION BONUS.**—Section 312b(c) of such title is amended by striking “December 31, 2002” and inserting “December 31, 2003”.

(c) **NUCLEAR CAREER ANNUAL INCENTIVE BONUS.**—Section 312c(d) of such title is amended by striking “December 31, 2002” and inserting “December 31, 2003”.

**SEC. 614. ONE-YEAR EXTENSION OF OTHER BONUS AND SPECIAL PAY AUTHORITIES.**

(a) **AVIATION OFFICER RETENTION BONUS.**—Section 301b(a) of title 37, United States Code, is amended by striking “December 31, 2002” and inserting “December 31, 2003”.

(b) **REENLISTMENT BONUS FOR ACTIVE MEMBERS.**—Section 308(g) of such title is amended by striking “December 31, 2002” and inserting “December 31, 2003”.

(c) **ENLISTMENT BONUS FOR ACTIVE MEMBERS.**—Section 309(e) of such title is amended by striking “December 31, 2002” and inserting “December 31, 2003”.

(d) **RETENTION BONUS FOR MEMBERS WITH CRITICAL MILITARY SKILLS.**—Section 323(i) of such title is amended by striking “December 31, 2002” and inserting “December 31, 2003”.

(e) **ACCESSION BONUS FOR NEW OFFICERS IN CRITICAL SKILLS.**—Section 324(g) of such title is amended by striking “December 31, 2002” and inserting “December 31, 2003”.

**SEC. 615. MINIMUM LEVELS OF HARDSHIP DUTY PAY FOR DUTY ON THE GROUND IN ANTARCTICA OR ON ARCTIC ICEPACK.**

Section 305 of title 37, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a), the following new subsection:

“(b) **DUTY IN CERTAIN LOCATIONS.**—(1) In the case of duty at a location described in paragraph (2) at any time during a month, the member of a uniformed service performing that duty is entitled to special pay under this section at a monthly rate of not less than \$240, but not to exceed the monthly rate specified in subsection (a). For each day of that duty during the month, the member shall receive an amount equal to 1/30 of the monthly rate prescribed under this subsection.

“(2) Paragraph (1) applies with respect to duty performed on the ground in Antarctica or on the Arctic icepack.”.

**SEC. 616. INCREASE IN MAXIMUM RATES FOR PRIOR SERVICE ENLISTMENT BONUS.**

Section 308i(b)(1) of title 37, United States Code, is amended—

(1) in subparagraph (A), by striking “\$5,000” and inserting “\$8,000”; and

(2) in subparagraph (B), by striking “\$2,500” and inserting “\$4,000”; and

(3) in subparagraph (C), by striking “\$2,000” and inserting “\$3,500”.

**SEC. 617. RETENTION INCENTIVES FOR HEALTH CARE PROVIDERS QUALIFIED IN A CRITICAL MILITARY SKILL.**

(a) **EXCEPTION TO LIMITATION ON MAXIMUM BONUS AMOUNT.**—Subsection (d) of section 323 of title 37, United States Code, is amended—

(1) by inserting “(1)” before “A member”; and

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

“(2) The limitation in paragraph (1) on the total bonus payments that a member may receive under this section does not apply with respect to an officer who is assigned duties as a health care provider.”.

(b) **EXCEPTION TO YEARS OF SERVICE LIMITATION.**—Subsection (e) of such section is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by inserting “(1)” before “A retention”; and

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

“(2) The limitations in paragraph (1) do not apply with respect to an officer who is assigned duties as a health care provider during the period of active duty for which the bonus is being offered.”.

**Subtitle C—Travel and Transportation Allowances**

**SEC. 631. EXTENSION OF LEAVE TRAVEL DEFERRAL PERIOD FOR MEMBERS PERFORMING CONSECUTIVE OVERSEAS TOURS OF DUTY.**

(a) **AUTHORIZED DEFERRAL PERIOD.**—Section 411b of title 37, United States Code is amended by inserting after subsection (a) the following new subsection:

“(b) **AUTHORITY TO DEFER TRAVEL; LIMITATIONS.**—(1) Under the regulations referred to subsection (a), a member may defer the travel for which the member is paid travel and transportation allowances under this section until anytime before the completion of the consecutive tour at the same duty station or the completion of the tour of duty at the new duty station under the order involved, as the case may be.

“(2) If a member is unable to undertake the travel before expiration of the deferral period under paragraph (1) because of duty in connection with a contingency operation, the member may defer the travel until not more than one year after the date on which the member’s duty in connection with the contingency operation ends.”.

(b) **CONFORMING AND CLERICAL AMENDMENTS.**—Such section is further amended—

(1) in subsection (a)—

(A) by striking “(a)(1)” and inserting “(a) ALLOWANCES AUTHORIZED.—”; and

(B) by striking paragraph (2); and

(2) by striking “(b) The allowances” and inserting “(c) LIMITATION ON ALLOWANCE RATE.—”.

(c) **APPLICATION OF AMENDMENT.**—Subsection (b) of section 411b of title 37, United States Code, as added by subsection (a), shall apply with respect to members of the uniformed services in a deferred leave travel status under such section as of the date of the enactment of this Act or after that date.

**Subtitle D—Retired Pay and Survivors Benefits**

**SEC. 641. PHASE-IN OF FULL CONCURRENT RECEIPT OF MILITARY RETIRED PAY AND VETERANS DISABILITY COMPENSATION FOR MILITARY RETIREES WITH DISABILITIES RATED AT 60 PERCENT OR HIGHER.**

(a) **CONCURRENT RECEIPT.**—Section 1414 of title 10, United States Code, is amended to read as follows:

“**§1414. Members eligible for retired pay who have service-connected disabilities rated at 60 percent or higher: concurrent payment of retired pay and veterans’ disability compensation**

“(a) **PAYMENT OF BOTH RETIRED PAY AND COMPENSATION.**—Subject to subsection (b), a member or former member of the uniformed services who is entitled for any month to retired pay and who is also entitled for that month to veterans’ disability compensation for a qualifying service-connected disability (hereinafter in this section referred to as a ‘qualified retiree’) is entitled to be paid both for that month without regard to sections 5304 and 5305 of title 38. For fiscal years 2003 through 2006, payment of retired pay to such a member or former member is subject to subsection (c).

“(b) **SPECIAL RULES FOR CHAPTER 61 DISABILITY RETIREES.**—

“(1) **CAREER RETIREES.**—The retired pay of a member retired under chapter 61 of this title with 20 years or more of service otherwise creditable under section 1405 of this title at the time of the member’s retirement is subject to reduction under sections 5304 and 5305 of title 38, but

only to the extent that the amount of the member's retired pay under chapter 61 of this title exceeds the amount of retired pay to which the member would have been entitled under any other provision of law based upon the member's service in the uniformed services if the member had not been retired under chapter 61 of this title.

“(2) **DISABILITY RETIREES WITH LESS THAN 20 YEARS OF SERVICE.**—Subsection (a) does not apply to a member retired under chapter 61 of this title with less than 20 years of service otherwise creditable under section 1405 of this title at the time of the member's retirement.

“(c) **PHASE-IN OF FULL CONCURRENT RECEIPT.**—For fiscal years 2003 through 2006, retired pay payable to a qualified retiree shall be determined as follows:

“(1) **FISCAL YEAR 2003.**—For a month during fiscal year 2003, the amount of retired pay payable to a qualified retiree is the amount (if any) of retired pay in excess of the current baseline offset plus the following:

“(A) For a month for which the retiree receives veterans' disability compensation for a qualifying service-connected disability rated as total, \$750.

“(B) For a month for which the retiree receives veterans' disability compensation for a qualifying service-connected disability rated as 90 percent, \$500.

“(C) For a month for which the retiree receives veterans' disability compensation for a qualifying service-connected disability rated as 80 percent, \$250.

“(D) For a month for which the retiree receives veterans' disability compensation for a qualifying service-connected disability rated as 70 percent, \$250.

“(E) For a month for which the retiree receives veterans' disability compensation for a qualifying service-connected disability rated as 60 percent, \$125.

“(2) **FISCAL YEAR 2004.**—For a month during fiscal year 2004, the amount of retired pay payable to a qualified retiree is the sum of—

“(A) the amount specified in paragraph (1) for that qualified retiree; and

“(B) 23 percent of the difference between (i) the current baseline offset, and (ii) the amount specified in paragraph (1) for that member's disability.

“(3) **FISCAL YEAR 2005.**—For a month during fiscal year 2005, the amount of retired pay payable to a qualified retiree is the sum of—

“(A) the amount determined under paragraph (2) for that qualified retiree; and

“(B) 30 percent of the difference between (i) the current baseline offset, and (ii) the amount determined under paragraph (2) for that qualified retiree.

“(4) **FISCAL YEAR 2006.**—For a month during fiscal year 2006, the amount of retired pay payable to a qualified retiree is the sum of—

“(A) the amount determined under paragraph (3) for that qualified retiree; and

“(B) 64 percent of the difference between (i) the current baseline offset, and (ii) the amount determined under paragraph (3) for that qualified retiree.

“(d) **DEFINITIONS.**—In this section:

“(1) **RETIRED PAY.**—The term ‘retired pay’ includes retainer pay, emergency officers' retirement pay, and naval pension.

“(2) **VETERANS' DISABILITY COMPENSATION.**—The term ‘veterans' disability compensation’ has the meaning given the term ‘compensation’ in section 101(13) of title 38.

“(3) **SERVICE-CONNECTED.**—The term ‘service-connected’ has the meaning given that term in section 101(16) of title 38.

“(4) **QUALIFYING SERVICE-CONNECTED DISABILITY.**—The term ‘qualifying service-connected disability’ means a service-connected disability or combination of service-connected disabilities that is rated as not less than 60 percent disabling by the Secretary of Veterans Affairs.

“(5) **DISABILITY RATED AS TOTAL.**—The term ‘disability rated as total’ means—

“(A) a disability, or combination of disabilities, that is rated as total under the standard schedule of rating disabilities in use by the Department of Veterans Affairs; or

“(B) a disability, or combination of disabilities, for which the scheduled rating is less than total but for which a rating of total is assigned by reason of inability of the disabled person concerned to secure or follow a substantially gainful occupation as a result of service-connected disabilities.

“(6) **CURRENT BASELINE OFFSET.**—

“(A) **IN GENERAL.**—The term ‘current baseline offset’ for any qualified retiree means the amount for any month that is the lesser of—

“(i) the amount of the applicable monthly retired pay of the qualified retiree for that month; and

“(ii) the amount of monthly veterans' disability compensation to which the qualified retiree is entitled for that month.

“(B) **APPLICABLE RETIRED PAY.**—In subparagraph (A), the term ‘applicable retired pay’ for a qualified retiree means the amount of monthly retired pay to which the qualified retiree is entitled, determined without regard to this section or sections 5304 and 5305 of title 38, except that in the case of such a retiree who was retired under chapter 61 of this title, such amount is the amount of retired pay to which the member would have been entitled under any other provision of law based upon the member's service in the uniformed services if the member had not been retired under chapter 61 of this title.”

(b) **REPEAL OF SPECIAL COMPENSATION AUTHORITY.**—Section 1413 of title 10, United States Code, is repealed.

(c) **PAYMENT OF INCREASED RETIRED PAY COSTS DUE TO CONCURRENT RECEIPT.**—(1) Section 1465(b) of such title is amended by adding at the end the following new paragraph:

“(3) At the same time that the Secretary of Defense makes the determination required by paragraph (1) for any fiscal year, the Secretary shall determine the amount of the Treasury contribution to be made to the Fund for the next fiscal year under section 1466(b)(2)(D) of this title. That amount shall be determined in the same manner as the determination under paragraph (1) of the total amount of Department of Defense contributions to be made to the Fund during that fiscal year under section 1466(a) of this title, except that for purposes of this paragraph the Secretary, in making the calculations required by subparagraphs (A) and (B) of that paragraph, shall use the single level percentages determined under subsection (c)(4), rather than those determined under subsection (c)(1).”

(2) Section 1465(c) of such title is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting before the semicolon at the end the following: “, to be determined without regard to section 1414 of this title”;

(ii) in subparagraph (B), by inserting before the period at the end the following: “, to be determined without regard to section 1414 of this title”;

(iii) in the sentence following subparagraph (B), by striking “subsection (b)” and inserting “subsection (b)(1)”;

(B) by redesignating paragraph (4) as paragraph (5); and

(C) by inserting after paragraph (3) the following new paragraph (4):

“(4) Whenever the Secretary carries out an actuarial valuation under paragraph (1), the Secretary shall include as part of such valuation the following:

“(A) A determination of a single level percentage determined in the same manner as applies under subparagraph (A) of paragraph (1), but based only upon the provisions of section 1414 of this title.

“(B) A determination of a single level percentage determined in the same manner as applies under subparagraph (B) of paragraph (1), but based only upon the provisions of section 1414 of this title.

Such single level percentages shall be used for the purposes of subsection (b)(3).”

(3) Section 1466(b) of such title is amended—

(A) in paragraph (1), by striking “sections 1465(a) and 1465(c)” and inserting “sections 1465(a), 1465(b)(3), 1465(c)(2), and 1465(c)(3)”;

and

(B) by adding at the end of paragraph (2) the following new subparagraph:

“(D) The amount for that year determined by the Secretary of Defense under section 1465(b)(3) of this title for the cost to the Fund arising from increased amounts payable from the Fund by reason of section 1414 of this title.”

(d) **CLERICAL AMENDMENTS.**—The table of sections at the beginning of chapter 71 of such title is amended—

(1) by striking the item relating to section 1413; and

(2) by striking the item relating to section 1414 and inserting the following:

“1414. Members eligible for retired pay who have service-connected disabilities rated at 60 percent or higher: concurrent payment of retired pay and veterans' disability compensation.”

(e) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to retired pay payable for months after September 2002.

**SEC. 642. CHANGE IN SERVICE REQUIREMENTS FOR ELIGIBILITY FOR RETIRED PAY FOR NON-REGULAR SERVICE.**

(a) **REDUCTION IN REQUIREMENT FOR YEARS OF RESERVE COMPONENT SERVICE BEFORE RETIRED PAY ELIGIBILITY.**—Section 12731(a)(3) of title 10, United States Code, is amended by striking “eight years” and inserting “six years”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on October 1, 2002.

**SEC. 643. ELIMINATION OF POSSIBLE INVERSION IN RETIRED PAY COST-OF-LIVING ADJUSTMENT FOR INITIAL COLA COMPUTATION.**

(a) **ELIMINATION OF POSSIBLE COLA INVERSION.**—Section 1401a of title 10, United States Code, is amended—

(1) in subsections (c)(1), (d), and (e), by inserting “but subject to subsection (f)(2)” after “Notwithstanding subsection (b)”;

(2) in subsection (c)(2), by inserting “(subject to subsection (f)(2) as applied to other members whose retired pay is computed on the current rates of basic pay in the most recent adjustment under this section)” after “shall be increased”; and

(3) in subsection (f)—

(A) by designating the text after the subsection heading as paragraph (1), indenting that text two ems, and inserting “(1) PREVENTION OF RETIRED PAY INVERSIONS.—” before “Notwithstanding”; and

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

“(2) **PREVENTION OF COLA INVERSIONS.**—The percentage of the first adjustment under this section in the retired pay of any person, as determined under subsection (c)(1), (c)(2), (d), or (e), may not exceed the percentage increase in retired pay determined under subsection (b)(2) that is effective on the same date as the effective date of such first adjustment.”

(b) **TECHNICAL AMENDMENTS.**—Such section is further amended—

(1) in subsection (d), by inserting “or on or after August 1, 1986, if the member or former member did not elect to receive a bonus under section 322 of title 37” after “August 1, 1986,”; and

(2) in subsection (e), by inserting “and elected to receive a bonus under section 322 of title 37” after “August 1, 1986.”

**SEC. 644. TECHNICAL REVISIONS TO SO-CALLED “FORGOTTEN WIDOWS” ANNUITY PROGRAM.**

(a) **CLARIFICATION OF ELIGIBILITY.**—Subsection (a)(1) of section 644 of the National Defense Authorization Act for Fiscal Year 1998

(Public Law 105-85; 10 U.S.C. 1448 note) is amended—

(1) in subparagraph (A), by inserting after “(A)” the following: “became entitled to retired or retiree pay before September 21, 1972,”; and

(2) in subparagraph (B), by striking “was a member of a reserve component of the Armed Forces” and inserting “died”.

(b) CLARIFICATION OF INTERACTION WITH OTHER BENEFITS.—(1) Subsection (a)(2) of such section is amended by striking “and who” and all that follows through “note”.

(2) Subsection (b)(2) of such section is amended to read as follows:

“(2) The amount of an annuity to which a surviving spouse is entitled under this section for any period shall be reduced (but not below zero) by any amount paid to that surviving spouse for the same period under any of the following provisions of law:

“(A) Section 1311(a) of title 38, United States Code (relating to dependency and indemnity compensation payable by the Secretary of Veterans Affairs).

“(B) Chapter 73 of title 10, United States Code.

“(C) Section 4 of Public Law 92-425 (10 U.S.C. 1448 note).”.

(c) CLARIFICATION OF DEFINITION OF SURVIVING SPOUSE.—Subsection (d)(2) of such section is amended by striking “the terms” and all that follows through “and (8)” and inserting “such term in paragraph (9)”.

(d) CLARIFICATION OF EFFECTIVE DATE OF BENEFITS.—Subsection (e) of such section is amended—

(1) in paragraph (1), by striking “the month in which this Act is enacted” and inserting “November 1997”;

(2) in paragraph (2), by striking “the first month that begins after the month in which this Act is enacted” and inserting “December 1997”; and

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

“(3) In the case of a person entitled to an annuity under this section who applies for the annuity after the date of the enactment of this paragraph, such annuity shall be paid only for months beginning after the date on which such application is submitted.”.

(e) SPECIFICATION IN LAW OF CURRENT BENEFIT AMOUNT.—Subsection (b) of such section is amended—

(1) in paragraph (1), by striking “\$165” and inserting “\$185.58”; and

(2) in paragraph (3)—

(A) by striking “the date of the enactment of this Act” and inserting “May 1, 2002,”; and

(B) by striking the last sentence.

#### **Subtitle E—Reserve Component Montgomery GI Bill**

#### **SEC. 651. EXTENSION OF MONTGOMERY GI BILL-SELECTED RESERVE ELIGIBILITY PERIOD.**

Section 16133(a) of title 10, United States Code, is amended by striking “10-year” and inserting “14-year”.

#### **Subtitle F—Other Matters**

#### **SEC. 661. ADDITION OF DEFINITION OF CONTINENTAL UNITED STATES IN TITLE 37.**

(a) DEFINITION.—Section 101(1) of title 37, United States Code, is amended by adding at the end the following new sentence: “The term ‘continental United States’ means the 48 contiguous States and the District of Columbia.”.

(b) CONFORMING AMENDMENTS.—Title 37, United States Code, is amended as follows:

(1) Section 314(a)(3) is amended by striking “the 48 contiguous States and the District of Columbia” and inserting “the continental United States”.

(2) Section 403b(i) is amended by striking paragraph (6).

(3) Section 409 is amended by striking subsection (e).

(4) Section 411b(a) is amended by striking “the 48 contiguous States and the District of Columbia” both places it appears and inserting “the continental United States”.

(5) Section 411d is amended by striking subsection (d).

(6) Section 430 is amended by striking subsection (f) and inserting the following new subsection (f):

“(f) DEFINITIONS.—In this section:  
“(1) The term ‘formal education’ means the following:

“(A) A secondary education.

“(B) An undergraduate college education.

“(C) A graduate education pursued on a full-time basis at an institution of higher education.

“(D) Vocational education pursued on a full-time basis at a postsecondary vocational institution.

“(2) The term ‘institution of higher education’ has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

“(3) The term ‘postsecondary vocational institution’ has the meaning given that term in section 102(c) of the Higher Education Act of 1965 (20 U.S.C. 1002(c)).”.

### **TITLE VII—HEALTH CARE MATTERS**

#### **Subtitle A—Health Care Program Improvements**

#### **SEC. 701. ELIMINATION OF REQUIREMENT FOR TRICARE PREAUTHORIZATION OF INPATIENT MENTAL HEALTH CARE FOR MEDICARE-ELIGIBLE BENEFICIARIES.**

(a) ELIMINATION OF REQUIREMENT.—Section 1079(i) of title 10, United States Code, is amended in paragraph (3) by inserting “or in the case of a person eligible for health care benefits under section 1086(d)(2) of this title for whom payment for such services is made under subsection 1086(d)(3) of this title” after “an emergency”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect October 1, 2004.

#### **SEC. 702. EXPANSION OF TRICARE PRIME REMOTE FOR CERTAIN DEPENDENTS.**

(a) EXPANSION OF ELIGIBILITY.—Section 1079(p) of title 10, United States Code, is amended in paragraph (1)—

(1) by inserting “(A)” after “(1)”;

(2) by striking “referred to in subsection (a) of a member of the uniformed services referred to in 1074(c)(3) of this title who are residing with the member” and inserting “described in subparagraph (B)”;

(3) by adding at the end the following new subparagraph:

“(B) A dependent referred to in subparagraph (A) is—

“(i) a dependent referred to in subsection (a) of a member of the uniformed services referred to in section 1074(c)(3) of this title, who is residing with the member; or

“(ii) a dependent referred to in subsection (a) of a member of the uniformed services with a permanent duty assignment for which the dependent is not authorized to accompany the member and one of the following circumstances exists:

“(I) The dependent continues to reside at the location of the former duty assignment of the member (or residence in the case of a member of a reserve component ordered to active duty for a period of more than 30 days), and that location is more than 50 miles, or approximately one hour of driving time, from the nearest military medical treatment facility that can adequately provide needed health care.

“(II) There is no reasonable expectation the member will return to the location of the former duty assignment, and the dependent moves to a location that is more than 50 miles, or approximately one hour of driving time, from the nearest military medical treatment facility that can adequately provide needed health care.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect October 1, 2002.

#### **SEC. 703. ENABLING DEPENDENTS OF CERTAIN MEMBERS WHO DIED WHILE ON ACTIVE DUTY TO ENROLL IN THE TRICARE DENTAL PROGRAM.**

Section 1076a(k)(2) of title 10, United States Code, is amended by inserting “(or, if not enrolled, if the member discontinued participation under subsection (f))” after “subsection (a)”.

#### **SEC. 704. IMPROVEMENTS REGARDING THE DEPARTMENT OF DEFENSE MEDICARE-ELIGIBLE RETIREE HEALTH CARE FUND.**

(a) SOURCE OF FUNDS FOR MONTHLY ACCRUAL PAYMENTS INTO THE FUND.—Section 1116(c) of title 10, United States Code, is amended to read as follows:

“(c) Amounts paid into the Fund under subsection (a) shall be paid from funds available for the pay of members of the participating uniformed services under the jurisdiction of the respective administering Secretaries.”.

(b) MANDATORY PARTICIPATION OF OTHER UNIFORMED SERVICES.—Section 1111(c) of such title is amended—

(1) in the first sentence, by striking “may enter into an agreement with any other administering Secretary” and inserting “shall enter into an agreement with each other administering Secretary”; and

(2) in the second sentence, by striking “Any” and inserting “Each”.

#### **SEC. 705. CERTIFICATION OF INSTITUTIONAL AND NON-INSTITUTIONAL PROVIDERS UNDER THE TRICARE PROGRAM.**

(a) IN GENERAL.—Section 1079 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(g) For purposes of designating institutional and non-institutional health care providers authorized to provide care under this section, the Secretary of Defense shall prescribe regulations (in consultation with the other administering Secretaries) that will, to the extent practicable and subject to the limitations of subsection (a), so designate any provider authorized to provide care under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect October 1, 2003.

#### **SEC. 706. TECHNICAL CORRECTION REGARDING TRANSITIONAL HEALTH CARE.**

Effective as of December 28, 2001, section 1145(a)(1) of title 10, United States Code, is amended by inserting “(and the dependents of the member)” after “separated from active duty as described in paragraph (2)”. The amendment made by the preceding sentence shall be deemed to have been enacted as part of section 736 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107).

#### **Subtitle B—Reports**

#### **SEC. 711. COMPTROLLER GENERAL REPORT ON TRICARE CLAIMS PROCESSING.**

Not later than March 31, 2003, the Comptroller General shall submit to Congress an evaluation of the continuing impediments to a cost effective and provider- and beneficiary-friendly system for claims processing under the TRICARE program. The evaluation shall include a discussion of the following:

(1) The extent of progress implementing improvements in claims processing, particularly regarding the application of best industry practices.

(2) The extent of progress in simplifying claims processing procedures, including the elimination of, or reduction in, the complexity of the Health Care Service Record requirements.

(3) The suitability of a medicare-compatible claims processing system with the data requirements necessary to administer the TRICARE program and related information systems.

(4) The extent to which the claims processing system for the TRICARE program impedes provider participation and beneficiary access.

(5) Recommendations for improving the claims processing system that will reduce processing and administration costs, create greater competition, and improve fraud-prevention activities.

**SEC. 712. COMPTROLLER GENERAL REPORT ON PROVISION OF CARE UNDER THE TRICARE PROGRAM.**

Not later than March 31, 2003, the Comptroller General shall submit to Congress an evaluation of the nature of, reasons for, extent of, and trends regarding network provider instability under the TRICARE program, and the effectiveness of efforts by the Department of Defense and managed care support contractors to measure and mitigate such instability. The evaluation shall include a discussion of the following:

(1) The adequacy of measurement tools of TRICARE network instability and their use by the Department of Defense and managed care support contractors to assess network adequacy and stability.

(2) Recommendations for improvements needed in measurement tools or their application.

(3) The relationship of reimbursement rates and administration requirements (including preauthorization requirements) to TRICARE network instability.

(4) The extent of problems under the TRICARE program and likely future trends with and without intervention using existing authority.

(5) Use of existing authority by the Department of Defense and TRICARE managed care support contractors to apply higher reimbursement rates in specific geographic areas.

(6) Recommendations for specific fiscally prudent measures that could mitigate negative trends or improve provider and network stability.

**SEC. 713. REPEAL OF REPORT REQUIREMENT.**

Notwithstanding subsection (f)(2) of section 712 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-179), the amendment made by subsection (e) of such section shall not take effect and the paragraph amended by such subsection is repealed.

**TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS**

**SEC. 801. PLAN FOR ACQUISITION MANAGEMENT PROFESSIONAL EXCHANGE PILOT PROGRAM.**

(a) **PLAN REQUIRED.**—(1) The Secretary of Defense shall develop a plan for a pilot program under which—

(A) an individual in the field of acquisition management employed by the Department of Defense may be temporarily assigned to work in a private sector organization; and

(B) an individual in such field employed by a private sector organization may be temporarily assigned to work in the Department of Defense.

(2) In developing the plan under paragraph (1), the Secretary shall address the following:

(A) The benefits of undertaking such a program.

(B) The appropriate length of assignments under the program.

(C) Whether an individual assigned under the program should be compensated by the organization to which the individual is assigned, or the organization from which the individual is assigned.

(D) The ethics guidelines that should be applied to the program and, if necessary, waivers of ethics laws that would be needed in order to make the program effective and attractive to both Government and private sector employees.

(E) An assessment of how compensation of individuals suffering employment-related injuries under the program should be addressed.

(b) **SUBMISSION TO CONGRESS.**—Not later than February 1, 2003, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives the plan required under subsection (a).

**SEC. 802. EVALUATION OF TRAINING, KNOWLEDGE, AND RESOURCES REGARDING NEGOTIATION OF INTELLECTUAL PROPERTY ARRANGEMENTS.**

(a) **AVAILABILITY OF TRAINING, KNOWLEDGE, AND RESOURCES.**—The Secretary of Defense shall evaluate the training, knowledge, and resources needed by the Department of Defense in order to effectively negotiate intellectual property rights using the principles of the Defense Federal Acquisition Regulation Supplement and determine whether the Department of Defense currently has in place the training, knowledge, and resources available to meet those Departmental needs.

(b) **REPORT.**—Not later than February 1, 2003, the Secretary of Defense shall submit to Congress a report describing—

(1) the results of the evaluation performed under subsection (a);

(2) to the extent the Department does not have adequate training, knowledge, and resources available, actions to be taken to improve training and knowledge and to make resources available to meet the Department's needs; and

(3) the number of Department of Defense legal personnel trained in negotiating intellectual property arrangements.

**SEC. 803. LIMITATION PERIOD FOR TASK AND DELIVERY ORDER CONTRACTS.**

Chapter 137 of title 10, United States Code, is amended—

(1) in section 2304a—

(A) in subsection (e)—

(i) by inserting “(1)” before “A task”; and

(ii) by adding at the end the following new paragraphs:

“(2) Unless use of procedures other than competitive procedures is authorized by an exception in subsection (c) of section 2304 of this title and approved in accordance with subsection (f) of such section, competitive procedures shall be used for making such a modification.

“(3) Notice regarding the modification shall be provided in accordance with section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416) and section 8(e) of the Small Business Act (15 U.S.C. 637(e)).”; and

(B) by striking subsection (f) and inserting the following:

“(f) **LIMITATION ON CONTRACT PERIOD.**—The base period of a task order contract or delivery order contract entered into under this section may not exceed five years unless a longer period is specifically authorized in a law that is applicable to such contract. The contract may be extended for an additional 5 years (for a total contract period of not more than 10 years) through modifications, options, or otherwise.”; and

(2) in section 2304b—

(A) by striking subsection (a) and inserting the following:

“(a) **IN GENERAL.**—A task order contract (as defined in section 2304d of this title) for procurement of advisory and assistance services shall be subject to the requirements of this section, sections 2304a and 2304c of this title, and other applicable provisions of law.”;

(B) by striking subsections (b), (f), and (g) and redesignating subsections (c), (d), (e), (h), and (i) as subsections (b) through (f);

(C) by amending subsection (c) (as redesignated by subparagraph (B)) to read as follows:

“(c) **REQUIRED CONTENT OF CONTRACT.**—A task order contract described in subsection (a) shall contain the same information that is required by section 2304a(b) to be included in the solicitation of offers for that contract.”; and

(D) in subsection (d) (as redesignated by subparagraph (B))—

(i) in paragraph (1), by striking “under this section” and inserting “described in subsection (a)”; and

(ii) in paragraph (2), by striking “under this section”.

**SEC. 804. ONE-YEAR EXTENSION OF PROGRAM APPLYING SIMPLIFIED PROCEDURES TO CERTAIN COMMERCIAL ITEMS; REPORT.**

(a) **EXTENSION OF PILOT PROGRAM.**—Section 4202 of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104-106; 110 Stat. 652; 10 U.S.C. 2304 note) is amended in subsection (e) by striking “January 1, 2003” and inserting “January 1, 2004”.

(b) **REPORT REQUIRED.**—Not later than January 15, 2003, the Secretary of Defense shall submit to Congress a report on whether the authority to issue solicitations for purchases of commercial items in excess of the simplified acquisition threshold pursuant to the special simplified procedures authorized by section 2304(g)(1) of title 10, United States Code, section 303(g)(1) of the Federal Property and Administrative Services Act of 1949, and section 31(a) of the Office of Federal Procurement Policy Act, should be made permanent.

**SEC. 805. AUTHORITY TO MAKE INFLATION ADJUSTMENTS TO SIMPLIFIED ACQUISITION THRESHOLD.**

Section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)) is amended by inserting “, except that such amount may be adjusted by the Administrator every five years to the amount equal to \$100,000 in constant fiscal year 2002 dollars (rounded to the nearest \$10,000)” before the period at the end.

**SEC. 806. IMPROVEMENT OF PERSONNEL MANAGEMENT POLICIES AND PROCEDURES APPLICABLE TO THE CIVILIAN ACQUISITION WORKFORCE.**

(a) **PLAN REQUIRED.**—The Secretary of Defense shall develop a plan for improving the personnel management policies and procedures applicable to the Department of Defense civilian acquisition workforce based on the results of the demonstration project described in section 4308 of the Clinger-Cohen Act of 1996 (division D of Public Law 104-106; 10 U.S.C. 1701 note).

(b) **SUBMISSION TO CONGRESS.**—Not later than February 15, 2003, the Secretary shall submit to Congress the plan required under subsection (a) and a report including any recommendations for legislative action necessary to implement the plan.

**SEC. 807. MODIFICATION OF SCOPE OF BALL AND ROLLER BEARINGS COVERED FOR PURPOSES OF PROCUREMENT LIMITATION.**

Section 2534(a)(5) of title 10, United States Code is amended—

(1) by striking “225.71” and inserting “225.70”;

(2) by striking “October 23, 1992” and inserting “April 27, 2002”; and

(3) by adding at the end the following: “In this section the term ‘ball bearings and roller bearings’ includes unconventional or hybrid ball and roller bearings and cam follower bearings, ball screws, and other derivatives of ball and roller bearings.”.

**SEC. 808. RAPID ACQUISITION AND DEPLOYMENT PROCEDURES.**

(a) **REQUIREMENT TO ESTABLISH PROCEDURES.**—Chapter 141 of title 10, United States Code, is amended by inserting after section 2396 the following new section:

**“§2397. Rapid acquisition and deployment procedures**

“(a) **ESTABLISHMENT.**—The Secretary of Defense shall establish tailored rapid acquisition and deployment procedures for items urgently needed to react to an enemy threat or to respond to significant and urgent safety situations.

“(b) **PROCEDURES.**—The procedures established under subsection (a) shall include the following:

“(1) A process for streamlined communications between the Chairman of the Joint Chiefs of Staff, the acquisition community, and the testing community.

“(2) A process for expedited technical, programmatic, and financial decisions.

“(3) An expedited procurement and contracting process.

“(c) SPECIFIC STEPS TO BE INCLUDED.—The procedures established under subsection (a) shall provide for the following:

“(1) The commander of a unified combatant command may notify the Chairman of the Joint Chiefs of Staff of the need for an item described in subsection (a) that is currently under development.

“(2) The Chairman may request the Secretary of Defense to use rapid acquisition and deployment procedures with respect to the item.

“(3) The Secretary of Defense shall decide whether to use such procedures with respect to the item and shall notify the Secretary of the appropriate military department of the decision.

“(4) If the Secretary of Defense decides to use such procedures with respect to the item, the Secretary of the military department shall prepare a funding strategy for the rapid acquisition of the item and shall conduct a demonstration of the performance of the item.

“(5) The Director of Operational Test and Evaluation shall immediately evaluate the existing capability of the item (but under such evaluation shall not assess the capability of the item as regards to the function the item was originally intended to perform).

“(6) The Chairman of the Joint Chiefs of Staff shall review the evaluation of the Director of Operational Test and Evaluation and report to the Secretary of Defense regarding whether the capabilities of the tested item are able to meet the urgent need for the item.

“(7) The Secretary of Defense shall evaluate the information regarding funding and rapid acquisition prepared pursuant to paragraph (4) and approve or disapprove of the acquisition of the item using the procedures established pursuant to subsection (a).

“(d) LIMITATION.—The quantity of items of a system procured using the procedures established under this section may not exceed the number established for low-rate initial production for the system, and any such items shall be counted for purposes of the number of items of the system that may be procured through low-rate initial production.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2396 the following new item:

“2397. Rapid acquisition and deployment procedures.”

**SEC. 809. QUICK-REACTION SPECIAL PROJECTS ACQUISITION TEAM.**

(a) ESTABLISHMENT.—Chapter 141 of title 10, United States Code, is amended by inserting after section 2402 the following new section:

**“§2403. Quick-reaction special projects acquisition team**

“The Secretary of Defense shall establish a quick-reaction special projects acquisition team, the purpose of which shall be to advise the Secretary on actions that can be taken to expedite the procurement of urgently needed systems. The team shall address problems with the intention of creating expeditious solutions relating to—

“(1) industrial-base issues such as the limited availability of suppliers;

“(2) compliance with acquisition regulations and lengthy procedures;

“(3) compliance with environmental requirements;

“(4) compliance with requirements regarding small-business concerns; and

“(5) compliance with requirements regarding the purchase of products made in the United States.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2402 the following new item:

“2403. Quick-reaction special projects acquisition team.”

**SEC. 810. REPORT ON DEVELOPMENT OF ANTI-CYBERTERRORISM TECHNOLOGY.**

Not later than February 1, 2003, the Secretary of Defense shall submit to Congress a report on—

(1) efforts by the Department of Defense to enter into contracts with private entities to develop anticypberterrorism technology; and

(2) whether such efforts should be increased.

**SEC. 811. CONTRACTING WITH FEDERAL PRISON INDUSTRIES.**

(a) ASSURING BEST VALUE FOR NATIONAL DEFENSE AND HOMELAND SECURITY.—(1) The Department of Defense or one of the military departments may acquire a product or service from Federal Prison Industries, Inc. only if such acquisition is made through a procurement contract awarded and administered in accordance with chapter 137 of title 10, United States Code, the Federal Acquisition Regulation, and the Department of Defense supplements to such regulation. If a contract is to be awarded to Federal Prison Industries, Inc. by the Department of Defense through other than competitive procedures, authority for such award shall be based upon statutory authority other than chapter 307 of title 18, United States Code.

(2) The Secretary of Defense shall assure that—

(A) no purchase of a product or a service is made by the Department of Defense from Federal Prison Industries, Inc. unless the contracting officer determines that—

(i) the product or service can be timely furnished and will meet the performance needs of the activity that requires the product or service; and

(ii) the price to be paid does not exceed a fair market price determined by competition or a fair and reasonable price determined by price analysis or cost analysis; and

(B) Federal Prison Industries, Inc. performs its contractual obligations to the same extent as any other contractor for the Department of Defense.

(b) PERFORMANCE AS A SUBCONTRACTOR.—(1) The use of Federal Prison Industries, Inc. as a subcontractor or supplier shall be a wholly voluntary business decision by a Department of Defense prime contractor or subcontractor, subject to any prior approval of subcontractors or suppliers by the contracting officer which may be imposed by regulation or by the contract.

(2) A defense contractor (or subcontractor at any tier) using Federal Prison Industries, Inc. as a subcontractor or supplier in furnishing a commercial product pursuant to a contract shall implement appropriate management procedures to prevent introducing an inmate-produced product or inmate-furnished services into the commercial market.

(3) Except as authorized under the Federal Acquisition Regulation, the use of Federal Prison Industries, Inc. as a subcontractor or supplier of products or provider of services shall not be imposed upon prospective or actual defense prime contractors or subcontractors at any tier by means of—

(A) a contract solicitation provision requiring a contractor to offer to make use of Federal Prison Industries, Inc. its products or services;

(B) specifications requiring the contractor to use specific products or services (or classes of products or services) offered by Federal Prison Industries, Inc. in the performance of the contract;

(C) any contract modification directing the use of Federal Prison Industries, Inc. its products or services; or

(D) any other means.

(c) PROTECTION OF CLASSIFIED AND SENSITIVE INFORMATION.—The Secretary of Defense shall assure that Federal Prison Industries, Inc. is not permitted to provide services as a contractor or subcontractor at any tier, if an inmate worker has access to—

(1) data that is classified or will become classified after being merged with other data;

(2) geographic data regarding the location of surface and subsurface infrastructure providing communications, water and electrical power distribution, pipelines for the distribution of natural gas, bulk petroleum products and other commodities, and other utilities; or

(3) personal or financial information about individual private citizens, including information relating to such person's real property, however described, without giving prior notice to such persons or class of persons to the greatest extent practicable.

(d) REGULATORY IMPLEMENTATION.—

(1) PROPOSED REGULATIONS.—Proposed revisions to the Department of Defense Supplement to the Federal Acquisition Regulation to implement this section shall be published not later than 90 days after the date of enactment of this Act and provide not less than 60 days for public comment.

(2) FINAL REGULATIONS.—Final regulations shall be published not later than 180 days after the date of the enactment of this Act and shall be effective on the date that is 30 days after the date of publication.

**TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT**

**SEC. 901. CHANGE IN TITLE OF SECRETARY OF THE NAVY TO SECRETARY OF THE NAVY AND MARINE CORPS.**

(a) CHANGE IN TITLE.—The position of the Secretary of the Navy is hereby redesignated as the Secretary of the Navy and Marine Corps.

(b) REFERENCES.—Any reference to the Secretary of the Navy in any law, regulation, document, record, or other paper of the United States shall be considered to be a reference to the Secretary of the Navy and Marine Corps.

**SEC. 902. REPORT ON IMPLEMENTATION OF UNITED STATES NORTHERN COMMAND.**

Not later than September 1, 2002, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report providing an implementation plan for the United States Northern Command. The report shall address the following:

(1) The required budget for standing-up and maintaining that command.

(2) The location of the headquarters of that command and alternatives considered for that location, together with the criteria used in selection of that location.

(3) The required manning levels for the command, the effect that command will have on current Department of Defense personnel resources, and the other commands from which personnel will be transferred to provide personnel for that command.

(4) The chain of command within that command to the component command level and a review of permanently assigned or tasked organizations and units.

(5) The relationship of that command to the Office of Homeland Security and the Homeland Security Council, to other Federal departments and agencies, and to State and local law enforcement agencies.

(6) The relationship of that command with the National Guard Bureau, individual State National Guard Headquarters, and civil first responders to ensure continuity of operational plans.

(7) The legal implications of military forces in their Federal capacity operating on United States territory.

(8) The status of Department of Defense consultations—

(A) with Canada regarding Canada's role in, and any expansion of mission for, the North American Air Defense Command; and

(B) with Mexico regarding Mexico's role in the United States Northern Command.

(9) The status of Department of Defense consultations with NATO member nations on efforts to transfer the Supreme Allied Command for the Atlantic from dual assignment with the position of commander of the United States Joint Forces Command.

(10) The revised mission, budget, and personnel resources required for the United States Joint Forces Command.

**SEC. 903. NATIONAL DEFENSE MISSION OF COAST GUARD TO BE INCLUDED IN FUTURE QUADRENNIAL DEFENSE REVIEWS.**

Section 118(d) of title 10, United States Code, is amended—

(1) by redesignating paragraph (14) as paragraph (15); and

(2) by inserting after paragraph (13) the following new paragraph:

“(14) The national defense mission of the Coast Guard.”.

**SEC. 904. CHANGE IN YEAR FOR SUBMISSION OF QUADRENNIAL DEFENSE REVIEW.**

Section 118(a) of title 10, United States Code, is amended by striking “during a year” and inserting “during the second year”.

**SEC. 905. REPORT ON EFFECT OF OPERATIONS OTHER THAN WAR ON COMBAT READINESS OF THE ARMED FORCES.**

(a) **REPORT REQUIRED.**—Not later than February 28, 2004, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the effect on the combat readiness of the Armed Forces of operations other than war in which the Armed Forces are participating as of the date of the enactment of this Act (hereinafter in this section referred to as “current operations other than war”). Such report shall address any such effect on combat readiness for the Armed Forces as a whole and separately for the active components and the reserve components.

(b) **OPERATIONS OTHER THAN WAR.**—For purposes of this section, the term “operations other than war” includes the following:

- (1) Humanitarian operations.
- (2) Counter-drug operations.
- (3) Peace operations.
- (4) Nation assistance.

(c) **MATTERS TO BE ADDRESSED.**—The report shall, at a minimum, address the following (shown both for the Armed Forces as a whole and separately for the active components and the reserve components):

(1) With respect to each current operation other than war, the number of members of the Armed Forces who are—

- (A) directly participating in the operation;
- (B) supporting the operation;
- (C) preparing to participate or support an upcoming rotation to the operation; or
- (D) recovering and retraining following participation in the operation.

(2) The cost to the Department of Defense in time, funds, resources, personnel, and equipment to prepare for, conduct, and recover and retrain from each such operation.

(3) The effect of participating in such operations on performance, retention, and readiness of individual members of the Armed Forces.

(4) The effect of such operations on the readiness of forces and units participating, preparing to participate, and returning from participation in such operations.

(5) The effect that such operations have on forces and units that do not, have not, and will not participate in them.

(6) The contribution to United States national security and to regional stability of participation by the United States in such operations, to be assessed after receiving the views of the commanders of the regional unified combatant commands.

(d) **CLASSIFICATION OF REPORT.**—The report may be provided in classified or unclassified form as necessary.

**SEC. 906. CONFORMING AMENDMENT TO REFLECT DISESTABLISHMENT OF DEPARTMENT OF DEFENSE CONSEQUENCE MANAGEMENT PROGRAM INTEGRATION OFFICE.**

Section 12310(c)(3) of title 10, United States Code, is amended by striking “only—” and all that follows through “(B) while assigned” and inserting “only while assigned”.

**TITLE X—GENERAL PROVISIONS**

**Subtitle A—Financial Matters**

**SEC. 1001. TRANSFER AUTHORITY.**

(a) **AUTHORITY TO TRANSFER AUTHORIZATIONS.**—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2003 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed \$2,000,000,000.

(b) **LIMITATIONS.**—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) **EFFECT ON AUTHORIZATION AMOUNTS.**—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) **NOTICE TO CONGRESS.**—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

**SEC. 1002. AUTHORIZATION OF SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2002.**

(a) **DOD AUTHORIZATIONS.**—Amounts authorized to be appropriated to the Department of Defense for fiscal year 2002 in the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization are increased (by a supplemental appropriation) or decreased (by a rescission), or both, or are increased by a transfer of funds, pursuant to the following:

(1) Chapter 3 of the Emergency Supplemental Act, 2002 (division B of Public Law 107-117; 115 Stat. 2299).

(2) Any Act enacted after May 1, 2002, making supplemental appropriations for fiscal year 2002 for the military functions of the Department of Defense.

(b) **NNSA AUTHORIZATIONS.**—Amounts authorized to be appropriated to the Department of Energy for fiscal year 2002 in the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization are increased (by a supplemental appropriation) or decreased (by a rescission), or both, or are increased by a transfer of funds, pursuant to the following:

(1) Chapter 5 of the Emergency Supplemental Act, 2002 (division B of Public Law 107-117; 115 Stat. 2307).

(2) Any Act enacted after May 1, 2002, making supplemental appropriations for fiscal year 2002 for the atomic energy defense activities of the Department of Energy.

(c) **LIMITATION ON TRANSFERS PENDING SUBMISSION OF REPORT.**—Any amount provided for the Department of Defense for fiscal year 2002 through a so-called “transfer account”, includ-

ing the Defense Emergency Response Fund or any other similar account, may be transferred to another account for obligation only after the Secretary of Defense submits to the congressional defense committees a report stating, for each such transfer, the amount of the transfer, the appropriation account to which the transfer is to be made, and the specific purpose for which the transferred funds will be used.

(d) **EMERGENCY DESIGNATION REQUIREMENT.**—(1) In the case of a pending contingent emergency supplemental appropriation for the military functions of the Department of Defense or the atomic energy defense activities of the Department of Energy, an adjustment may be made under subsection (a) or (b) in the amount of an authorization of appropriations by reason of that supplemental appropriation only if, and to the extent that, the President transmits to Congress an official budget request for that appropriation that designates the entire amount requested as an emergency requirement.

(2) For purposes of this subsection, the term “contingent emergency supplemental appropriation” means a supplemental appropriation that—

(A) is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985; and

(B) by law is available only to the extent that the President transmits to the Congress an official budget request for that appropriation that includes designation of the entire amount of the request as an emergency requirement.

**SEC. 1003. UNIFORM STANDARDS THROUGHOUT DEPARTMENT OF DEFENSE FOR EXPOSURE OF PERSONNEL TO PECUNIARY LIABILITY FOR LOSS OF GOVERNMENT PROPERTY.**

(a) **EXTENSION OF ARMY AND AIR FORCE REPORT-OF-SURVEY PROCEDURES TO NAVY AND MARINE CORPS AND ALL DOD CIVILIAN EMPLOYEES.**—(1) Chapter 165 of title 10, United States Code, is amended by adding at the end the following new section:

**“§2787. Reports of survey**

“(a) **REGULATIONS.**—Under such regulations as the Secretary of Defense may prescribe, any officer of the Army, Navy, Air Force, or Marine Corps or any civilian employee of the Department of Defense designated by the Secretary may act upon reports of surveys and vouchers pertaining to the loss, spoilage, unavailability, unsuitability, or destruction of, or damage to, property of the United States under the control of the Department of Defense.

“(b) **FINALITY OF ACTION.**—Action taken under subsection (a) is final, except that action holding a person pecuniarily liable for loss, spoilage, destruction, or damage is not final until approved by the Secretary.”.

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

“2787. Reports of survey.”.

(b) **EXTENSION TO MEMBERS OF THE NAVY AND MARINE CORPS OF PAY DEDUCTION AUTHORITY PERTAINING TO DAMAGE OR REPAIR OF ARMS AND EQUIPMENT.**—Section 1007(e) of title 37, United States Code, is amended by striking “Army or the Air Force” and inserting “Army, Navy, Air Force, or Marine Corps”.

(c) **REPEAL OF SUPERCEDED PROVISIONS.**—(1) Sections 4835 and 9835 of title 10, United States Code, are repealed.

(2)(A) The table of sections at the beginning of chapter 453 of such title is amended by striking the item relating to section 4835.

(B) The table of sections at the beginning of chapter 953 of such title is amended by striking the item relating to section 9835.

**SEC. 1004. ACCOUNTABLE OFFICIALS IN THE DEPARTMENT OF DEFENSE.**

(a) **ACCOUNTABLE OFFICIALS WITHIN THE DEPARTMENT OF DEFENSE.**—Chapter 165 of title 10, United States Code, is amended by inserting after section 2773 the following new section:

**“§2773a. Departmental accountable officials**

“(a) DESIGNATION.—(1) The Secretary of Defense may designate as a ‘departmental accountable official’ any civilian employee of the Department of Defense or member of the armed forces under the Secretary’s jurisdiction who is described in paragraph (2). Any such designation shall be in writing.

“(2) An employee or member of the armed forces described in this paragraph is an employee or member who is responsible in the performance of the employee’s or member’s duties for providing to a certifying official of the Department of Defense information, data, or services that are directly relied upon by the certifying official in the certification of vouchers for payment.

“(b) PECUNIARY LIABILITY.—(1) The Secretary of Defense may impose pecuniary liability on a departmental accountable official to the extent that an illegal, improper, or incorrect payment results from the information, data, or services that that official provides to a certifying official and upon which the certifying official directly relies in certifying the voucher supporting that payment.

“(2) The pecuniary liability of a departmental accountable official under this subsection for such an illegal, improper, or incorrect payment is joint and several with that of any other officials who are pecuniarily liable for such payment.

“(c) RELIEF FROM LIABILITY.—The Secretary of Defense shall relieve a departmental accountable official from liability under subsection (b) if the Secretary determines that the illegal, improper, or incorrect payment was not the result of fault or negligence by that official.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2773 the following new item:

“2773a. Departmental accountable officials.”

**SEC. 1005. IMPROVEMENTS IN PURCHASE CARD MANAGEMENT.**

(a) IN GENERAL.—Section 2784 of title 10, United States Code, is amended to read as follows:

**“§2784. Management of purchase cards**

“(a) MANAGEMENT OF PURCHASE CARDS.—The Secretary of Defense, acting through the Under Secretary of Defense (Comptroller), shall prescribe regulations governing the use and control of all purchase cards and convenience checks that are issued to Department of Defense personnel for official use. Those regulations shall be consistent with regulations that apply Government-wide regarding use of purchase cards by Government personnel for official purposes.

“(b) REQUIRED SAFEGUARDS AND INTERNAL CONTROLS.—Regulations under subsection (a) shall include safeguards and internal controls to ensure the following:

“(1) That there is a record in the Department of Defense of each holder of a purchase card issued by the Department of Defense for official use, annotated with the limitations on amounts that are applicable to the use of each such card by that purchase card holder.

“(2) That the holder of a purchase card and each official with authority to authorize expenditures charged to the purchase card are responsible for—

“(A) reconciling the charges appearing on each statement of account for that purchase card with receipts and other supporting documentation; and

“(B) forwarding that statement after being so reconciled to the designated disbursing office in a timely manner.

“(3) That any disputed purchase card charge, and any discrepancy between a receipt and other supporting documentation and the purchase card statement of account, is resolved in the manner prescribed in the applicable Government-wide purchase card contract entered into by the Administrator of General Services.

“(4) That payments on purchase card accounts are made promptly within prescribed deadlines to avoid interest penalties.

“(5) That rebates and refunds based on prompt payment on purchase card accounts are properly recorded.

“(6) That records of each purchase card transaction (including records on associated contracts, reports, accounts, and invoices) are retained in accordance with standard Government policies on the disposition of records.

“(7) That an annual review is performed of the use of purchase cards issued by the Department of Defense to determine whether each purchase card holder has a need for the purchase card.

“(8) That the Inspectors General of the Department of Defense and the military services perform periodic audits with respect to the use of purchase cards issued by the Department of Defense to ensure that such use is in compliance with regulations.

“(9) That appropriate annual training is provided to each purchase card holder and each official with responsibility for overseeing the use of purchase cards issued by the Department of Defense.

“(c) PENALTIES FOR VIOLATIONS.—The Secretary shall provide in the regulations prescribed under subsection (a)—

“(1) that procedures are implemented providing for appropriate punishment of employees of the Department of Defense for violations of such regulations and for negligence, misuse, abuse, or fraud with respect to a purchase card, including dismissal in appropriate cases; and

“(2) that a violation of such regulations by a person subject to chapter 47 of this title (the Uniform Code of Military Justice) is punishable as a violation of section 892 of this title (article 92 of the Uniform Code of Military Justice).”

(b) CLERICAL AMENDMENT.—The item relating to section 2784 in the table of sections at the beginning of chapter 165 of such title is amended to read as follows:

“2784. Management of purchase cards.”

**SEC. 1006. AUTHORITY TO TRANSFER FUNDS WITHIN A MAJOR ACQUISITION PROGRAM FROM PROCUREMENT TO RDT&E.**

(a) PROGRAM FLEXIBILITY.—(1) Chapter 131 of title 10, United States Code, is amended by inserting after section 2214 the following new section:

**“§2214a. Transfer of funds: transfers from procurement accounts to research and development accounts for major acquisition programs**

“(a) TRANSFER AUTHORITY WITHIN MAJOR PROGRAMS.—Subject to subsection (b), the Secretary of Defense may transfer amounts provided in an appropriation Act for procurement for a covered acquisition program to amounts provided in the same appropriation Act for research, development, test, and evaluation for that program.

“(b) CONGRESSIONAL NOTICE-AND-WAIT.—A transfer may be made under this section only after—

“(1) the Secretary submits to the congressional defense committees notice in writing of the Secretary’s intent to make such transfer, together with the Secretary’s justification for the transfer; and

“(2) a period of 30 days has elapsed following the date of such notification.

“(c) LIMITATIONS.—From amounts appropriated for the Department of Defense for any fiscal year for procurement—

“(1) the total amount transferred under this section may not exceed \$250,000,000; and

“(2) the total amount so transferred for any acquisition program may not exceed \$20,000,000.

“(d) COVERED ACQUISITION PROGRAMS.—In this section, the term ‘covered acquisition program’ means an acquisition program of the Department of Defense that is—

“(A) a major defense acquisition program for purposes of chapter 144 of this title; or

“(B) any other acquisition program of the Department of Defense—

“(i) that is designated by the Secretary of Defense as a covered acquisition program for purposes of this section; or

“(ii) that is estimated by the Secretary of Defense to require an eventual total expenditure for research, development, test, and evaluation of more than \$140,000,000 (based on fiscal year 2000 constant dollars) or an eventual total expenditure for procurement of more than \$660,000,000 (based on fiscal year 2000 constant dollars.)

“(e) TRANSFER BACK OF UNUSED TRANSFERRED FUNDS.—If funds transferred under this section are not used for the purposes for which transferred, such funds shall be transferred back to the account from which transferred and shall be available for their original purpose.

“(f) ADDITIONAL AUTHORITY.—The transfer authority provided in this section is in addition to any other transfer authority available to the Secretary of Defense.”

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2214 the following new item:

“2214a. Transfer of funds: transfers from procurement accounts to research and development accounts for major acquisition programs.”

(b) EFFECTIVE DATE.—Section 2214a of title 10, United States Code, as added by subsection (a), shall not apply with respect to funds appropriated before the date of the enactment of this Act.

**SEC. 1007. DEVELOPMENT AND PROCUREMENT OF FINANCIAL AND NONFINANCIAL MANAGEMENT SYSTEMS.**

(a) REPORT.—Not later than March 1, 2003, the Secretary of Defense shall submit to the congressional defense committees a report on the modernization of the Department of Defense’s financial management systems and operations. The report shall include the following:

(1) The goals and objectives of the Financial Management Modernization Program.

(2) The acquisition strategy for that Program, including milestones, performance metrics, and financial and nonfinancial resource needs.

(3) A listing of all operational and developmental financial and nonfinancial management systems in use by the Department, the related costs to operate and maintain those systems during fiscal year 2002, and the estimated cost to operate and maintain those systems during fiscal year 2003.

(4) An estimate of the completion date of a transition plan that will identify which of the Department’s operational and developmental financial management systems will not be part of the objective financial and nonfinancial management system and that provides the schedule for phase out of those legacy systems.

(b) LIMITATIONS.—(1) A contract described in subsection (c) may be entered into using funds made available to the Department of Defense for fiscal year 2003 only with the approval in advance in writing of the Under Secretary of Defense (Comptroller).

(2) Not more than 75 percent of the funds authorized to be appropriated in section 201(4) for research, development, test, and evaluation for the Department of Defense Financial Modernization Program (Program Element 65016D8Z) may be obligated until the report required by subsection (a) is received by the congressional defense committees.

(c) COVERED CONTRACTS.—Subsection (b)(1) applies to a contract for the procurement of any of the following:

(1) An enterprise architecture system.

(2) A finance or accounting system.

(3) A nonfinancial business and feeder system.

(4) An upgrade to any system specified in paragraphs (1) through (3).

(d) DEFINITIONS.—As used in this section:

(1) FINANCIAL MANAGEMENT SYSTEM AND OPERATIONS.—The term “financial management system and operations” means financial, financial related, and non-financial business operations and systems used for acquisition programs, transportation, travel, property, inventory, supply, medical, budget formulation, financial reporting, and accounting. Such term includes the automated and manual processes, procedures, controls, data, hardware, software, and support personnel dedicated to the operations and maintenance of system functions.

(2) FEEDER SYSTEMS.—The term “feeder systems” means financial portions of mixed systems.

(3) DEVELOPMENTAL SYSTEMS AND PROJECTS.—The term “developmental systems and projects” means any system that has not reached Milestone C, as defined in the Department of Defense 5000-series regulations.

#### Subtitle B—Reports

#### SEC. 1011. AFTER-ACTION REPORTS ON THE CONDUCT OF MILITARY OPERATIONS CONDUCTED AS PART OF OPERATION ENDURING FREEDOM.

(a) REPORT REQUIRED.—(1) The Secretary of Defense shall submit to the congressional committees specified in subsection (c) two reports on the conduct of military operations conducted as part of Operation Enduring Freedom. The first report (which shall be an interim report) shall be submitted not later than June 15, 2003. The second report shall be submitted not later than 180 days after the date (as determined by the Secretary of Defense) of the cessation of hostilities undertaken as part of Operation Enduring Freedom.

(2) Each report shall be prepared in consultation with the Chairman of the Joint Chiefs of Staff, the commander-in-chief of the United States Central Command, and the Director of Central Intelligence.

(3) Each report shall be submitted in both a classified form and an unclassified form.

(b) MATTERS TO BE INCLUDED.—Each report shall contain a discussion of accomplishments and shortcomings of the overall military operation. The report shall specifically include the following:

(1) A discussion of the command, control, coordination, and support relationship between United States Special Operations Forces and Central Intelligence Agency elements participating in Operation Enduring Freedom and any lessons learned from the joint conduct of operations by those forces and elements.

(2) Recommendations to improve operational readiness and effectiveness.

(c) CONGRESSIONAL COMMITTEES.—The committees referred to in subsection (a)(1) are the following:

(1) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(2) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

#### SEC. 1012. REPORT ON BIOLOGICAL WEAPONS DEFENSE AND COUNTER-PROLIFERATION.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report—

(1) describing programs and initiatives to halt, counter, and defend against the development, production, and proliferation of biological weapons agents, technology, and expertise to terrorist organizations and other States; and

(2) including a detailed list of the limitations and impediments to the biological weapons defense, nonproliferation, and counterproliferation efforts of the Department of Defense, and recommendations to remove such impediments and to make such efforts more effective.

(b) CLASSIFICATION.—The report may be submitted in unclassified or classified form as necessary.

#### SEC. 1013. REQUIREMENT THAT DEPARTMENT OF DEFENSE REPORTS TO CONGRESS BE ACCOMPANIED BY ELECTRONIC VERSION.

Section 480(a) of title 10, United States Code, is amended by striking “shall, upon request” and all that follows through “(or each)” and inserting “shall provide to Congress (or)”.

#### SEC. 1014. STRATEGIC FORCE STRUCTURE PLAN FOR NUCLEAR WEAPONS AND DELIVERY SYSTEMS.

(a) PLAN REQUIRED.—The Secretary of Defense and the Secretary of Energy shall jointly prepare a plan for the United States strategic force structure for nuclear weapons and nuclear weapons delivery systems for the period of fiscal years from 2002 through 2012. The plan shall—

(1) delineate a baseline strategic force structure for such weapons and systems over such period consistent with the Nuclear Posture Review dated January 2002;

(2) define sufficient force structure, force modernization and life extension plans, infrastructure, and other elements of the defense program of the United States associated with such weapons and systems that would be required to execute successfully the full range of missions called for in the national defense strategy delineated in the Quadrennial Defense Review dated September 30, 2001, under section 118 of title 10, United States Code; and

(3) identify the budget plan that would be required to provide sufficient resources to execute successfully the full range of missions using such force structure called for in that national defense strategy.

(b) REPORT.—(1) The Secretary of Defense and the Secretary of Energy shall submit a report on the plan to the congressional defense committees. Except as provided in paragraph (2), the report shall be submitted not later than January 1, 2003.

(2) If before January 1, 2003, the President submits to Congress the President’s certification that it is in the national security interest of the United States that such report be submitted on a later date (to be specified by the President in the certification), such report shall be submitted not later than such later date.

#### SEC. 1015. REPORT ON ESTABLISHMENT OF A JOINT NATIONAL TRAINING COMPLEX AND JOINT OPPOSING FORCES.

(a) REPORT REQUIRED.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report that outlines a plan to develop and implement a joint national training complex. Such a complex may include multiple joint training sites and mobile training ranges and appropriate joint opposing forces and shall be capable of supporting field exercises and experimentation at the operational level of war across a broad spectrum of adversary capabilities.

(b) MATTERS TO BE INCLUDED.—The report under subsection (a) shall include the following:

(1) An identification and description of the types of joint training and experimentation that would be conducted at such a joint national training complex, together with a description of how such training and experimentation would enhance accomplishment of the six critical operational goals for the Department of Defense specified at page 30 of the Quadrennial Defense Review Report of the Secretary of Defense issued on September 30, 2001.

(2) A discussion of how establishment of such a complex (including joint opposing forces) would promote innovation and transformation throughout the Department of Defense.

(3) A discussion of how results from training and experiments conducted at such a complex would be taken into consideration in the De-

partment of Defense plans, programs, and budgeting process and by appropriate decision-making bodies within the Department of Defense.

(4) A methodology, framework, and options for selecting sites for such a complex, including consideration of current training facilities that would accommodate requirements among all the Armed Forces.

(5) Options for development as part of such a complex of a joint urban warfare training center that could also be used for homeland defense and consequence management training for Federal, State, and local training.

(6) Cost estimates and resource requirements to establish and maintain such a complex, including estimates of costs and resource requirements for the use of contract personnel for the performance of management, operational, and logistics activities for such a complex.

(7) An explanation of the relationship between and among such a complex and the Department of Defense Office of Transformation, the Joint Staff, the United States Joint Forces Command, the United States Northern Command, and each element of the major commands within the separate Armed Forces with responsibility for experimentation and training.

(8) A discussion of how implementation of a joint opposing force would be established, including the feasibility of using qualified contractors for the function of establishing and maintaining joint opposing forces and the role of foreign forces.

(9) Submission of a time line to establish such a center and for such a center to achieve initial operational capability and full operational capability.

#### SEC. 1016. REPEAL OF VARIOUS REPORTS REQUIRED OF THE DEPARTMENT OF DEFENSE.

(a) PROVISIONS OF TITLE 10.—Title 10, United States Code, is amended as follows:

(1)(A) Section 230 is repealed.

(B) The table of sections at the beginning of chapter 9 is amended by striking the item relating to section 230.

(2) Section 526 is amended by striking subsection (c).

(3) Section 721(d) is amended—

(A) by striking paragraph (2); and

(B) by striking “(1)” before “If an officer”.

(4) Section 986 is amended by striking subsection (e).

(5) Section 1095(g) is amended—

(A) by striking paragraph (2); and

(B) by striking “(1)” after “(g)”.

(6) Section 1798 is amended by striking subsection (d).

(7) Section 1799 is amended by striking subsection (d).

(8) Section 2010 is amended by striking subsection (b).

(9) Section 2327(c)(1) is amended—

(A) in subparagraph (A), by striking “after the date on which such head of an agency submits to Congress a report on the contract” and inserting “if in the best interests of the Government”; and

(B) by striking subparagraph (B).

(10) Section 2350f is amended by striking subsection (c).

(11) Section 2350k is amended by striking subsection (d).

(12) Section 2492 is amended by striking subsection (c).

(13) Section 2493 is amended by striking subsection (g).

(14) Section 2563(c)(2) is amended by striking “and notifies Congress regarding the reasons for the waiver”.

(15) Section 2611 is amended by striking subsection (e).

(16) Sections 4357, 6975, and 9356 are each amended—

(A) by striking subsection (c); and

(B) in subsection (a), by striking “Subject to subsection (c), the Secretary” and inserting “The Secretary”.

(17) Section 4416 is amended by striking subsection (f).

(18) Section 5721(f) is amended—

(A) by striking paragraph (2); and  
(B) by striking “(1)” after the subsection heading.

(19) Section 12302 is amended—

(A) in subsection (b), by striking the last sentence; and

(B) by striking subsection (d).

(b) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995.—Section 553(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2772; 10 U.S.C. 4331 note) is amended by striking the last sentence.

**SEC. 1017. REPORT ON THE ROLE OF THE DEPARTMENT OF DEFENSE IN SUPPORTING HOMELAND SECURITY.**

(a) REPORT REQUIRED.—Not later than December 31, 2002, the Secretary of Defense shall submit to the congressional defense committees a report on Department of Defense responsibilities, mission, and plans for military support of homeland security.

(b) CONTENT OF REPORT.—The report shall include, but not be limited to, a discussion of the following:

(1) Changes in organization regarding the roles, mission, and responsibilities carried out by the Department of Defense to support its homeland security mission and the reasons for those changes based upon the findings of the study and report required by section 1511 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1271).

(2) Changes in the roles, missions, and responsibilities of the Department of the Army, the Department of the Navy, and the Department of the Air Force with respect to homeland security and the reasons for such changes.

(3) Changes in the roles, missions, and responsibilities of unified commands with homeland security missions and the reasons for such changes.

(4) Changes in the roles, missions, and responsibilities of the United States Joint Forces Command and the United States Northern Command in expanded homeland security training and experimentation involving the Department of Defense and other Federal, State, and local entities, and the reasons for such changes.

(5) Changes in the roles, missions, and responsibilities of the Army National Guard and the Air National Guard in the homeland security mission of the Department of Defense, and the reasons for such changes.

(6) The status of the unconventional nuclear warfare defense test bed program established in response to title IX of the Department of Defense Appropriations Act, 2002 (division A of Public Law 107-117; 115 Stat. 2289), including the plan and program for establishing such test beds.

(7) The plans and status of the Department of Defense homeland security biological defense program, including the plans and status of—

(A) the biological counter terrorism research program;

(B) the biological defense homeland security support program;

(C) pilot programs for establishing biological defense test beds on Department of Defense installations and in selected urban areas of the United States;

(D) programs for expanding the capacity of the Department of Defense to meet increased demand for vaccines against biological agents; and

(E) any plans to coordinate Department of Defense work in biological defense programs with other Federal, State, and local programs.

(8) Recommendations for legislative changes that may be required to execute the roles and missions set forth in Department of Defense homeland security plans.

**SEC. 1018. REPORT ON EFFECTS OF NUCLEAR EARTH PENETRATOR WEAPONS AND OTHER WEAPONS.**

(a) NAS STUDY.—The Secretary of Defense shall request the National Academy of Sciences

to conduct a study and prepare a report on the anticipated short-term and long-term effects of the use of a nuclear earth penetrator weapon on the target area, including the effects on civilian populations in proximity to the target area and on United States military personnel performing operations and battle damage assessments in the target area, and the anticipated short-term and long-term effects on the civilian population in proximity to the target area if—

(1) a non-penetrating nuclear weapon is used to destroy hard or deeply-buried targets; or

(2) a conventional high-explosive weapon is used to destroy an adversary's weapons of mass destruction storage or production facilities, and radioactive, nuclear, biological, or chemical weapons materials, agents, or other contaminants are released or spread into populated areas.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress the report under subsection (a), together with any comments the Secretary may consider appropriate on the report. The report shall be submitted in unclassified form to the maximum extent possible, with a classified annex if needed.

**SEC. 1019. REPORT ON EFFECTS OF NUCLEAR-TIPPED BALLISTIC MISSILE INTERCEPTORS AND NUCLEAR MISSILES NOT INTERCEPTED.**

(a) NAS STUDY.—The Secretary of Defense shall request the National Academy of Sciences to conduct a study and prepare a report on the anticipated short-term and long-term effects of the use of a nuclear-tipped ballistic missile interceptor, including the effects on civilian populations and on United States military personnel in proximity to the target area, and the immediate, short-term, and long-term effects on the civilian population of a major city of the United States, and the Nation as a whole, if a ballistic missile carrying a nuclear weapon is not intercepted and detonates directly above a major city of the United States.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress the report under subsection (a), together with any comments the Secretary may consider appropriate on the report. The report shall be submitted in unclassified form to the maximum extent possible, with a classified annex if needed.

**Subtitle C—Other Matters**

**SEC. 1021. SENSE OF CONGRESS ON MAINTENANCE OF A RELIABLE, FLEXIBLE, AND ROBUST STRATEGIC DETERRENT.**

It is the sense of Congress that, consistent with the national defense strategy delineated in the Quadrennial Defense Review dated September 30, 2001 (as submitted under section 118 of title 10, United States Code), the Nuclear Posture Review dated January 2002, and the global strategic environment, the President should, to defend the Nation, deter aggressors and potential adversaries, assure friends and allies, defeat enemies, dissuade competitors, advance the foreign policy goals and vital interests of the United States, and generally ensure the national security of the United States, take the following actions:

(1) Maintain an operationally deployed strategic force of not less than 1,700 nuclear weapons for immediate and unexpected contingencies.

(2) Maintain a responsive force of non-deployed nuclear weapons for potential contingencies at readiness and numerical levels determined to be—

(A) essential to the execution of the Single Integrated Operational Plan; or

(B) necessary to maintain strategic flexibility and capability in accordance with the findings and conclusions of such Nuclear Posture Review.

(3) Develop advanced conventional weapons, and nuclear weapons, capable of destroying—

(A) hard and deeply buried targets; and

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

(4) Develop a plan to achieve and maintain the capability to resume conducting underground tests of nuclear weapons within one year after a decision is made to resume conducting such tests, so as to have the means to maintain robust and adaptive strategic forces through a ready, responsive, and capable nuclear infrastructure, as prescribed in such Nuclear Posture Review.

(5) Develop a plan to revitalize the Nation's nuclear weapons industry and infrastructure so as to facilitate the development and production of safer, more reliable, and more effective nuclear weapons.

**SEC. 1022. TIME FOR TRANSMITTAL OF ANNUAL DEFENSE AUTHORIZATION LEGISLATIVE PROPOSAL.**

(a) IN GENERAL.—Chapter 2 of title 10, United States Code, is amended by inserting after section 113 the following new section:

**“§113a. Transmission of annual defense authorization request**

“(a) TIME FOR TRANSMITTAL.—The Secretary of Defense shall transmit to Congress the annual defense authorization request for a fiscal year during the first 30 days after the date on which the President transmits to Congress the budget for that fiscal year pursuant to section 1105 of title 31.

“(b) DEFENSE AUTHORIZATION REQUEST DEFINED.—In this section, the term ‘defense authorization request’, with respect to a fiscal year, means a legislative proposal submitted to Congress for the enactment of the following:

“(1) Authorizations of appropriations for that fiscal year, as required by section 114 of this title.

“(2) Personnel strengths for that fiscal year, as required by section 115 of this title.

“(3) Any other matter that is proposed by the Secretary of Defense to be enacted as part of the annual defense authorization bill for that fiscal year.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 113 the following new item:

“113a. Transmission of annual defense authorization request.”.

**SEC. 1023. TECHNICAL AND CLERICAL AMENDMENTS.**

(a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) Section 153 is amended by inserting “(a) PLANNING; ADVICE; POLICY FORMULATION.—” at the beginning of the text.

(2) Section 663(e)(2) is amended by striking “Armed Forces Staff College” and inserting “Joint Forces Staff College”.

(3) Section 2399(a)(2) is amended—

(A) in the matter preceding subparagraph (A), by striking “means—” and inserting “means a conventional weapons system that—”; and

(B) in subparagraph (A), by striking “a conventional weapons system that”.

(4)(A) Section 2410h is transferred to the end of subchapter IV of chapter 87 and is redesignated as section 1747.

(B) The item relating to that section in the table of sections at the beginning of chapter 141 is transferred to the end of the table of sections at the beginning of subchapter IV of chapter 87 and is amended to reflect the redesignation made by subparagraph (A).

(5) Section 2677 is amended by striking subsection (c).

(6) Section 2680(e) is amended by striking “the” after “the Committee on” the first place it appears.

(7) Section 2815(b) is amended by striking “for fiscal year 2003 and each fiscal year thereafter” and inserting “for any fiscal year”.

(8) Section 2828(b)(2) is amended by inserting “time” after “from time to”.

(b) TITLE 37, UNITED STATES CODE.—Title 37, United States Code, is amended as follows:

(1) Section 302(a) is amended by striking “subsection (c)” and inserting “subsection (d)”.  
(2) Section 324(b) is amended by striking “(1)” before “The Secretary”.

(c) PUBLIC LAW 107–107.—Effective as of December 28, 2001, and as if included therein as enacted, the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107) is amended as follows:

(1) Section 602(a)(2) (115 Stat. 1132) is amended by striking “an” in the first quoted matter.

(2) Section 1410(a)(3)(C) (115 Stat. 1266) by inserting “both places it appears” before “and inserting”.

(3) Section 3007(d)(1)(C) (115 Stat. 1352) is amended by striking “2905(b)(7)(B)(iv)” and inserting “2905(b)(7)(C)(iv)”.

(d) PUBLIC LAW 106–398.—Effective as of October 30, 2000, and as if included therein as enacted, the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398) is amended as follows:

(1) Section 577(b)(2) (114 Stat. 1654A–140) is amended by striking “Federal” in the quoted matter and inserting “Department of Defense”.

(2) Section 612(c)(4)(B) (114 Stat. 1654A–150) is amended by striking the comma at the end of the first quoted matter.

(e) PUBLIC LAW 106–65.—The National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65) is amended as follows:

(1) Section 573(b) (10 U.S.C. 513 note) is amended by inserting a period at the end of paragraph (2).

(2) Section 1305(6) (22 U.S.C. 5952 note) is amended by striking the first period after “facility”.

(f) TITLE 14, UNITED STATES CODE.—Section 516(c) of title 14, United States Code, is amended by striking “his section” and inserting “this section”.

**SEC. 1024. WAR RISK INSURANCE FOR VESSELS IN SUPPORT OF NATO-APPROVED OPERATIONS.**

Section 1205 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1285) is amended by adding at the end the following:

“(c) INSURANCE OF VESSELS IN SUPPORT OF NATO-APPROVED OPERATIONS.—(1) Upon request made under subsection (b), the Secretary may provide insurance for a vessel, regardless of the country in which the vessel is registered and the citizenship of its owners, that is supporting a military operation approved by the North Atlantic Council, including a vessel that is not operating under contract with a department or agency of the United States.

“(2) If a vessel is insured under paragraph (1) in response to a request made pursuant to an international agreement providing for the sharing among nations of the risks involved in mutual or joint operations, the Secretary of Transportation, with the concurrence of the Secretary of State, may seek from another nation that is a party to such agreement a commitment to indemnify the United States for any amounts paid by the United States for claims against such insurance.

“(3) Amounts received by the United States as indemnity from a nation pursuant to paragraph (2) shall be deposited into the insurance fund created under section 1208.

“(4) Any obligation of a department or agency of the United States to indemnify the Secretary or the insurance fund for any claim against insurance provided under this subsection is extinguished to the extent of any indemnification received from a nation pursuant to paragraph (2) with respect to the claim.”.

**SEC. 1025. CONVEYANCE, NAVY DRYDOCK, PORTLAND, OREGON.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may sell Navy Drydock No. YFD-69, located in Portland, Oregon, to Portland Shipyard, LLC, which is the current user of the drydock.

(b) CONDITION OF CONVEYANCE.—The conveyance under subsection (a) shall be subject to the condition that the purchaser agree to retain the drydock on Swan Island in Portland, Oregon, until at least September 30, 2007.

(c) CONSIDERATION.—As consideration for the conveyance of the drydock under subsection (a), the purchaser shall pay to the Secretary an amount equal to the fair market value of the drydock at the time of the conveyance, as determined by the Secretary.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 1026. ADDITIONAL WEAPONS OF MASS DESTRUCTION CIVIL SUPPORT TEAMS.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should—

(1) establish 23 additional teams designated as Weapons of Mass Destruction Civil Support Teams (for a total of 55 such teams); and

(2) ensure that of such 55 teams there is at least one team established for each State and territory.

(b) STATE AND TERRITORY DEFINED.—In this section, the term “State and territory” means the several States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.

**TITLE XI—CIVILIAN PERSONNEL MATTERS**

**SEC. 1101. ELIGIBILITY OF DEPARTMENT OF DEFENSE NONAPPROPRIATED FUND EMPLOYEES FOR LONG-TERM CARE INSURANCE.**

(a) IN GENERAL.—Section 9001(1) of title 5, United States Code, is amended—

(1) in subparagraph (B), by striking “and”;

(2) in subparagraph (C), by striking the comma at the end and inserting “; and”;

(3) by inserting after subparagraph (C) the following new subparagraph:

“(D) an employee of a nonappropriated fund instrumentality of the Department of Defense described in section 2105(c).”.

(b) DISCRETIONARY AUTHORITY.—Section 9002 of such title is amended—

(1) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

“(b) DISCRETIONARY AUTHORITY REGARDING NONAPPROPRIATED FUND INSTRUMENTALITIES.—The Secretary of Defense may determine that a nonappropriated fund instrumentality of the Department of Defense is covered under this chapter or is covered under an alternative long-term care insurance program.”.

**SEC. 1102. EXTENSION OF DEPARTMENT OF DEFENSE AUTHORITY TO MAKE LUMP-SUM SEVERANCE PAYMENTS.**

(a) IN GENERAL.—Section 5595(i)(4) of title 5, United States Code, is amended by striking “2003” and inserting “2006”.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the President shall submit to Congress a report including recommendations whether the authority under section 5595(i) of title 5, United States Code, should be made permanent or expanded to be made Governmentwide.

**SEC. 1103. COMMON OCCUPATIONAL AND HEALTH STANDARDS FOR DIFFERENTIAL PAYMENTS AS A CONSEQUENCE OF EXPOSURE TO ASBESTOS.**

(a) PREVAILING RATE SYSTEMS.—Section 5343(c)(4) of title 5, United States Code, is amended by inserting before the semicolon at the end the following: “, and for any hardship or hazard related to asbestos, such differentials shall be determined by applying occupational safety and health standards consistent with the permissible exposure limit promulgated by the Secretary of Labor under the Occupational Safety and Health Act of 1970”.

(b) GENERAL SCHEDULE PAY RATES.—Section 5545(d) of such title is amended by inserting before the period at the end of the first sentence the following: “, and for any hardship or hazard related to asbestos, such differentials shall be determined by applying occupational safety and health standards consistent with the permissible exposure limit promulgated by the Secretary of Labor under the Occupational Safety and Health Act of 1970”.

(c) APPLICABILITY.—Subject to any vested constitutional property rights, any administrative or judicial determination after the date of enactment of this Act concerning backpay for a differential established under sections 5343(c)(4) or 5545(d) of such title shall be based on occupational safety and health standards described in the amendments made by subsections (a) and (b).

**SEC. 1104. CONTINUATION OF FEDERAL EMPLOYEE HEALTH BENEFITS PROGRAM ELIGIBILITY.**

Paragraph (4)(B) of section 8905a(d) of title 5, United States Code, is amended—

(1) in clause (i), by striking “2003” and inserting “2006”; and

(2) in clause (ii)—

(A) by striking “2004” and inserting “2007”; and

(B) by striking “2003” and inserting “2006”.

**SEC. 1105. TRIENNIAL FULL-SCALE FEDERAL WAGE SYSTEM WAGE SURVEYS.**

Section 5343(b) of title 5, United States Code, is amended—

(1) in the first sentence, by striking “2 years” and inserting “3 years”; and

(2) in the second sentence, by striking the period at the end and inserting “, based on criteria developed by the Office.”.

**TITLE XII—MATTERS RELATING TO OTHER NATIONS**

**SEC. 1201. SUPPORT OF UNITED NATIONS-SPONSORED EFFORTS TO INSPECT AND MONITOR IRAQI WEAPONS ACTIVITIES.**

(a) LIMITATION ON AMOUNT OF ASSISTANCE IN FISCAL YEAR 2003.—The total amount of the assistance for fiscal year 2003 that is provided by the Secretary of Defense under section 1505 of the Weapons of Mass Destruction Control Act of 1992 (22 U.S.C. 5859a) as activities of the Department of Defense in support of activities under that Act may not exceed \$15,000,000.

(b) EXTENSION OF AUTHORITY TO PROVIDE ASSISTANCE.—Subsection (f) of section 1505 of the Weapons of Mass Destruction Control Act of 1992 (22 U.S.C. 5859a) is amended by striking “2002” and inserting “2003”.

**SEC. 1202. STRENGTHENING THE DEFENSE OF TAIWAN.**

(a) IMPLEMENTATION OF TRAINING PLAN.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall implement a comprehensive plan to conduct joint operational training for, and exchanges of senior officers between, the Armed Forces of the United States and the military forces of Taiwan. Such plan shall include implementation of a wide range of programs, activities, exercises, and arrangements focused on threat analysis, military doctrine, force planning, logistical support, intelligence collection and analysis, operational tactics, techniques, and procedures, civil-military relations, and other subjects designed to improve the defensive capabilities of Taiwan and to enhance interoperability between the military forces of Taiwan and the Armed Forces of the United States.

(b) SUBMISSION TO CONGRESS.—At least 30 days before commencing implementation of the plan described in subsection (a), the Secretary of Defense shall submit the plan to Congress, in classified and unclassified form as necessary.

**SEC. 1203. ADMINISTRATIVE SERVICES AND SUPPORT FOR FOREIGN LIAISON OFFICERS.**

(a) AUTHORITY.—Subchapter II of chapter 138 of title 10, United States Code, is amended by adding at the end the following new section:

**“§2350m. Administrative services and support for foreign liaison officers**

“(a) AUTHORITY TO PROVIDE SERVICES AND SUPPORT.—The Secretary of Defense may provide administrative services and support for foreign liaison officers performing duties while such officers temporarily are assigned to components or commands of the armed forces. Such administrative services and support may include base or installation operation support services, office space, utilities, copying services, fire and police protection, and computer support. The Secretary may provide such administrative services and support with or without reimbursement, as the Secretary considers appropriate.

“(b) EXPIRATION OF AUTHORITY.—The authority under this section shall expire on September 30, 2005.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

“2350m. Administrative services and support for foreign liaison officers.”.

(c) REPORT.—Not later than March 1, 2005, the Secretary of Defense shall provide to the Committees on Armed Services of the Senate and the House of Representatives a report describing, as of the date of submission of the report—

(1) the number of foreign liaison officers for which support has been provided under section 2350m of title 10, United States Code (as added by subsection (a));

(2) the countries from which such foreign liaison officers are or were assigned;

(3) the type of support provided, the duration for which the support was provided, and the reasons the support was provided; and

(4) the costs to the Department of Defense and the United States of providing such support.

**SEC. 1204. ADDITIONAL COUNTRIES COVERED BY LOAN GUARANTEE PROGRAM.**

Section 2540 of title 10, United States Code, is amended—

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

“(5) A country that, as determined by the Secretary of Defense in consultation with the Secretary of State, assists in combatting drug trafficking organizations or foreign terrorist organizations.”; and

(2) by adding at the end the following new subsection:

“(d) REPORT.—The Secretary of Defense and the Secretary of State, whenever the Secretaries consider such action to be warranted, shall jointly submit to the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and International Relations of the House of Representatives a report enumerating those countries to be added or removed under subsection (b).”.

**SEC. 1205. LIMITATION ON FUNDING FOR JOINT DATA EXCHANGE CENTER IN MOSCOW.**

(a) LIMITATION.—Not more than 50 percent of the funds made available to the Department of Defense for fiscal year 2003 for activities associated with the Joint Data Exchange Center in Moscow, Russia, may be obligated or expended for any such activity until—

(1) the United States and the Russian Federation enter into a cost-sharing agreement as described in subsection (d) of section 1231 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-329);

(2) the United States and the Russian Federation enter into an agreement or agreements exempting the United States and any United States person from Russian taxes, and from liability under Russian laws, with respect to activities associated with the Joint Data Exchange Center;

(3) the Secretary of Defense submits to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House

of Representatives a copy of each agreement referred to in paragraphs (1) and (2); and

(4) a period of 30 days has expired after the date of the final submission under paragraph (3).

(b) JOINT DATA EXCHANGE CENTER.—For purposes of this section, the term “Joint Data Exchange Center” means the United States-Russian Federation joint center for the exchange of data to provide early warning of launches of ballistic missiles and for notification of such launches that is provided for in a joint United States-Russian Federation memorandum of agreement signed in Moscow in June 2000.

**SEC. 1206. LIMITATION ON NUMBER OF MILITARY PERSONNEL IN COLOMBIA.**

(a) LIMITATION.—None of the funds available to the Department of Defense may be used to support or maintain more than 500 members of the Armed Forces on duty in the Republic of Colombia at any time.

(b) EXCEPTIONS.—There shall be excluded from counting for the purposes of the limitation in subsection (a) the following:

(1) A member of the Armed Forces in the Republic of Colombia for the purpose of rescuing or retrieving United States military or civilian Government personnel, except that the period for which such a member may be so excluded may not exceed 30 days unless expressly authorized by law.

(2) A member of the Armed Forces assigned to the United States Embassy in Colombia as an attaché, as a member of the security assistance office, or as a member of the Marine Corps security contingent.

(3) A member of the Armed Forces in Colombia to participate in relief efforts in responding to a natural disaster.

(4) Nonoperational transient military personnel.

(5) A member of the Armed Forces making a port call from a military vessel in Colombia.

(c) WAIVER.—The Secretary of Defense may waive the limitation in subsection (a) if he determines that such waiver is in the national security interest.

(d) NOTIFICATION.—The Secretary shall notify the congressional defense committees not later 15 days after the date of the exercise of the waiver authority under subsection (c).

**TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION****SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.**

(a) SPECIFICATION OF CTR PROGRAMS.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2731; 50 U.S.C. 2362 note).

(b) FISCAL YEAR 2003 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term “fiscal year 2003 Cooperative Threat Reduction funds” means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs shall be available for obligation for three fiscal years.

**SEC. 1302. FUNDING ALLOCATIONS.**

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the \$416,700,000 authorized to be appropriated to the Department of Defense for fiscal year 2003 in section 301(23) for Cooperative Threat Reduction programs, the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, \$70,500,000.

(2) For strategic nuclear arms elimination in Ukraine, \$6,500,000.

(3) For nuclear weapons transportation security in Russia, \$19,700,000.

(4) For nuclear weapons storage security in Russia, \$39,900,000.

(5) For activities designated as Other Assessments/Administrative Support, \$14,700,000.

(6) For defense and military contacts, \$18,900,000.

(7) For weapons of mass destruction infrastructure elimination activities in Kazakhstan, \$9,000,000.

(8) For weapons of mass destruction infrastructure elimination activities in Ukraine, \$8,800,000.

(9) For chemical weapons destruction in Russia, \$50,000,000.

(10) For biological weapons facility dismantlement in the States of the former Soviet Union \$11,500,000.

(11) For biological weapons facility security and safety in the States of the former Soviet Union, \$34,800,000.—

(12) For biological weapons collaborative research in the States of the former Soviet Union, \$8,700,000.

(13) For personnel reliability programs in Russia, \$100,000.

(14) For weapons of mass destruction proliferation prevention in the States of the former Soviet Union, \$40,000,000.

(b) ADDITIONAL FUNDS AUTHORIZED FOR CERTAIN PURPOSES.—Of the funds authorized to be appropriated to the Department of Defense for fiscal year 2003 in section 301(23) for Cooperative Threat Reduction programs, \$83,600,000 may be obligated for any of the purposes specified in paragraphs (1) through (4) and (9) of subsection (a) in addition to the amounts specifically authorized in such paragraphs.

(c) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2003 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (14) of subsection (a) until 30 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended. The amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2003 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(d) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—(1) Subject to paragraphs (2) and (3), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2003 for a purpose listed in any of the paragraphs in subsection (a) in excess of the amount specifically authorized for such purpose (including amounts authorized under subsection (b)).

(2) An obligation of funds for a purpose stated in any of the paragraphs in subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

(3) The Secretary may not, under the authority provided in paragraph (1), obligate amounts for the purposes stated any of paragraphs (5) through (13) of subsection (a) in excess of 115 percent of the amount specifically authorized for such purposes.

**SEC. 1303. PROHIBITION AGAINST USE OF FUNDS UNTIL SUBMISSION OF REPORTS.**

No fiscal year 2003 Cooperative Threat Reduction funds may be obligated or expended until 30 days after the date of the submission of—

(1) the report required to be submitted in fiscal year 2002 under section 1308(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-341); and

(2) the update for the multiyear plan required to be submitted for fiscal year 2001 under section 1205 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 22 U.S.C. 5952 note).

**SEC. 1304. REPORT ON USE OF REVENUE GENERATED BY ACTIVITIES CARRIED OUT UNDER COOPERATIVE THREAT REDUCTION PROGRAMS.**

Section 1308(c) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-341) is amended by inserting at the end the following new paragraph:

“(6) To the maximum extent practicable, a description of how revenue generated by activities carried out under Cooperative Threat Reduction programs in recipient States is being utilized, monitored, and accounted for.”.

**SEC. 1305. PROHIBITION AGAINST USE OF FUNDS FOR SECOND WING OF FISSILE MATERIAL STORAGE FACILITY.**

No funds authorized to be appropriated for Cooperative Threat Reduction programs for any fiscal year may be used for the design, planning, or construction of a second wing for a storage facility for Russian fissile material.

**SEC. 1306. SENSE OF CONGRESS AND REPORT REQUIREMENT REGARDING RUSSIAN PROLIFERATION TO IRAN.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Russian proliferation to Iran constitutes a clear threat to the national security and vital interests of the United States and undermines the purpose and goals of Cooperative Threat Reduction programs;

(2) such proliferation consists primarily of nuclear and missile technology, goods, and know-how, and dual-use items that could contribute to the development of weapons of mass destruction and ballistic missiles;

(3) because of ongoing Russian assistance, the intelligence community estimates that Iran could attempt to launch an intercontinental ballistic missile by 2005, and could possess a nuclear weapon by 2010;

(4) Russian proliferation is providing Iran with the capability to strike United States military forces, interests, allies, and friends in the region with weapons-of-mass-destruction-tipped ballistic missiles;

(5) the issue of Russian proliferation to Iran has been raised by United States officials at the highest levels of the Russian Government;

(6) Iran has long been identified as a State sponsor of terrorism by the United States because of its support of foreign terrorist organizations, and the combination of terrorist organizations and weapons of mass destruction constitutes a grave threat to the national security of the United States;

(7) Russian proliferation to Iran raises serious questions regarding the intentions of the Russian Government, and its commitment to non-proliferation and improved relations with the United States;

(8) Russian proliferation to Iran could undermine Congressional support for Cooperative Threat Reduction programs; and

(9) the President must safeguard United States national security and demonstrate United States resolve and commitment to stopping the proliferation of weapons of mass destruction and ballistic missiles through clear, firm, and coherent policies and strategies that employ the full range of diplomatic and economic tools at his disposal, both positive and negative, to halt the serious and continuing problem of Russian proliferation.

(b) REPORT.—Not later than March 15 of 2003 through 2009, the President shall submit to Congress a report (in unclassified and classified

form as necessary) describing in detail Russian proliferation of weapons of mass destruction and ballistic missile goods, technology, and know-how, and of dual-use items that may contribute to the development of weapons of mass destruction and ballistic missiles, to Iran and to other countries during the year preceding the year in which the report is submitted. The report shall include—

(1) a net assessment prepared by the Office of Net Assessment of the Department of Defense; and

(2) a detailed description of the following:  
(A) The number, type, and quality of direct and dual-use weapons of mass destruction and ballistic missile goods, items, and technology being transferred.

(B) The form, location, and manner in which such transfers take place.

(C) The contribution that such transfers could make to the recipient States' weapons of mass destruction and ballistic missile programs, and how soon such States will test, possess, and deploy weapons of mass destruction and ballistic missiles.

(D) The impact that such transfers have, or could have, on United States national security, on regional friends, allies, and interests, and on United States military forces deployed in the region to which such transfers are being made.

(E) The actions being taken by the United States to counter and defend against capabilities developed by the recipient States as a result of such transfers.

(F) The strategy, plan, or policy incorporating the full range of policy tools available that the President intends to employ to halt Russian proliferation, the rationale for employing such tools, and the timeline by which the President expects to see material progress in ending Russian proliferation of direct and dual-use weapons of mass destruction and missile goods, technologies, and know-how.

**SEC. 1307. PROHIBITION AGAINST USE OF COOPERATIVE THREAT REDUCTION FUNDS OUTSIDE THE STATES OF THE FORMER SOVIET UNION.**

No Cooperative Threat Reduction funds authorized or appropriated for any fiscal year may be used for threat reduction projects, programs, or activities in countries other than the States of the former Soviet Union.

**SEC. 1308. LIMITED WAIVER OF RESTRICTION ON USE OF FUNDS.**

(a) WAIVER AUTHORITY.—(1) The restriction described in subsection (d)(5) of section 1203 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1779; 22 U.S.C. 5952) shall not apply with respect to United States assistance to Russia if the President submits to Congress a written certification that waiving the restriction is important to the national security interests of the United States.

(2) The authority under paragraph (1) shall expire on December 31, 2005.

(b) REPORT.—Not later than 30 days after the date that the President applies the waiver authority under subsection (a), the President shall submit to Congress a report (in classified and unclassified form as necessary) describing—

(1) the arms control agreements with which Russia is not committed to complying, the form or forms of noncommittal, and detailed evidence of such noncommittal;

(2) why use of the waiver of authority was important to protect national security interests; and

(3) a strategy, plan, or policy incorporating the full range of policy tools available to the President for promoting Russian commitment to, and compliance with, all relevant arms control agreements.

**SEC. 1309. LIMITATION ON USE OF FUNDS UNTIL SUBMISSION OF REPORT ON DEFENSE AND MILITARY CONTACTS ACTIVITIES.**

Not more than 50 percent of fiscal year 2003 Cooperative Threat Reduction Funds may be ob-

ligated or expended for defense and military contacts activities until the Secretary of Defense submits to Congress a report describing in detail the operation and success of such activities carried out under Cooperative Threat Reduction programs during fiscal years 2001 and 2002. Such report shall include a description of—

(1) the amounts obligated or expended for such activities;

(2) the purposes, goals, and objectives for which such amounts were obligated and expended;

(3) a description of the activities carried out, including the forms of assistance provided, and the justification for each form of assistance provided;

(4) the success of each activity, including the goals and objectives achieved for each;

(5) a description of participation by private sector entities in the United States in carrying out such activities, and the participation of any other Federal department or agency in such activities; and

(6) any other information that the Secretary considers relevant to provide a complete description of the operation and success of activities carried out under Cooperative Threat Reduction programs.

**TITLE XIV—UTAH TEST AND TRAINING RANGE**

**SEC. 1401. DEFINITION OF UTAH TEST AND TRAINING RANGE.**

In this title, the term “Utah Test and Training Range” means those portions of the military operating area of the Utah Test and Training Area located solely in the State of Utah. The term includes the Dugway Proving Ground.

**SEC. 1402. MILITARY OPERATIONS AND OVERFLIGHTS AT UTAH TEST AND TRAINING RANGE.**

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

(1) The testing and development of military weapons systems and the training of military forces are critical to ensuring the national security of the United States.

(2) The Utah Test and Training Range is a unique and irreplaceable national asset at the core of the test and training mission of the Department of Defense.

(3) Areas designated as wilderness study areas are located near lands withdrawn for military use and are beneath special use airspace critical to the support of military test and training missions at the Utah Test and Training Range.

(4) Continued unrestricted access to the special use airspace and lands that comprise the Utah Test and Training Range is a national security priority and is not incompatible with the protection and proper management of the natural, environmental, cultural, and other resources of such lands.

(b) OVERFLIGHTS.—(1) Nothing in this title, the Wilderness Act (16 U.S.C. 1131 et seq.), or other land management laws generally applicable to federally designated wilderness areas or wilderness study areas in the Utah Test and Training Range shall restrict or preclude low-level overflights, low-level military overflights and operations of military aircraft, helicopters, unmanned aerial vehicles, military overflights or military overflights and operations that can be seen or heard within those areas.

(2) Paragraph (1) precludes any restriction regarding altitude or airspeed, noise level, supersonic flight, route of flight, time of flight, seasonal usage, or numbers of flights of any military aircraft, helicopters, unmanned aerial vehicles, missiles, aerospace vehicles, and other military weapons systems over federally designated wilderness areas or wilderness study areas in the Utah Test and Training Range.

(3) In this subsection, the term “low-level” includes any flight down to and including 10 feet above ground level.

(c) SPECIAL USE AIRSPACE AND TRAINING ROUTES.—Nothing in this title, the Wilderness

Act, or other land management laws generally applicable to federally designated wilderness areas or wilderness study areas in the Utah Test and Training Range shall restrict or preclude the designation of new units of special use airspace, the expansion of existing units of special use airspace, or the use or establishment of military training routes over federally designated wilderness areas or wilderness study areas in the Utah Test and Training Range.

(d) **COMMUNICATIONS AND TRACKING SYSTEMS.**—Nothing in this title, the Wilderness Act, or other land management laws generally applicable to federally designated wilderness areas or wilderness study areas in the Utah Test and Training Range shall be construed to require the removal of existing communications, instrumentation, or electronic tracking systems from these areas, to prevent any required maintenance of such systems, or to prevent the installation of new communication, instrumentation, or other equipment necessary for effective testing and training to meet military requirements so long as the installation and maintenance of such systems do not require construction of any permanent roads in any federally designated wilderness area or wilderness study area.

(e) **EMERGENCY ACCESS AND RESPONSE.**—(1) Nothing in this title, the Wilderness Act, or other land management laws generally applicable to federally designated wilderness areas or wilderness study areas in the Utah Test and Training Range shall restrict or preclude timely access to any area necessary to respond to emergency situations. Immediate access, including access for emergency and rescue vehicles and equipment, shall not be restricted if human life or health may be in jeopardy.

(2) Not later than 120 days after the date of the enactment of this Act, the Secretary of the Air Force and the Secretary of Interior shall enter into a memorandum of understanding providing formal procedures for access to the federally designated wilderness areas or wilderness study areas that are located beneath airspace of the Utah Test and Training Range, which may be necessary to respond to emergency situations, to rescue downed aircrew members, to investigate accident locations, to recover military aircraft or other weapons systems, and to restore accident locations. Military operations in the Utah Test and Training Range shall not be limited or restricted in any way pending completion of the memorandum of understanding.

(f) **CONTROL OR RESTRICTION OF PUBLIC ACCESS.**—(1) When required by national security or public safety, public access to federally designated wilderness areas or wilderness study areas in the Utah Test and Training Range that are located beneath airspace designated as special use airspace may be controlled, restricted, or prohibited entirely. Such controls, restrictions, or prohibitions shall remain in force for the minimum duration necessary. The Secretary of the Air Force shall provide advance notice of such controls, restrictions, or prohibitions to the Secretary of the Interior.

(2) Not later than 120 days after the date of the enactment of this Act, the Secretary of the Air Force and the Secretary of Interior shall enter into a memorandum of understanding prescribing procedures for implementing access controls, restrictions, or prohibitions. Military operations in the Utah Test and Training Range shall not be limited or restricted in any way pending completion of the memorandum of understanding.

**SEC. 1403. DESIGNATION AND MANAGEMENT OF LANDS IN UTAH TEST AND TRAINING RANGE.**

(a) **DESIGNATION.**—The following Federal lands that are in the Utah Test and Training Range are hereby designated as wilderness:

(1) Those lands that were managed pursuant to the nonimpairment standard set forth in section 603(c) of Public Law 94-579 (43 U.S.C. 1782(c)) on or before January 1, 1991.

(2) Those lands that were acquired by the United States through donation, exchange, or other method of acquisition and—

(A) are located entirely within the areas identified in paragraph (1); or

(B) are located within a logical extension of the boundaries of the areas identified in paragraph (1).

(b) **PLANNING PROCESS FOR FEDERAL LANDS IN UTAH TEST AND TRAINING RANGE.**—(1) The Secretary of the Interior shall not continue the plan amendment process initiated pursuant to section 202 of Public Law 94-579 (43 U.S.C. 1712) and published in the Federal Register on March 18, 1999 (64 Fed. Reg. 13439), for Federal lands located in the Utah Test and Training Range.

(2) The Secretary of the Interior shall not develop, maintain, or revise land use plans pursuant to section 202 of Public Law 94-579 (43 U.S.C. 1712) for Federal lands located in the Utah Test and Training Range without the prior concurrence of the Secretary of the Air Force and the Commander-in-Chief of the military forces of the State of Utah.

(c) **WITHDRAWAL.**—Subject to valid existing rights, the Federal lands in the areas designated as wilderness by this title are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws, from location, entry, and patent under the United States mining laws, and from disposition under all laws pertaining to mineral and geothermal leasing, and mineral materials, and all amendments to such laws.

(d) **WATER.**—Nothing in this title or any action taken pursuant to this title shall constitute an express or implied reservation of surface or groundwater by any person, including the United States. Nothing in this title affects any valid existing water rights in existence before the date of the enactment of this Act, including any water rights held by the United States. If the United States determines that additional water resources are needed for the purposes of this title, the United States shall acquire such rights in accordance with the water laws of the State of Utah.

(e) **MAP AND DESCRIPTION.**—(1) As soon as practicable after the date of the enactment of this title, the Secretary of Interior shall transmit a map and legal description of the areas designated as wilderness by this title to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(2) The map and legal description shall have the same force and effect as if included in this title, except that the Secretary of Interior may correct clerical and typographical errors in the map and legal description.

(3) The map and legal description shall be on file and available for public inspection in the office of the Director of the Bureau of Land Management and the office of the State Director of the Bureau of Land Management in the State of Utah.

(f) **ADMINISTRATION.**—(1) Subject to valid existing rights and this title, the areas designated as wilderness in this title shall be administered by the Secretary of Interior in accordance with the provisions of the Wilderness Act, except that any reference in such provisions to the effective date of the Wilderness Act (or any similar reference) shall be deemed to be a reference to the date of the enactment of this Act.

(2) Any lands or interest in lands within the boundaries of an area designated as wilderness by this title that is acquired by the United States after the date of the enactment of this Act shall be added to and administered as part of the wilderness area within which the acquired lands or interest in lands are located.

(3) The Secretary of the Interior may offer to acquire lands and interest in lands located within the areas designated as wilderness by this title. Such lands may be acquired at fair

market value under this subsection by purchase from willing sellers, by exchange for lands of approximately equal value, or by donation.

(4) In furtherance of the purposes and principles of the Wilderness Act, management activities to maintain or restore fish and wildlife populations and the habitats to support such populations may be carried out within the areas designated as wilderness by this title where consistent with relevant wilderness management plans, in accordance with appropriate policies and guidelines such as those set forth in appendix B of the Report of the Committee on Interior and Insular Affairs to accompany H.R. 2570 of the 101st Congress (H. Rept. 101-405).

(5) Within the areas designated as wilderness by this title, the grazing of livestock, where established before the date of the enactment of this Act, shall be permitted to continue subject to such reasonable regulations, policies, and practices as the Secretary of the Interior considers necessary, as long as such regulations, policies, and practices fully conform with and implement the intent of Congress regarding grazing in such areas, as such intent is expressed in the Wilderness Act, section 101(f) of Public Law 101-628, and House Report 101-405, Appendix A.

(6) Congress does not intend for the designation of the wilderness in this title to lead to the creation of protective perimeters or buffer zones around any area designated as wilderness by this title. The fact that nonwilderness activities or uses can be seen or heard within the areas designated as wilderness by this title shall not, of itself, preclude such activities or uses up to the boundary of that wilderness.

(7) Until completion of a full revision of the Pony Express Area Resource Management Plan, dated January 12, 1990, by the Salt Lake Field Office of the Bureau of Land Management, the Secretary of Interior shall not grant or issue any authorizations pursuant to section 501(a)(6) of Public Law 94-579 (43 U.S.C. 1761(a)(6)) upon Federal lands identified as inventory units UTU-020-088, UTU-020-095, UTU-020-096, and UTU-020-100, as generally depicted on the map entitled "Wilderness Inventory, State of Utah", dated August 1979.

**SEC. 1404. DESIGNATION OF PILOT RANGE WILDERNESS.**

Certain Federal lands in Box Elder County, Utah, as generally depicted on the map entitled "Pilot Range Wilderness", and dated October 1, 2001, are hereby designated as wilderness, and shall be known as the Pilot Range Wilderness Area.

**SEC. 1405. DESIGNATION OF CEDAR MOUNTAIN WILDERNESS.**

Certain Federal lands in Tooele County, Utah, as generally depicted on the map entitled "Cedar Mountain Wilderness", and dated May 1, 2002, are hereby designated as wilderness, and shall be known as the Cedar Mountain Wilderness Area.

**DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS**

**SEC. 2001. SHORT TITLE.**

This division may be cited as the "Military Construction Authorization Act for Fiscal Year 2003".

**TITLE XXI—ARMY**

**SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

**Army: Inside the United States**

State	Installation or location	Amount
Alabama	Anniston Army Depot	\$1,900,000
	Fort Rucker	\$3,050,000
Alaska	Redstone Arsenal	\$1,950,000
	Fort Wainwright	\$111,010,000
Arizona	Fort Huachuca	\$10,400,000
	Yuma Proving Ground	\$4,500,000
Arkansas	Pine Bluff Arsenal	\$18,937,000
California	Monterey Defense Language Institute	\$1,500,000
Colorado	Fort Carson	\$5,350,000
District of Columbia	Walter Reed Army Medical Center	\$9,950,000
Georgia	Fort Benning	\$74,250,000
	Fort Stewart/Hunter Army Air Field	\$26,000,000
Hawaii	Schofield Barracks	\$191,000,000
Kansas	Fort Leavenworth	\$3,150,000
	Fort Riley	\$51,950,000
Kentucky	Blue Grass Army Depot	\$5,500,000
	Fort Campbell	\$106,300,000
Louisiana	Fort Polk	\$31,000,000
Maryland	Fort Detrick	\$22,500,000
Massachusetts	Natick Research Development and Engineering Center	\$4,100,000
Missouri	Fort Leonard Wood	\$15,500,000
New Jersey	Picatinny Arsenal	\$7,500,000
New York	Fort Drum	\$18,300,000
	Fort Bragg	\$94,900,000
North Carolina	Letterkenny Army Depot	\$1,550,000
Pennsylvania	Fort Bliss	\$10,200,000
Texas	Fort Hood	\$85,000,000
	Fort Lee	\$5,200,000
Virginia	Fort Lewis	\$53,800,000
Washington		
	<b>Total</b>	<b>\$976,247,000</b>

(b) *OUTSIDE THE UNITED STATES.*—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

**Army: Outside the United States**

Country	Installation or location	Amount	
Belgium	Supreme Headquarters, Allied Powers Europe	\$13,600,000	
	Area Support Group, Bamberg	\$17,200,000	
Germany	Campbell Barracks	\$8,300,000	
	Coleman Barracks	\$1,350,000	
	Darmstadt	\$3,500,000	
	Grafenwoehr	\$69,866,000	
	Landstuhl	\$2,400,000	
	Mannheim	\$42,000,000	
	Schweinfurt	\$2,000,000	
	Vicenza	\$34,700,000	
	Italy	Camp Carroll	\$20,000,000
		Camp Castle	\$6,800,000
Korea	Camp Hovey	\$25,000,000	
	Camp Humphreys	\$36,000,000	
	Camp Henry	\$10,000,000	
	K16 Airfield	\$40,000,000	
	Yongsan	\$12,600,000	
	<b>Total</b>	<b>\$345,316,000</b>	

(c) *UNSPECIFIED WORLDWIDE.*—Using the amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(3), the Secretary of the Army may acquire real property and carry out military construction projects for the installation and location, and in the amount, set forth in the following table:

**Army: Unspecified Worldwide**

Location	Installation	Amount
Unspecified Worldwide	Unspecified Worldwide	\$4,000,000

**SEC. 2102. FAMILY HOUSING.**

(a) *CONSTRUCTION AND ACQUISITION.*—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations, for the purposes, and in the amounts set forth in the following table:

**Army: Family Housing**

State or Country	Installation or location	Purpose	Amount
Alaska	Fort Wainwright	38 Units	\$17,752,000
Arizona	Yuma Proving Ground	33 Units	\$6,100,000
Germany	Stuttgart	1 Unit	\$990,000
Korea	Yongsan	10 Units	\$3,100,000

**Army: Family Housing—Continued**

State or Country	Installation or location	Purpose	Amount
	Total: .....		\$27,942,000

(b) **PLANNING AND DESIGN.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed \$15,653,000.

**SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.**

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed \$234,831,000.

**SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

(a) **IN GENERAL.**—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2002, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of \$2,935,609,000 as follows:

- (1) For military construction projects inside the United States authorized by section 2101(a), \$803,247,000.
- (2) For military construction projects outside the United States authorized by section 2101(b), \$345,316,000.
- (3) For military construction projects at unspecified worldwide locations authorized by section 2101(c), \$4,000,000.
- (4) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, \$21,550,000.
- (5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$158,796,000.
- (6) For military family housing functions:
  - (A) For construction and acquisition, planning and design and improvement of military family housing and facilities, \$278,426,000.
  - (B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), \$1,122,274,000.
- (7) For the construction of phase 3 of a barracks complex, Butner Road, at Fort Bragg, North Carolina, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, as enacted into law by Public Law 106–398; 114 Stat. 1654A–389), \$50,000,000.
- (8) For the construction of phase 2 of a barracks complex, D Street, at Fort Richardson, Alaska, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1280), \$21,000,000.
- (9) For the construction of phase 2 of a barracks complex, Nelson Boulevard, at Fort Carson, Colorado, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1280), as amended by section 2105 of this Act, \$42,000,000.
- (10) For the construction of phase 2 of a basic combat trainee complex at Fort Jackson, South Carolina, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1280), as amended by section 2105 of this Act, \$39,000,000.
- (11) For the construction of phase 2 of a barracks complex, 17th and B Streets at Fort Lewis, Washington, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1280), \$50,000,000.

(b) **LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.**—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed—

- (1) the total amount authorized to be appropriated under paragraphs (1), (2), and (3) of subsection (a);
- (2) \$18,000,000 (the balance of the amount authorized under section 2101(a) for construction of a barracks complex, Main Post, at Fort Benning, Georgia);
- (3) \$100,000,000 (the balance of the amount authorized under section 2101(a) for construction of a barracks complex, Capron Avenue, at Schofield Barracks, Hawaii);
- (4) \$50,000,000 (the balance of the amount authorized under section 2101(a) for construction of a barracks complex, Range Road, at Fort Campbell, Kentucky); and
- (5) \$5,000,000 (the balance of the amount authorized under section 2101(a) for a military construction project at Fort Bliss, Texas).

(c) **ADJUSTMENT.**—The total amount authorized to be appropriated pursuant to paragraphs (1) through (11) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by \$13,676,000, which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military construction, military family housing construction, and military family housing support outside the United States and savings resulting from favorable bids, reduced overhead charges, and cancellations due to force structure changes.

**SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2002 PROJECTS.**

- (a) **MODIFICATION.**—The table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1281) is amended—
  - (1) in the item relating to Fort Carson, Colorado, by striking “\$66,000,000” in the amount column and inserting “\$67,000,000”; and
  - (2) in the item relating to Fort Jackson, South Carolina, by striking “\$65,650,000” in the amount column and inserting “\$63,650,000”.
- (b) **CONFORMING AMENDMENTS.**—Section 2104(b) of that Act (115 Stat. 1284) is amended—
  - (1) in paragraph (3), by striking “\$41,000,000” and inserting “\$42,000,000”; and
  - (2) in paragraph (4), by striking “\$36,000,000” and inserting “\$39,000,000”.

**TITLE XXII—NAVY**

**SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

**Navy: Inside the United States**

State	Installation or location	Amount
Arizona .....	Marine Corps Air Station, Yuma .....	\$3,000,000
California .....	Auxiliary Landing Field, San Diego (San Clemente Island) .....	\$6,150,000
	Marine Corps Air–Ground Combat Center, Twentynine Palms .....	\$40,870,000
	Marine Corps Air Station, Camp Pendleton .....	\$31,930,000
	Marine Corps Air Station, Miramar .....	\$12,210,000
	Marine Corps Base, Camp Pendleton .....	\$64,040,000
	Marine Corps Logistics Base, Barstow .....	\$4,450,000
	Naval Air Station, Lemoore .....	\$35,855,000
	Naval Air Warfare Center, Point Mugu, San Nicholas Island .....	\$6,760,000
	Naval Air Weapons Station, China Lake .....	\$10,100,000
	Naval Post Graduate School, Monterey .....	\$9,020,000
	Naval Station, San Diego .....	\$12,210,000
Connecticut .....	Naval Submarine Base, New London .....	\$7,880,000
District of Columbia .....	Marine Corps Barracks .....	\$3,700,000
	Naval District, Washington .....	\$2,690,000
Florida .....	Naval Air Base, Jacksonville .....	\$13,342,000
	Naval Air Station, Pensacola .....	\$990,000
	Naval School Explosive Ordnance Detachment, Eglin .....	\$6,350,000
	Naval Station, Mayport .....	\$1,900,000

**Navy: Inside the United States—Continued**

State	Installation or location	Amount
	Whiting Field .....	\$1,780,000
Georgia .....	Naval Submarine Base, Kings Bay .....	\$1,580,000
Hawaii .....	Naval Shipyard, Pearl Harbor .....	\$18,500,000
	Naval Station, Pearl Harbor .....	\$14,690,000
Illinois .....	Naval Training Center, Great Lakes .....	\$93,190,000
Indiana .....	Crane Naval Surface Weapons Station .....	\$11,610,000
Maine .....	Naval Shipyard, Kittery-Portsmouth .....	\$15,200,000
Maryland .....	Naval Air Facility, Andrews Air Force Base .....	\$9,680,000
	United States Naval Academy .....	\$1,800,000
Mississippi .....	Naval Air Station, Meridian .....	\$2,850,000
	Naval Construction Battalion Center, Gulfport .....	\$5,460,000
	Naval Station, Pascagoula .....	\$16,160,000
Nevada .....	Naval Air Station, Fallon .....	\$4,010,000
New Jersey .....	Naval Weapons Center, Lakehurst .....	\$5,200,000
	Naval Weapons Station Earle, Colts Neck .....	\$5,600,000
North Carolina .....	Marine Corps Air Station, Cherry Point .....	\$10,470,000
	Marine Corps Air Station, New River .....	\$6,920,000
	Marine Corps Base, Camp Lejeune .....	\$9,570,000
Rhode Island .....	Naval Station, Newport .....	\$6,870,000
South Carolina .....	Marine Corps Air Station, Beaufort .....	\$13,700,000
	Marine Corps Recruit Depot, Parris Island .....	\$10,490,000
	Naval Weapons Station, Charlestown .....	\$5,740,000
Texas .....	Naval Air Station, Corpus Christi .....	\$7,150,000
	Naval Air Station Joint Reserve Base, Fort Worth .....	\$8,850,000
	Naval Air Station, Kingsville .....	\$6,210,000
Virginia .....	Dam Neck Fleet Combat Training Center, Atlantic .....	\$3,900,000
	Little Creek Naval Amphibious Base .....	\$9,770,000
	Marine Corps Combat Development Command, Quantico .....	\$24,864,000
	Naval Air Station Oceana .....	\$16,490,000
	Naval Shipyard, Norfolk, Portsmouth .....	\$19,660,000
	Naval Station, Norfolk .....	\$171,505,000
	Naval Surface Warfare Center, Dahlgren .....	\$15,830,000
	Naval Weapons Station, Yorktown .....	\$15,020,000
Washington .....	Naval Air Station, Whidbey Island .....	\$17,580,000
	Keyport Naval Undersea Warfare Command .....	\$10,500,000
	Naval Magazine, Indian Island .....	\$4,030,000
	Naval Station, Bremerton .....	\$45,870,000
	Naval Submarine Base, Bangor .....	\$22,310,000
	Puget Sound Naval Shipyard, Bremerton .....	\$57,132,000
	Strategic Weapons Facility, Bangor .....	\$7,340,000
Various Locations .....	Host Nation Infrastructure .....	\$1,000,000
	<b>Total .....</b>	<b>\$1,009,528,000</b>

(b) *OUTSIDE THE UNITED STATES.*—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

**Navy: Outside the United States**

Country	Installation or location	Amount
Bahrain .....	Naval Support Activity, Bahrain .....	\$25,970,000
Diego Garcia .....	Diego Garcia, Naval Support Facility .....	\$11,090,000
Greece .....	Naval Support Activity, Joint Headquarters Command, Larissa .....	\$14,800,000
Guam .....	Commander, United States Naval Forces, Guam .....	\$13,400,000
Iceland .....	Naval Air Station, Keflavik .....	\$14,920,000
Italy .....	Naval Air Station, Sigonella .....	\$55,660,000
	<b>Total .....</b>	<b>\$135,840,000</b>

**SEC. 2202. FAMILY HOUSING.**

(a) *CONSTRUCTION AND ACQUISITION.*—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations, for the purposes, and in the amounts set forth in the following table:

**Navy: Family Housing**

State or Country	Installation or location	Purpose	Amount
California .....	Naval Air Station, Lemoore .....	178 Units .....	\$40,981,000
	Marine Corps Air-Ground Combat Center, Twentynine Palms .....	76 Units .....	\$19,425,000
Connecticut .....	Naval Submarine Base, New London .....	100 Units .....	\$24,415,000
Florida .....	Naval Station, Mayport .....	1 Unit .....	\$329,000
Hawaii .....	Marine Corps Base, Kaneohe Bay .....	65 Units .....	\$24,797,000
Maine .....	Naval Air Station, Brunswick .....	26 Units .....	\$5,800,000
Mississippi .....	Naval Air Station, Meridian .....	56 Units .....	\$9,755,000
North Carolina .....	Marine Corps Base, Camp LeJeune .....	317 Units .....	\$43,650,000
Virginia .....	Marine Corps Base, Quantico .....	290 Units .....	\$41,843,000
United Kingdom .....	Joint Maritime Facility, St. Mawgan .....	62 Units .....	\$18,524,000
	<b>Total .....</b>		<b>\$229,519,000</b>

(b) **PLANNING AND DESIGN.**—Using amounts appropriated pursuant to the authorization of appropriation in section 2204(a)(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed \$11,281,000.

**SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.**

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed \$136,816,000.

**SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

(a) **IN GENERAL.**—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2002, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of \$2,308,007,000, as follows:

- (1) For military construction projects inside the United States authorized by section 2201(a), \$776,806,000.
- (2) For military construction projects outside the United States authorized by section 2201(b), \$133,270,000.
- (3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, \$23,262,000.
- (4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$95,745,000.
- (5) For military family housing functions:
  - (A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, \$377,616,000.
  - (B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), \$867,788,000.
- (6) For replacement of a pier at Naval Station, Norfolk, Virginia, authorized in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1287), as amended by section 2205 of this Act, \$33,520,000.

(b) **LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.**—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed—

- (1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a);
  - (2) \$48,120,000 (the balance of the amount authorized under section 2201(a) for a bachelors enlisted quarters shipboard ashore, Naval Station, Norfolk, Virginia); and
  - (3) \$2,570,000 (the balance of the amount authorized under section 2201(b) for a quality of life support facility, Naval Air Station Sigonella, Italy).
- (c) **ADJUSTMENT.**—The total amount authorized to be appropriated pursuant to paragraphs (1) through (6) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by \$1,340,000, which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military construction, military family housing construction, and military family housing support outside the United States and savings resulting from favorable bids, reduced overhead charges, and cancellations due to force structure changes.

**SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2002 PROJECT.**

(a) **MODIFICATION.**—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1286) is amended—

- (1) in the item relating to Naval Station, Norfolk, Virginia, by striking “\$139,270,000” in the amount column and inserting “\$139,550,000”; and
  - (2) by striking the amount identified as the total in the amount column and inserting “\$1,059,030,000”.
- (b) **CONFORMING AMENDMENT.**—Section 2204(b)(2) of that Act (115 Stat. 1289) is amended by striking “\$33,240,000” and inserting “\$33,520,000”.

**TITLE XXIII—AIR FORCE**

**SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

**Air Force: Inside the United States**

State	Installation or location	Amount
Alabama	Maxwell Air Force Base	\$8,000,000
Alaska	Clear Air Station	\$14,400,000
	Eielson Air Force Base	\$21,600,000
Arizona	Davis-Monthan Air Force Base	\$19,270,000
	Luke Air Force Base	\$13,000,000
Arkansas	Little Rock Air Force Base	\$25,600,000
California	Beale Air Force Base	\$11,740,000
	Travis Air Force Base	\$9,600,000
	Vandenberg Air Force Base	\$10,500,000
Colorado	Buckley Air National Guard Base	\$17,700,000
	Peterson Air Force Base	\$2,000,000
	Schriever Air Force Base	\$5,700,000
	United States Air Force Academy	\$9,400,000
District of Columbia	Bolling Air Force Base	\$1,500,000
Florida	Elgin Air Force Base	\$4,250,000
	Hurlburt Field	\$15,000,000
	McDill Air Force Base	\$21,000,000
	Tyndall Air Force Base	\$8,100,000
Georgia	Robins Air Force Base	\$5,400,000
Hawaii	Hickam Air Force Base	\$1,350,000
Kansas	McConnell Air Force Base	\$7,500,000
Louisiana	Barksdale Air Force Base	\$10,900,000
Maryland	Andrews Air Force Base	\$9,600,000
Massachusetts	Hanscom Air Force Base	\$7,700,000
Mississippi	Keesler Air Force Base	\$22,000,000
Nevada	Nellis Air Force Base	\$37,350,000
New Jersey	McGuire Air Force Base	\$24,631,000
New Mexico	Cannon Air Force Base	\$4,650,000
	Holloman Air Force Base	\$4,650,000
	Kirtland Air Force Base	\$21,900,000
North Carolina	Pope Air Force Base	\$9,700,000
Ohio	Wright-Patterson Air Force Base	\$25,000,000
Oklahoma	Tinker Air Force Base	\$7,500,000
South Carolina	Shaw Air Force Base	\$6,800,000
Texas	Lackland Air Force Base	\$37,300,000
	Laughlin Air Force Base	\$8,000,000
	Sheppard Air Force Base	\$24,000,000
Utah	Hill Air Force Base	\$14,500,000
Virginia	Langley Air Force Base	\$71,940,000
	<b>Total</b>	<b>\$580,731,000</b>

(b) *OUTSIDE THE UNITED STATES.*—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

**Air Force: Outside the United States**

Country	Installation or location	Amount
Diego Garcia .....	Diego Garcia .....	\$17,100,000
Germany .....	Ramstein Air Force Base .....	\$71,783,000
Guam .....	Andersen Air Force Base .....	\$31,000,000
Italy .....	Aviano Air Force Base .....	\$6,600,000
Japan .....	Kadena Air Force Base .....	\$6,000,000
Korea .....	Osan Air Base .....	\$15,100,000
Spain .....	Naval Station, Rota .....	\$31,818,000
Turkey .....	Incirlik Air Force Base .....	\$1,550,000
United Kingdom .....	Royal Air Force, Fairford .....	\$19,000,000
	Royal Air Force, Lakenheath .....	\$13,400,000
Wake Island .....	Wake Island .....	\$24,900,000
	<i>Total</i> .....	\$238,251,000

(c) *UNSPECIFIED WORLDWIDE.*—Using the amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(3), the Secretary of the Air Force may construct or acquire real property and carry out military construction projects for the installation and location, and in the amount, set forth in the following table:

**Air Force: Unspecified Worldwide**

Location	Installation	Amount
Unspecified Worldwide .....	Classified Location .....	\$32,562,000
	<i>Total</i> .....	\$32,562,000

**SEC. 2302. FAMILY HOUSING.**

(a) *CONSTRUCTION AND ACQUISITION.*—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations, for the purposes, and in the amounts set forth in the following table:

**Air Force: Family Housing**

State or Country	Installation or location	Purpose	Amount
Arizona .....	Luke Air Force Base .....	140 Units .....	\$18,954,000
California .....	Travis Air Force Base .....	110 Units .....	\$24,320,000
Colorado .....	Peterson Air Force Base .....	2 Units .....	\$959,000
	United States Air Force Academy .....	71 Units .....	\$12,424,000
Delaware .....	Dover Air Force Base .....	112 Units .....	\$19,615,000
Florida .....	Eglin Air Force Base .....	Housing Office ..	\$597,000
	Eglin Air Force Base .....	134 Units .....	\$15,906,000
	MacDill Air Force Base .....	96 Units .....	\$18,086,000
Hawaii .....	Hickam Air Force Base .....	96 Units .....	\$29,050,000
Idaho .....	Mountain Home Air Force Base .....	95 Units .....	\$24,392,000
Kansas .....	McConnell Air Force Base .....	Housing Maintenance Facility	\$1,514,000
Maryland .....	Andrews Air Force Base .....	53 Units .....	\$9,838,000
	Andrews Air Force Base .....	52 Units .....	\$8,807,000
Mississippi .....	Columbus Air Force Base .....	Housing Office ..	\$412,000
	Keesler Air Force Base .....	117 Units .....	\$16,505,000
Missouri .....	Whiteman Air Force Base .....	97 Units .....	\$17,107,000
Montana .....	Malmstrom Air Force Base .....	18 Units .....	\$4,717,000
New Mexico .....	Holloman Air Force Base .....	101 Units .....	\$20,161,000
North Carolina .....	Pope Air Force Base .....	Housing Maintenance Facility	\$991,000
North Dakota .....	Seymour Johnson Air Force Base .....	126 Units .....	\$18,615,000
	Grand Forks Air Force Base .....	150 Units .....	\$30,140,000
	Minot Air Force Base .....	112 Units .....	\$21,428,000
	Minot Air Force Base .....	102 Units .....	\$20,315,000
Oklahoma .....	Vance Air Force Base .....	59 Units .....	\$11,423,000
South Dakota .....	Ellsworth Air Force Base .....	Housing Maintenance Facility	\$447,000
Texas .....	Ellsworth Air Force Base .....	22 Units .....	\$4,794,000
	Dyess Air Force Base .....	85 Units .....	\$14,824,000
	Randolph Air Force Base .....	Housing Maintenance Facility	\$447,000
	Randolph Air Force Base .....	112 Units .....	\$14,311,000
Virginia .....	Langley Air Force Base .....	Housing Office ..	\$1,193,000
Germany .....	Ramstein Air Force Base .....	19 Units .....	\$8,534,000
Korea .....	Osan Air Base .....	113 Units .....	\$35,705,000
	Osan Air Base .....	Housing Supply Warehouse .....	\$834,000
United Kingdom .....	Royal Air Force, Lakenheath .....	Housing Office and Maintenance Facility	\$2,203,000
	<i>Total</i> .....		\$429,568,000

(b) **PLANNING AND DESIGN.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed \$34,188,000.

**SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.**

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed \$217,286,000.

**SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.**

(a) **IN GENERAL.**—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2002, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of \$2,495,094,000, as follows:

- (1) For military construction projects inside the United States authorized by section 2301(a), \$580,731,000.
- (2) For military construction projects outside the United States authorized by section 2301(b), \$238,251,000.
- (3) For the military construction projects at unspecified worldwide locations authorized by section 2301(c), \$32,562,000.
- (4) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, \$11,500,000.
- (5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$76,958,000.
- (6) For military housing functions:

- (A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, \$681,042,000.
- (B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), \$874,050,000.

(b) **LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.**—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1), (2) and (3) of subsection (a).

(c) **ADJUSTMENT.**—The total amount authorized to be appropriated pursuant to paragraphs (1) through (6) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by \$10,281,000, which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military construction, military family housing construction, and military family housing support outside the United States and savings resulting from favorable bids, reduced overhead charges, and cancellations due to force structure changes.

**TITLE XXIV—DEFENSE AGENCIES**

**SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

**Defense Agencies: Inside the United States**

Agency	Installation or location	Amount
Missile Defense Agency .....	Kauai, Hawaii .....	\$23,400,000
Defense Intelligence Agency .....	Bolling Air Force Base, District of Columbia .....	\$121,958,000
Defense Logistics Agency .....	Columbus, Ohio .....	\$5,021,000
	Defense Supply Center, Richmond, Virginia .....	\$5,500,000
	Naval Air Station, New Orleans, Louisiana .....	\$9,500,000
	Travis Air Force Base, California .....	\$16,000,000
Defense Threat Reduction Agency .....	Fort Belvoir, Virginia .....	\$76,388,000
Department of Defense Dependents Schools .....	Fort Bragg, North Carolina .....	\$2,036,000
	Fort Jackson, South Carolina .....	\$2,506,000
	Marine Corps Base, Camp Lejeune, North Carolina .....	\$12,138,000
	Marine Corps Base, Quantico, Virginia .....	\$1,418,000
	United States Military Academy, West Point, New York .....	\$4,347,000
	Fort Meade, Maryland .....	\$4,484,000
Joint Chiefs of Staff .....	Peterson Air Force Base, Colorado .....	\$18,400,000
National Security Agency .....	Fort Bragg, North Carolina .....	\$30,800,000
Special Operations Command .....	Hurlburt Field, Florida .....	\$11,100,000
	Naval Amphibious Base, Little Creek, Virginia .....	\$14,300,000
TRICARE Management Activity .....	Elmendorf Air Force Base, Alaska .....	\$10,400,000
	Hickam Air Force Base, Hawaii .....	\$2,700,000
	<b>Total .....</b>	<b>\$372,396,000</b>

(b) **OUTSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

**Defense Agencies: Outside the United States**

Agency	Installation or location	Amount
Defense Logistics Agency .....	Andersen Air Force Base, Guam .....	\$17,586,000
	Naval Forces Marianas Islands, Guam .....	\$6,000,000
	Naval Station, Rota, Spain .....	\$23,400,000
	Royal Air Force, Fairford, United Kingdom .....	\$17,000,000
	Yokota Air Base, Japan .....	\$23,000,000
Department of Defense Dependents Schools .....	Kaiserslautern, Germany .....	\$957,000
	Lajes Field, Azores, Portugal .....	\$1,192,000
	Seoul, Korea .....	\$31,683,000
	Supreme Headquarters, Allied Powers Europe, Belgium .....	\$1,573,000
	Spangdahlem Air Base, Germany .....	\$997,000
	Vicenza, Italy .....	\$2,117,000
TRICARE Management Activity .....	Naval Support Activity, Naples, Italy .....	\$41,449,000
	Spangdahlem Air Base, Germany .....	\$39,629,000
	<b>Total .....</b>	<b>\$206,583,000</b>

**SEC. 2402. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.**

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(8)(A), the Secretary of Defense may improve existing military family housing units in an amount not to exceed \$5,530,000.

**SEC. 2403. ENERGY CONSERVATION PROJECTS.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(4), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code, in the amount of \$49,531,000.

**SEC. 2404. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.**

(a) *IN GENERAL.*—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2002, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of \$1,417,779,000, as follows:

- (1) For military construction projects inside the United States authorized by section 2401(a), \$335,796,000.
  - (2) For military construction projects outside the United States authorized by section 2401(b), \$206,583,000.
  - (3) For unspecified minor construction projects under section 2805 of title 10, United States Code, \$16,293,000.
  - (4) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, \$10,000,000.
  - (5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$45,432,000.
  - (6) For energy conservation projects authorized by section 2403 of this Act, \$49,531,000.
  - (7) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), \$545,138,000.
  - (8) For military family housing functions:
    - (A) For improvement of military family housing and facilities, \$5,480,000.
    - (B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), \$42,432,000.
    - (C) For credit to the Department of Defense Housing Improvement Fund established by section 2883(a) of title 10, United States Code, as amended by section 2801 of this Act, \$2,000,000.
  - (9) For payment of a claim against the Hospital Replacement project at Elmendorf Air Force Base, Alaska, \$10,400,000.
  - (10) For the construction of phase 4 of an ammunition demilitarization facility at Pueblo Chemical Activity, Colorado, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839) and section 2407 of this Act, \$38,000,000.
  - (11) For the construction of phase 5 of an ammunition demilitarization facility at Newport Army Depot, Indiana, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2193), as amended by section 2406 of this Act, \$61,494,000.
  - (12) For the construction of phase 5 of an ammunition demilitarization facility at Aberdeen Proving Ground, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2193), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1299), \$30,600,000.
  - (13) For the construction of phase 3 of an ammunition demilitarization facility at Blue Grass Army Depot, Kentucky, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298) and section 2405 of this Act, \$10,300,000.
  - (14) For the construction of phase 3 of an ammunition demilitarization support facility at Blue Grass Army Depot, Kentucky, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), \$8,300,000.
- (b) *LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.*—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed—
- (1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and
  - (2) \$26,200,000 (the balance of the amount authorized under section 2401(a) for the construction of the Defense Threat Reduction Center, Fort Belvoir, Virginia).
- (c) *ADJUSTMENT.*—The total amount authorized to be appropriated pursuant to paragraphs (1) through (14) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by \$42,833,000, which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military construction, military family housing construction, and military family housing support outside the United States and savings resulting from favorable bids, reduced overhead charges, and cancellations due to force structure changes.

**SEC. 2405. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2000 PROJECT.**

- (a) *MODIFICATION.*—The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298), is further amended—
- (1) under the agency heading relating to Chemical Demilitarization, in the item relating to Blue Grass Army Depot, Kentucky, by striking “\$254,030,000” in the amount column and inserting “\$290,325,000”; and
  - (2) by striking the amount identified as the total in the amount column and inserting “\$748,245,000”.
- (b) *CONFORMING AMENDMENT.*—Section 2405(b)(3) of that Act (113 Stat. 839), as so amended, is further amended by striking “\$231,230,000” and inserting “\$267,525,000”.

**SEC. 2406. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1999 PROJECT.**

- (a) *MODIFICATION.*—The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2193), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1299), is amended—
- (1) under the agency heading relating to Chemical Demilitarization, in the item relating to Newport Army Depot, Indiana, by striking “\$191,550,000” in the amount column and inserting “\$293,853,000”; and
  - (2) by striking the amount identified as the total in the amount column and inserting “\$829,919,000”.
- (b) *CONFORMING AMENDMENT.*—Section 2404(b)(2) of that Act (112 Stat. 2196) is amended by striking “\$162,050,000” and inserting “\$264,353,000”.

**SEC. 2407. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1997 PROJECT.**

- (a) *MODIFICATION.*—The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839), is further amended—
- (1) under the agency heading relating to Chemical Demilitarization Program, in the item relating to Pueblo Chemical Activity, Colorado, by striking “\$203,500,000” in the amount column and inserting “\$261,000,000”; and
  - (2) by striking the amount identified as the total in the amount column and inserting “\$607,454,000”.
- (b) *CONFORMING AMENDMENT.*—Section 2406(b)(2) of that Act (110 Stat. 2779), as so amended, is further amended by striking “\$203,500,000” and inserting “\$261,000,000”.

**TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM****SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

**SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2002, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment program authorized by section 2501, in the amount of \$168,200,000.

**TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES****SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) *IN GENERAL.*—There are authorized to be appropriated for fiscal years beginning after September 30, 2002, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions there for, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

- (1) For the Department of the Army—
  - (A) for the Army National Guard of the United States, \$170,793,000; and

- (B) for the Army Reserve, \$86,789,000.
- (2) For the Department of the Navy, for the Naval and Marine Corps Reserve, \$66,971,000.
- (3) For the Department of the Air Force—
- (A) for the Air National Guard of the United States, \$119,266,000; and
- (B) for the Air Force Reserve, \$68,576,000.

**TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS**

**SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.**

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor) shall expire on the later of—

- (1) October 1, 2005; or
- (2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2006.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects, and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor) for which appropriated funds have been obligated before the later of—

- (1) October 1, 2005; or
- (2) the date of the enactment of an Act authorized funds for fiscal year 2005 for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program.

**SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2000 PROJECTS.**

(a) EXTENSION OF CERTAIN PROJECTS.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106-65; 113 Stat. 841), authorizations set forth in the tables in subsection (b), as provided in section 2302 or 2601 of that Act, shall remain in effect until October 1, 2003, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2004, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

**Air Force: Extension of 2000 Project Authorization**

State	Installation or location	Project	Amount
Oklahoma .....	Tinker Air Force Base .....	Replace Family Housing (41 Units) .....	\$6,000,000

**Army National Guard: Extension of 2000 Project Authorization**

State	Installation or location	Project	Amount
Virginia .....	Fort Pickett .....	Multi-Purpose Range Complex—Heavy .....	\$13,500,000

(c) EXTENSION OF ADDITIONAL PROJECT.—Notwithstanding any other provision of law, the authorization set forth in the table in subsection (d), as provided in section 8160 of the Department of Defense Appropriations Act, 2000 (Public Law 106-79; 113 Stat. 1274), shall remain in effect until October 1, 2003, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2004, whichever is later.

(d) TABLE FOR EXTENSION OF ADDITIONAL PROJECT.—The table referred to in subsection (c) is as follows:

**Army National Guard: Extension of 2000 Project Authorization**

State	Installation or location	Project	Amount
Pennsylvania .....	Connellsville .....	Readiness Center	\$1,700,000

**SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1999 PROJECTS.**

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105-261; 112 Stat. 2199), authorizations set forth in the table in subsection (b), as provided in section 2302 of that Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107-107; 115 Stat. 1301), shall remain in effect until October 1, 2003, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2004, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

**Air Force: Extension of 1999 Project Authorizations**

State	Installation or location	Project	Amount
Delaware .....	Dover Air Force Base .....	Replace Family Housing (55 Units) .....	\$8,988,000
Florida .....	Patrick Air Force Base .....	Replace Family Housing (46 Units) .....	\$9,692,000
New Mexico .....	Kirtland Air Force Base .....	Replace Family Housing (37 Units) .....	\$6,400,000
Ohio .....	Wright-Patterson Air Force Base .....	Replace Family Housing (40 Units) .....	\$5,600,000

**SEC. 2704. EFFECTIVE DATE.**

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI of this Act shall take effect on the later of—

- (1) October 1, 2002; or
- (2) the date of the enactment of this Act.

**TITLE XXVIII—GENERAL PROVISIONS**

**Subtitle A—Military Construction Program and Military Family Housing Changes**

**SEC. 2801. CHANGES TO ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.**

(a) AUTHORIZED UTILITIES AND SERVICES.—Section 2872a(b) of title 10, United States Code,

is amended by adding at the end the following new paragraphs:

- “(11) Firefighting and fire protection services.
- “(12) Police protection services.”.

(b) LEASING OF HOUSING.—Subsection (a) of section 2874 of such title is amended to read as follows:

“(a) LEASE AUTHORIZED.—(1) The Secretary concerned may enter into contracts for the lease

of housing units that the Secretary determines are suitable for use as military family housing or military unaccompanied housing.

“(2) The Secretary concerned shall utilize housing units leased under paragraph (1) as military family housing or military unaccompanied housing, as appropriate.”.

(c) REPEAL OF INTERIM LEASE AUTHORITY.—Section 2879 of such title is repealed.

(d) SPACE LIMITATIONS BY PAY GRADE.—Section 2880(b)(2) of such title is amended by striking “unless the unit is located on a military installation”.

(e) DEPARTMENT OF DEFENSE HOUSING FUND.—(1) Section 2883 of such title is amended by striking subsections (a), (b), and (c) inserting the following new subsections (a) and (b):

“(a) ESTABLISHMENT.—There is hereby established on the books of the Treasury an account to be known as the Department of Defense Housing Improvement Fund (in this section referred to as the ‘Fund’).

“(b) CREDITS TO FUND.—There shall be credited to the Fund the following:

“(1) Amounts authorized for and appropriated to the Fund.

“(2) Subject to subsection (e), any amounts that the Secretary of Defense transfers, in such amounts as are provided for in appropriation Acts, to the Fund from amounts authorized and appropriated to the Department of Defense for the acquisition or construction of military family housing or military unaccompanied housing.

“(3) Proceeds from the conveyance or lease of property or facilities under section 2878 of this title for the purpose of carrying out activities under this subchapter with respect to military family housing or military unaccompanied housing.

“(4) Income derived from any activities under this subchapter with respect to military family housing or military unaccompanied housing, income and gains realized from investments under section 2875 of this title, and any return of capital invested as part of such investments.

“(5) Any amounts that the Secretary of the Navy transfers to the Fund pursuant to section 2814(i)(3) of this title, subject to the restrictions on the use of the transferred amounts specified in that section.”.

(2) Such section is further amended—

(A) by redesignating subsections (d) through (g) as (c) through (f), respectively;

(B) in subsection (c), as so redesignated—

(i) in the subsection heading, by striking “FUNDS” and inserting “FUND”;

(ii) in paragraph (1)—

(I) by striking “subsection (e)” and inserting “subsection (d)”;

(II) by striking “Department of Defense Family Housing Improvement Fund” and inserting “Fund”;

(iii) by striking paragraph (2); and

(iv) by redesignating paragraph (3) as paragraph (2);

(C) in subsection (d), as so redesignated, by striking “required to be used to satisfy the obligation”;

(D) in subsection (e), as so redesignated, by striking “a Fund under paragraph (1)(B) or (2)(B) of subsection (c)” and inserting “the Fund under subsection (b)(2)”;

(E) in subsection (f), as so redesignated—

(i) in paragraph (1), by striking “\$850,000,000” and inserting “\$1,700,000,000”;

(ii) in paragraph (2), by striking “\$150,000,000” and inserting “\$300,000,000”.

(f) TRANSFER OF UNOBLIGATED AMOUNTS.—(1) The Secretary of Defense shall transfer to the Department of Defense Housing Improvement Fund established under section 2883(a) of title 10, United States Code (as amended by subsection (e)), any amounts in the Department of Defense Family Housing Improvement Fund and the Department of Defense Military Unaccompanied Housing Improvement that remain available for obligation as of the date of the enactment of this Act.

(2) Amounts transferred to the Department of Defense Housing Improvement Fund under paragraph (1) shall be merged with amounts in that Fund, and shall be available for the same purposes, and subject to the same conditions and limitations, as other amounts in that Fund.

(g) CONFORMING AMENDMENTS.—(1) Paragraph (3) of section 2814(i) of such title is amended—

(A) by striking subparagraph (A) and inserting the following new subparagraph (A):

“(A) The Secretary may transfer funds from the Ford Island Improvement Account to the Department of Defense Housing Improvement Fund established by section 2883(a) of this title.”;

(B) in subparagraph (B), by striking “a fund” and inserting “the Fund”.

(2) Section 2871(6) of such title is amended by striking “Department of Defense Family Housing Improvement Fund or the Department of Defense Military Unaccompanied Housing Improvement Fund” and inserting “Department of Defense Housing Improvement Fund”.

(3) Section 2875(e) of such title is amended by striking “Department of Defense Family Housing Improvement Fund or the Department of Defense Military Unaccompanied Housing Improvement Fund” and inserting “Department of Defense Housing Improvement Fund”.

(h) CLERICAL AMENDMENTS.—(1) The section heading for section 2874 of such title is amended to read as follows:

“§2874. Leasing of housing”.

(2) The section heading for section 2883 of such title is amended to read as follows:

“§2883. Department of Defense Housing Improvement Fund”.

(3) The table of sections at the beginning subchapter IV of chapter 169 of such title is amended—

(A) by striking the item relating to section 2874 and inserting the following new item:

“2874. Leasing of housing.”;

(B) by striking the item relating to section 2879; and

(C) by striking the item relating to section 2883 and inserting the following new item:

“2883. Department of Defense Housing Improvement Fund.”.

SEC. 2802. MODIFICATION OF AUTHORITY TO CARRY OUT CONSTRUCTION PROJECTS AS PART OF ENVIRONMENTAL RESPONSE ACTION.

(a) AUTHORITY TO CARRY OUT UNAUTHORIZED PROJECTS.—Subsection (a) of section 2810 of title 10, United States Code, is amended to read as follows:

“(a) AUTHORITY TO CARRY OUT UNAUTHORIZED CONSTRUCTION PROJECTS.—The Secretary concerned may carry out a military construction project not otherwise authorized by law if the Secretary determines that the project is necessary to carry out a response under chapter 160 of this title or the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).”.

(b) CONGRESSIONAL NOTIFICATION.—Subsection (b) of such section is amended by striking “(1)” and the first sentence and inserting “CONGRESSIONAL NOTIFICATION.—(1) When a decision is made to carry out a military construction project under this section that exceeds the amount specified in section 2805(b)(1) of this title, the Secretary concerned shall submit a report in writing to the appropriate committees of Congress on that decision.”.

(c) DEFINITION.—Subsection (c) of such section is amended—

(1) by inserting “RESPONSE DEFINED.—” after “(c)”;

(2) by striking “action”.

SEC. 2803. LEASING OF MILITARY FAMILY HOUSING IN KOREA.

Paragraph (3) of section 2828(e) of title 10, United States Code, is amended to read as follows:

“(3) In addition to the 450 units of family housing referred to in paragraph (1) for which the maximum lease amount is \$25,000 per unit per year, the Secretary of the Army may lease in Korea—

“(A) not more than 1,175 units of family housing subject to that maximum lease amount; and

“(B) not more than 2,400 units of family housing subject to a maximum lease amount of \$35,000 per unit per year.”.

#### Subtitle B—Real Property and Facilities Administration

SEC. 2811. AGREEMENTS WITH PRIVATE ENTITIES TO LIMIT ENCROACHMENTS AND OTHER CONSTRAINTS ON MILITARY TRAINING, TESTING, AND OPERATIONS.

(a) IN GENERAL.—Chapter 159 of title 10, United States Code, is amended by inserting after section 2684 the following new section:

“§2684a. Agreements to limit encroachments and other constraints on military training, testing, and operations

“(a) AGREEMENTS AUTHORIZED.—The Secretary of a military department may enter into an agreement with a private entity described in subsection (b) to address the use or development of real property in the vicinity of a military installation for purposes of—

“(1) limiting any development or use of the property that would otherwise be incompatible with the mission of the installation; or

“(2) preserving habitat on the property in a manner that is compatible with both—

“(A) current or anticipated environmental restrictions that would or might otherwise restrict, impede, or otherwise interfere, whether directly or indirectly, with current or anticipated military training, testing, or operations on the installation; and

“(B) current or anticipated military training, testing, or operations on the installation.

“(b) COVERED PRIVATE ENTITIES.—A private entity referred to in subsection (a) is any private entity that has as its stated principal organizational purpose or goal the conservation, restoration, or preservation of land and natural resources, or a similar purpose or goal, as determined by the Secretary concerned.

“(c) INAPPLICABILITY OF CERTAIN CONTRACT REQUIREMENTS.—Chapter 63 of title 31 shall not apply to any agreement entered into under this section.

“(d) ACQUISITION AND ACCEPTANCE OF PROPERTY AND INTERESTS.—(1) An agreement with a private entity under this section—

“(A) may provide for the private entity to acquire all right, title, and interest in and to any real property, or any lesser interest in the property, as may be appropriate for purposes of this section; and

“(B) shall provide for the private entity to transfer to the United States, upon the request of the United States, any property or interest so acquired.

“(2) Property or interests may not be acquired pursuant to an agreement under this section unless the owner of the property or interests, as the case may be, consents to the acquisition.

“(3) An agreement under this section providing for the acquisition of property or interests under paragraph (1)(A) shall provide for the sharing by the United States and the private entity concerned of the costs of the acquisition of the property or interests.

“(4) The Secretary concerned shall identify any property or interests to be acquired pursuant to an agreement under this section. The property or interests shall be limited to the minimum property or interests necessary to ensure that the property concerned is developed and used in a manner appropriate for purposes of this section.

“(5) Notwithstanding any other provision of law, the Secretary concerned may accept on behalf of the United States any property or interest to be transferred to the United States under paragraph (1)(B).

“(6) The Secretary concerned may, for purposes of the acceptance of property or interests under this subsection, accept an appraisal or title documents prepared or adopted by a non-Federal entity as satisfying the applicable requirements of section 301 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4651) or section 355 of the Revised Statutes (40 U.S.C. 255) if the Secretary finds that the appraisal or title documents substantially comply with the requirements.

“(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary concerned may require such additional terms and conditions in an agreement under this section as the Secretary considers appropriate to protect the interests of the United States.

“(f) **FUNDING.**—(1) Except as provided in paragraph (2), funds authorized to be appropriated for operation and maintenance of the Army, Navy, Marine Corps, Air Force, or Defense-wide activities, including funds authorized to be appropriated for the Legacy Resources Management Program, may be used to enter into agreements under this section.

“(2) In the case of a military installation operated primarily with funds authorized to be appropriated for research, development, test, and evaluation, funds authorized to be appropriated for the Army, Navy, Marine Corps, Air Force, or Defense-wide activities for research, development, test, and evaluation may be used to enter into agreements under this section with respect to the installation.”

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2684 the following new item:

“2684a. Agreements to limit encroachments and other constraints on military training, testing, and operations.”

**SEC. 2812. CONVEYANCE OF SURPLUS REAL PROPERTY FOR NATURAL RESOURCE CONSERVATION PURPOSES.**

(a) **CONVEYANCE AUTHORITY.**—(1) Chapter 159 of title 10, United States Code, is amended by inserting after section 2694 the following new section:

“§2694a. **Conveyance of surplus real property for natural resource conservation**

“(a) **AUTHORITY TO CONVEY.**—The Secretary of a military department may convey to an eligible recipient described in subsection (b) any surplus real property that—

“(1) is under the administrative control of the Secretary;

“(2) is suitable and desirable for conservation purposes;

“(3) has been made available for public benefit transfer for a sufficient period of time to potential claimants; and

“(4) is not subject to a pending request for transfer to another Federal agency or for conveyance to any other qualified recipient for public benefit transfer under the real property disposal processes and authorities established pursuant to the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471, et seq.).

“(b) **ELIGIBLE RECIPIENTS.**—The conveyance of surplus real property under subsection (a) may be made to any of the following:

“(A) A State or political subdivision of a State.

“(B) A nonprofit organization that exists for the primary purpose of conservation of natural resources on real property.

“(c) **REVISIONARY INTEREST AND OTHER DEED REQUIREMENTS.**—(1) The deed of conveyance of any surplus real property conveyed under subsection (a) disposed of under this subsection shall require the property to be used and maintained for the conservation of natural resources in perpetuity. If the Secretary of the military department that made the conveyance determines at any time that the property is not being

used or maintained for such purpose, then, at the option of the Secretary, all or any portion of the property shall revert to the United States.

“(2) The deed of conveyance may permit the recipient of the property—

“(A) to convey the property to another eligible entity described in subsection (b), subject to the approval of the Secretary of the military department that made the conveyance and subject to the same covenants and terms and conditions as provided in the deed from the United States; and

“(B) to conduct incidental revenue-producing activities on the property that are compatible with the use of the property for conservation purposes.

“(3) The deed of conveyance may contain such additional terms, reservations, restrictions, and conditions as the Secretary of the military department considers appropriate to protect the interests of the United States.

“(d) **RELEASE OF COVENANTS.**—The Secretary of the military department that conveys real property under subsection (a), with the concurrence of the Secretary of Interior, may grant a release from a covenant included in the deed of conveyance of the property under subsection (c) on the condition that the recipient of the property pay the fair market value, as determined by the Secretary of the military department, of the property at the time of the release of the covenant. The Secretary of the military department may reduce the amount required to be paid under this subsection to account for the value of the natural resource conservation benefit that has accrued to the United States during the period the covenant was in effect, if the benefit was not taken into account in determining the original consideration for the conveyance.

“(e) **LIMITATIONS.**—A conveyance under subsection (a) shall not be used in settlement of any litigation, dispute, or claim against the United States, or as a condition of allowing any defense activity under any Federal, State, or local permitting or review process. The Secretary of a military department may make a conveyance under subsection (a), with the restrictions specified in subsection (c), to establish a mitigation bank, but only if the establishment of the mitigation bank does not occur in order to satisfy any condition for permitting military activity under a Federal, State, or local permitting or review process.

“(f) **CONSIDERATION.**—In fixing the consideration for the conveyance of real property under subsection (a) or in determining the amount of any reduction of the amount to be paid for the release of a covenant under subsection (d), the Secretary of the military department concerned shall take into consideration any benefit that has accrued or may accrue to the United States from the use of such property for the conservation of natural resources.

“(g) **RELATION TO OTHER CONVEYANCE AUTHORITIES.**—(1) The Secretary of a military department may not make a conveyance under this section of any real property to be disposed of under a base closure law in a manner that is inconsistent with the requirements and conditions of the base closure law.

“(2) In the case of real property on Guam, the Secretary of a military department may not make a conveyance under this section unless the Government of Guam has been first afforded the opportunity to acquire the real property as authorized by section 1 of Public Law 106-504 (114 Stat. 2309).

“(h) **DEFINITIONS.**—In this section:

“(1) The term ‘State’ includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Marianas, and the territories and possessions of the United States.

“(2) The term ‘base closure law’ means the following:

“(A) Section 2687 of this title.

“(B) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act of 1988 (10 U.S.C. 2687 note).

“(C) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

“(D) Any other similar authority for the closure or realignment of military installations that is enacted after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2003.”

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2694 the following new item:

“2694a. **Conveyance of surplus real property for natural resource conservation.**”

(b) **ACCEPTANCE OF FUNDS TO COVER ADMINISTRATIVE EXPENSES.**—Section 2695(b) of such title is amended by adding at the end the following new paragraph:

“(5) The conveyance of real property under section 2694a of this title.”

(c) **AGREEMENTS WITH NONPROFIT NATURAL RESOURCE CONSERVATION ORGANIZATIONS.**—Section 2701(d) of such title is amended—

(1) in paragraph (1), by striking “with any State or local government agency, or with any Indian tribe,” and inserting “any State or local government agency, any Indian tribe, or any nonprofit conservation organization”; and

(2) by striking paragraph (3) and inserting the following new paragraph:

“(3) **DEFINITIONS.**—In this subsection:

“(A) The term ‘Indian tribe’ has the meaning given such term in section 101(36) of Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(36)).

“(B) The term ‘nonprofit conservation organization’ means any non-governmental nonprofit organization whose primary purpose is conservation of open space or natural resources.”

**SEC. 2813. NATIONAL EMERGENCY EXEMPTION FROM SCREENING AND OTHER REQUIREMENTS OF MCKINNEY-VENTO HOMELESS ASSISTANCE ACT FOR PROPERTY USED IN SUPPORT OF RESPONSE ACTIVITIES.**

Section 501 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411) is amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting after subsection (h) the following new subsection (i):

“(i) **APPLICABILITY TO CERTAIN PROPERTY DURING EMERGENCIES.**—The screening requirements and other provisions of this section shall not apply to any property that is excess property or surplus property or that is described as unutilized or underutilized property if the property is subject to a request for conveyance or use for the purpose of directly supporting activities in response to—

“(1) a war or national emergency declared in accordance with the National Emergencies Act (50 U.S.C. 1601 et seq.); or

“(2) an emergency or major disaster declared in accordance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).”

**SEC. 2814. DEMONSTRATION PROGRAM ON REDUCTION IN LONG-TERM FACILITY MAINTENANCE COSTS.**

(a) **PROGRAM AUTHORIZED.**—The Secretary of Defense may conduct a demonstration program to assess the feasibility and desirability of including facility maintenance requirements in construction contracts for military construction projects for the purpose of determining whether such requirements facilitate reductions in the long-term facility maintenance costs of the military departments.

(b) **CONTRACTS.**—Not more than 12 contracts may contain requirements referred to in subsection (a) for the purpose of the demonstration program under this section. The demonstration program may only cover contracts entered into on or after the date of the enactment of this Act.

(c) **EFFECTIVE PERIOD OF REQUIREMENTS.**—The effective period of a requirement referred to in subsection (a) that is included in a contract

for the purpose of the demonstration program under this program may not exceed five years.

(d) **REPORTING REQUIREMENTS.**—Not later than January 31, 2005, the Secretary of Defense shall submit to Congress a report on the demonstration program authorized by this section and the related Department of the Army demonstration program authorized by section 2814 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107-107; 115 Stat. 1310; 10 U.S.C. 2809 note), including the following:

(1) A description of all contracts entered into under the demonstration programs.

(2) An evaluation of the demonstration programs and a description of the experience of the Secretary of Defense and the Secretary of the Army respect to such contracts.

(3) Any recommendations, including recommendations for the termination, continuation, or expansion of the demonstration programs, that the Secretary of Defense or the Secretary of the Army considers appropriate.

(e) **EXPIRATION.**—The authority under subsection (a) to include requirements referred to in that subsection in contracts under the demonstration program under this section shall expire on September 30, 2006.

(f) **FUNDING.**—Amounts authorized to be appropriated for a fiscal year for military construction shall be available for the demonstration program under this section in such fiscal year.

(g) **CONFORMING AMENDMENT.**—Section 2814 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107-107; 115 Stat. 1310; 10 U.S.C. 2809 note) is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

**SEC. 2815. EXPANDED AUTHORITY TO TRANSFER PROPERTY AT MILITARY INSTALLATIONS TO BE CLOSED TO PERSONS WHO CONSTRUCT OR PROVIDE MILITARY FAMILY HOUSING.**

(a) **1988 LAW.**—Section 204(e)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note) is amended by striking the last sentence.

(b) **1990 LAW.**—Section 2905(f)(1) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by striking the last sentence.

**Subtitle C—Land Conveyances**

**PART I—ARMY CONVEYANCES**

**SEC. 2821. LAND CONVEYANCES, LANDS IN ALASKA NO LONGER REQUIRED FOR NATIONAL GUARD PURPOSES.**

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Army may convey to an eligible entity described subsection (b) all right, title, and interest of the United States in and to any parcel of real property, including any improvements thereon, in the State of Alaska described in subsection (c) if the Secretary determines the conveyance would be in the public interest.

(b) **ELIGIBLE RECIPIENTS.**—The following entities shall be eligible to receive real property under subsection (a):

(1) The State of Alaska.

(2) A governmental entity in the State of Alaska.

(3) A Native Corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)).

(4) The Metlakatla Indian Community.

(c) **COVERED PROPERTY.**—Subsection (a) applies to real property located in the State of Alaska that—

(1) is under the jurisdiction of the Department of the Army and, before December 2, 1980, was under such jurisdiction for the use of the Alaska National Guard;

(2) is located in a unit of the National Wildlife Refuge System designated in the Alaska Na-

tional Interest Lands Conservation Act (Public Law 96-487; 16 U.S.C. 668dd note);

(3) is excess to the needs of the Alaska National Guard and the Department of Defense; and

(4) the Secretary determines that—

(A) the anticipated cost to the United States of retaining the property exceeds the value of such property; or

(B) the condition of the property makes it unsuitable for retention by the United States.

(d) **CONSIDERATION.**—The conveyance of real property under this section shall, at the election of the Secretary, be for no consideration or for consideration in an amount determined by the Secretary to be appropriate under the circumstances.

(e) **USE OF CONSIDERATION.**—If consideration is received for the conveyance of real property under subsection (a), the Secretary may use the amounts received, in such amounts as are provided in appropriations Acts, to pay for—

(1) the cost of a survey described in subsection (f) with respect to the property;

(2) the cost of carrying out any environmental assessment, study, or analysis, and any remediation, that may be required under Federal law, or is considered appropriate by the Secretary, in connection with the property or the conveyance of the property; and

(3) any other costs incurred by the Secretary in conveying the property.

(f) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of any real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(g) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with a conveyance of real property under this section as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2822. LAND CONVEYANCE, FORT CAMPBELL, KENTUCKY.**

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Army may convey, without consideration, to the City of Hopkinsville, Kentucky, all right, title, and interest of the United States in and to a parcel of real property at Fort Campbell, Kentucky, consisting of approximately 50 acres and containing an abandoned railroad spur for the purpose of permitting the City to use the property for storm water management, recreation, transportation, and other public purposes.

(b) **DESCRIPTION OF PROPERTY.**—The acreage of the real property to be conveyed under subsection (a) has been determined by the Secretary through a legal description outlining such acreage. No further survey of the property before transfer is necessary.

(c) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2823. LAND CONVEYANCE, ARMY RESERVE TRAINING CENTER, BUFFALO, MINNESOTA.**

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Army may convey, without consideration, to the Buffalo Independent School District 877 of Buffalo, Minnesota (in this section referred to as the "School District"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, that is located at 800 8th Street, N.E., in Buffalo, Minnesota, and contains a former Army Reserve Training Center, which is being used by the School District as the site of the Phoenix Learning Center.

(b) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the School District.

(c) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2824. LAND CONVEYANCE, FORT BLISS, TEXAS**

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Army may convey, without consideration, to the County of El Paso, Texas (in this section referred to as the "County"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 44 acres at Fort Bliss, Texas, for the purpose of facilitating the construction by the State of Texas of a nursing home for veterans of the Armed Forces.

(b) **REVERSIONARY INTEREST.**—If, at the end of the five-year period beginning on the date the Secretary makes the conveyance under subsection (a), the Secretary determines that a nursing home for veterans is not in operation on the conveyed real property, all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the County.

(d) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2825. LAND CONVEYANCE, FORT HOOD, TEXAS.**

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Army may convey, without consideration, to the Veterans Land Board of the State of Texas (in this section referred to as the "Board"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 174 acres at Fort Hood, Texas, for the purpose of permitting the Board to establish a State-run cemetery for veterans.

(b) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Board.

(c) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**PART II—NAVY CONVEYANCES**

**SEC. 2831. LAND CONVEYANCE, MARINE CORPS AIR STATION, MIRAMAR, SAN DIEGO, CALIFORNIA.**

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Navy may convey to the ENPEX Corporation, Incorporated (in this section referred to as the "Corporation"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, at Marine Corps Air Station Miramar, San Diego, California, consisting of approximately 60 acres and appurtenant easements and any other necessary interests in real property for the purpose of permitting the Corporation to use the property for the production of electric power and related ancillary activities.

(b) **CONSIDERATION.**—(1) As consideration for the conveyance under subsection (a), the Corporation shall—

(A) convey to the United States all right, title, and interest of the Corporation in and to a parcel of real property in the San Diego area that is suitable for military family housing, as determined by the Secretary; and

(B) if the parcel conveyed under subparagraph (A) does not contain housing units suitable for use as military family housing, design and construct such military family housing units and supporting facilities as the Secretary considers appropriate.

(2) The total combined value of the real property and military family housing conveyed by the Corporation under this subsection shall be at least equal to the fair market value of the real property conveyed to the Secretary under subsection (a), including any severance costs arising from any diminution of the value or utility of other property at Marine Corps Air Station Miramar attributable to the prospective future use of the property conveyed under subsection (a).

(3) The Secretary shall determine the fair market value of the real property to be conveyed under subsection (a) and the fair market value of the consideration to be provided under this subsection. Such determinations shall be final.

(c) REVERSIONARY INTEREST.—(1) Subject to paragraph (2), if the Secretary determines at any time that the property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the property, including any improvements thereon, shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(2) If Marine Corps Air Station Miramar is no longer used as a Federal aviation facility, paragraph (1) shall no longer apply, and the Secretary shall release, without consideration, the reversionary interest retained by the United States under such paragraph.

(d) ADMINISTRATIVE EXPENSES.—(1) The Corporation shall make funds available to the Secretary to cover costs to be incurred by the Secretary, or reimburse the Secretary for costs incurred, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. This paragraph does not apply to costs associated with the removal of explosive ordnance from the parcel and environmental remediation of the parcel.

(2) Section 2695(c) of title 10 United States Code, shall apply to any amount received under paragraph (1). If the amounts received in advance under such paragraph exceed the costs actually incurred by the Secretary, the Secretary shall refund the excess amount to the Corporation.

(e) DESCRIPTIONS OF PROPERTY.—The exact acreage and legal descriptions of the real property to be conveyed by the Secretary under subsection (a) and the property to be conveyed by the Corporation under subsection (b) shall be determined by a survey satisfactory to the Secretary.

(f) EXEMPTIONS.—Section 2696 of title 10, United States Code, does not apply to the conveyance authorized by subsection (a), and the authority to make the conveyance shall not be considered to render the property excess or underutilized.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances authorized by this section as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2832. BOUNDARY ADJUSTMENTS, MARINE CORPS BASE, QUANTICO, AND PRINCE WILLIAM FOREST PARK, VIRGINIA.**

(a) BOUNDARY ADJUSTMENTS AND RELATED TRANSFERS.—(1) The Secretary of the Navy and the Secretary of the Interior shall adjust the boundaries of Marine Corps Base, Quantico, Virginia, and Prince William Forest Park, Virginia, to conform to the boundaries depicted on the map entitled "Map Depicting Boundary Adjustments Proposed With March 10, 1998, MOU Between Prince William Forest Park and Marine Corps Base Quantico".

(2) As part of the boundary adjustment, the Secretary of the Navy shall transfer, without reimbursement, to the administrative jurisdiction of the Secretary of the Interior approximately 352 acres of land, as depicted on the map, and the Secretary of the Interior shall retain administrative jurisdiction over approximately 1,034 acres of land, which is a portion of the Department of Interior land commonly known as the Quantico Special Use Permit Land.

(3) As part of the boundary adjustment, the Secretary of the Interior shall transfer, without reimbursement, to the administrative jurisdiction of the Secretary of the Navy approximately 3398 acres of land, as depicted on the map.

(b) EFFECT OF SUBSEQUENT DETERMINATION PROPERTY IS EXCESS.—(1) If land transferred or retained under paragraph (2) or (3) of subsection (a) is subsequently determined to be excess to the needs of the Federal agency that received or retained the land, the head of that Federal agency shall offer to return administrative jurisdiction over the land, without reimbursement, to the Federal agency from which the land was received or retained.

(2) If the offer under paragraph (1) is not accepted within 90 days or is otherwise rejected, the head of the Federal agency holding the land may proceed to dispose of the land under then current law and regulations governing the disposal of excess property.

**PART III—AIR FORCE CONVEYANCES**

**SEC. 2841. LAND CONVEYANCES, WENDOVER AIR FORCE BASE AUXILIARY FIELD, NEVADA.**

(a) CONVEYANCES AUTHORIZED TO WEST WENDOVER, NEVADA.—(1) The Secretary of the Interior may convey, without consideration, to the City of West Wendover, Nevada, all right, title, and interest of the United States in and to the following:

(A) The lands at Wendover Air Force Base Auxiliary Field, Nevada, identified in Easement No. AFMC-HL-2-00-334 that are determined by the Secretary of the Air Force to be no longer required for Air Force purposes.

(B) The lands at Wendover Air Force Base Auxiliary Field identified for disposition on the map entitled "West Wendover, Nevada-Excess", dated January 5, 2001, that are determined by the Secretary of the Air Force to be no longer required for Air Force purposes.

(2) The purposes of the conveyances under this subsection are—

(A) to permit the establishment and maintenance of runway protection zones; and

(B) to provide for the development of an industrial park and related infrastructure.

(3) The map referred to in paragraph (1)(B) shall be on file and available for public inspection in the offices of the Director of the Bureau of Land Management and the Elko District Office of the Bureau of Land Management.

(b) CONVEYANCE AUTHORIZED TO TOOELE COUNTY, UTAH.—(1) The Secretary of the Interior may convey, without consideration, to Tooele County, Utah, all right, title, and interest of the United States in and to the lands at Wendover Air Force Base Auxiliary Field identified in Easement No. AFMC-HL-2-00-318 that are determined by the Secretary of the Air Force to be no longer required for Air Force purposes.

(2) The purpose of the conveyance under this subsection is to permit the establishment and

maintenance of runway protection zones and an aircraft accident potential protection zone as necessitated by continued military aircraft operations at the Utah Test and Training Range.

(c) PHASED CONVEYANCES.—The land conveyances authorized by subsections (a) and (b) may be conducted in phases. To the extent practicable, the first phase of the conveyances should involve at least 3,000 acres.

(d) MANAGEMENT OF CONVEYED LANDS.—The lands conveyed under subsections (a) and (b) shall be managed by the City of West Wendover, Nevada, City of Wendover, Utah, Tooele County, Utah, and Elko County, Nevada—

(1) in accordance with the provisions of an Interlocal Memorandum of Agreement entered into between the Cities of West Wendover, Nevada, and Wendover, Utah, Tooele County, Utah, and Elko County, Nevada, providing for the coordinated management and development of the lands for the economic benefit of both communities; and

(2) in a manner that is consistent with such provisions of the easements referred to subsections (a) and (b) that, as jointly determined by the Secretary of the Air Force and Secretary of the Interior, remain applicable and relevant to the operation and management of the lands following conveyance and are consistent with the provisions of this section.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Air Force and the Secretary of the Interior may jointly require such additional terms and conditions in connection with the conveyances required by subsections (a) and (b) as the Secretaries consider appropriate to protect the interests of the United States.

**Subtitle D—Other Matters**

**SEC. 2861. EASEMENT FOR CONSTRUCTION OF ROADS OR HIGHWAYS, MARINE CORPS BASE, CAMP PENDLETON, CALIFORNIA.**

Section 2851(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105-261; 112 Stat. 2219), as amended by section 2867 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1334) is amended in the first sentence by striking "easement to construct" and all that follows through the period at the end and inserting "easement to construct, operate, and maintain a restricted access highway, notwithstanding any provision of State law that would otherwise prevent the Secretary from granting the easement or the Agency from constructing, operating, or maintaining the restricted access highway."

**SEC. 2862. SALE OF EXCESS TREATED WATER AND WASTEWATER TREATMENT CAPACITY, MARINE CORPS BASE, CAMP LEJEUNE, NORTH CAROLINA.**

(a) SALE AUTHORIZED.—The Secretary of the Navy may provide to Onslow County, North Carolina, or any authority or political subdivision organized under the laws of North Carolina to provide public water or sewage services in Onslow County (in this section referred to as the "County"), treated water and wastewater treatment services from facilities at Marine Corps Base, Camp Lejeune, North Carolina, if the Secretary determines that the provision of these utility services is in the public interest and will not interfere with current or future operations at Camp Lejeune.

(b) INAPPLICABILITY OF CERTAIN REQUIREMENTS.—Section 2686 of title 10, United States Code, shall not apply to the provision of public water or sewage services authorized by subsection (a).

(c) CONSIDERATION.—As consideration for the receipt of public water or sewage services under subsection (a), the County shall pay to the Secretary an amount (in cash or in kind) equal to the fair market value of the services. Amounts received in cash shall be credited to the base operation and maintenance accounts of Camp Lejeune.

(d) EXPANSION.—The Secretary may make minor expansions and extensions and permit

connections to the public water or sewage systems of the County in order to furnish the services authorized under subsection (a). The Secretary shall restrict the provision of services to the County to those areas in the County where residential development would be compatible with current and future operations at Camp Lejeune.

(e) ADMINISTRATIVE EXPENSES.—The Secretary may require the County to reimburse the Secretary for the costs incurred by the Secretary to provide public water or sewage services to the County under subsection (a).

(2) Section 2695(c) of title 10 United States Code, shall apply to any amount received under this subsection.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the provision of public water or sewage services under this section as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2863. RATIFICATION OF AGREEMENT REGARDING ADAK NAVAL COMPLEX, ALASKA, AND RELATED LAND CONVEYANCES.**

(a) RATIFICATION OF AGREEMENT.—The document entitled the "Agreement Concerning the Conveyance of Property at the Adak Naval Complex", and dated September 20, 2000, executed by the Aleut Corporation, the Department of the Interior, and the Department of the Navy, together with any technical amendments or modifications to the boundaries that may be agreed to by the parties, is hereby ratified, confirmed, and approved and the terms, conditions, procedures, covenants, reservations, indemnities and other provisions set forth in the Agreement are declared to be obligations and commitments of the United States as a matter of Federal law. Modifications to the maps and legal descriptions of lands to be removed from the National Wildlife Refuge System within the military withdrawal on Adak Island set forth in Public Land Order 1949 may be made only upon agreement of all Parties to the Agreement and notification given to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. The acreage conveyed to the United States by the Aleut Corporation under the Agreement, as modified, shall be at least 36,000 acres.

(b) REMOVAL OF LANDS FROM REFUGE.—Effective on the date of conveyance to the Aleut Corporation of the Adak Exchange Lands as described in the Agreement, all such lands shall be removed from the National Wildlife Refuge System and shall neither be considered as part of the Alaska Maritime National Wildlife Refuge nor subject to any laws pertaining to lands within the boundaries of the Alaska Maritime National Wildlife Refuge. The conveyance restrictions imposed by section 22(g) of the Alaska Native Claims Settlement Act (43 U.S.C. 1621(g)) for land in the National Wildlife Refuge System shall not apply. The Secretary shall adjust the boundaries of the Refuge so as to exclude all interests in lands and land rights, surface and subsurface, received by the Aleut Corporation in accordance with this section and the Agreement.

(c) RELATION TO ALASKA NATIVE CLAIMS SETTLEMENT ACT.—Lands and interests therein exchanged and conveyed by the United States pursuant to this section shall be considered and treated as conveyances of lands or interests therein under the Alaska Native Claims Settlement Act, except that receipt of such lands and interests therein shall not constitute a sale or disposition of land or interests received pursuant to such Act. The public easements for access to public lands and waters reserved pursuant to the Agreement are deemed to satisfy the requirements and purposes of section 17(b) of the Alaska Native Claims Settlement Act.

(d) REACQUISITION AUTHORITY.—The Secretary of the Interior is authorized to acquire by purchase or exchange, on a willing seller basis only, any land conveyed to the Aleut Corpora-

tion under the Agreement and this section. In the event any of the lands are subsequently acquired by the United States, they shall be automatically included in the National Wildlife Refuge System. The laws and regulations applicable to refuge lands shall then apply to these lands and the Secretary shall then adjust the boundaries accordingly.

(e) CONVEYANCE OF NAVY PERSONAL PROPERTY.—Notwithstanding any other provision of law, and for the purposes of the transfer of property authorized by this section, Department of Navy personal property that remains on Adak Island is deemed related to the real property and shall be conveyed by the Department of the Navy to the Aleut Corporation, at no additional cost, when the related real property is conveyed by the Department of the Interior.

(f) ADDITIONAL CONVEYANCE.—The Secretary of the Interior shall convey to the Aleut Corporation those lands identified in the Agreement as the former landfill sites without charge to the Aleut Corporation's entitlement under the Alaska Native Claims Settlement Act.

(g) VALUATION.—For purposes of section 21(c) of the Alaska Native Claims Settlement Act, the receipt of all property by the Aleut Corporation shall be entitled to a tax basis equal to fair value on date of transfer. Fair value shall be determined by replacement cost appraisal.

(h) CERTAIN PROPERTY TREATED AS NOT DEVELOPED.—Any property, including, but not limited to, appurtenances and improvements, received pursuant to this section shall, for purposes of section 21(d) of the Alaska Native Claims Settlement Act and section 907(d) of the Alaska National Interest Lands Conservation Act be treated as not developed until such property is actually occupied, leased (other than leases for nominal consideration to public entities) or sold by the Aleut Corporation, or, in the case of a lease or other transfer by the Aleut Corporation to a wholly owned development subsidiary, actually occupied, leased, or sold by the subsidiary.

(i) CERTAIN LANDS UNAVAILABLE FOR SELECTION.—Upon conveyance to the Aleut Corporation of the lands described in Appendix A of the Agreement, the lands described in Appendix C of the Agreement will become unavailable for selection under the Alaska Native Claims Settlement Act.

(j) MAPS.—The maps included as part of Appendix A to the Agreement depict the lands to be conveyed to the Aleut Corporation. The maps are on file at the Region 7 Office of the United States Fish and Wildlife Service and the offices of the Alaska Maritime National Wildlife Refuge in Homer, Alaska. The written legal descriptions of the lands to be conveyed to the Aleut Corporation are also part of Appendix A. In case of discrepancies, the maps shall control.

(k) DEFINITIONS.—In this section:

(1) The term "Agreement" means the agreement ratified, confirmed, and approved under subsection (a).

(2) The term "Aleut Corporation" means the Alaskan Native Regional Corporation known as the Aleut Corporation incorporated in the State of Alaska pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

**SEC. 2864. SPECIAL REQUIREMENTS FOR ADDING MILITARY INSTALLATION TO CLOSURE LIST.**

Section 2914(d) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), as added by section 3003 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107-107; 155 Stat. 1346), is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(2) by inserting after paragraph (3) the following new paragraph (4):

"(4) LIMITATION ON AUTHORITY TO RECOMMEND ADDITIONAL INSTALLATION FOR CLOSURE.—Notwithstanding paragraph (3), the de-

cision of the Commission to add a military installation to the Secretary's list of installations recommended for closure must be unanimous, and at least two members of the Commission must have visited the installation during the period of the Commission's review of the list."

**DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS**

**TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**

**Subtitle A—National Security Programs Authorizations**

**SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.**

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2003 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of \$8,034,349,000, to be allocated as follows:

(1) For weapons activities, \$5,937,000,000.

(2) For defense nuclear nonproliferation activities, \$1,074,630,000.

(3) For naval reactors, \$706,790,000.

(4) For the Office of the Administrator for Nuclear Security, \$315,929,000.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary may carry out new plant projects as follows:

(1) For weapons activities, the following new plant projects:

Project 03-D-101, Sandia underground reactor facility (SURF), Sandia National Laboratories, Albuquerque, New Mexico, \$2,000,000.

Project 03-D-103, project engineering and design, various locations, \$15,539,000.

Project 03-D-121, gas transfer capacity expansion, Kansas City Plant, Kansas City, Missouri, \$4,000,000.

Project 03-D-122, prototype purification facility, Y-12 plant, Oak Ridge, Tennessee, \$20,800,000.

Project 03-D-123, special nuclear materials requalification, Pantex plant, Amarillo, Texas, \$3,000,000.

(2) For naval reactors, the following new plant project:

Project 03-D-201, cleanroom technology facility, Bettis Atomic Power Laboratory, West Mifflin, Pennsylvania, \$7,200,000.

**SEC. 3102. ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES.**

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2003 for environmental restoration and waste management activities and other defense activities in carrying out programs necessary for national security in the amount of \$7,366,510,000, to be allocated as follows:

(1) For defense environmental restoration and waste management, \$4,544,133,000.

(2) For defense environmental management cleanup reform in carrying out environmental restoration and waste management activities necessary for national security programs, \$800,000,000.

(3) For defense facilities closure projects, \$1,091,314,000.

(4) For defense environmental management privatization, \$158,399,000.

(5) For other defense activities in carrying out programs necessary for national security, \$457,664,000.

(6) For defense nuclear waste disposal for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)), \$315,000,000.

(b) AUTHORIZATION OF NEW PLANT PROJECT.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary may carry out, for environmental restoration and waste management activities, the following new plant project:

Project 03-D-403, immobilized high-level waste interim storage facility, Richland, Washington, \$6,363,000.

**Subtitle B—Department of Energy National Security Authorizations General Provisions**

**SEC. 3120. SHORT TITLE; DEFINITIONS.**

(a) **SHORT TITLE.**—This subtitle may be cited as the “Department of Energy National Security Authorizations General Provisions Act”.

(b) **DEFINITIONS.**—In this subtitle:

(1) The term “DOE national security authorization” means an authorization of appropriations for activities of the Department of Energy in carrying out programs necessary for national security.

(2) The term “congressional defense committees” means—

(A) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

(3) The term “minor construction threshold” means \$5,000,000.

**SEC. 3121. REPROGRAMMING.**

(a) **IN GENERAL.**—Except as provided in sections 3129 and 3130, the Secretary of Energy may not use amounts appropriated pursuant to a DOE national security authorization for a program—

(1) in amounts that exceed, in a fiscal year, the amount authorized for that program by that authorization for that fiscal year; or

(2) which has not been presented to, or requested of, Congress,

until the Secretary submits to the congressional defense committees a report referred to in subsection (b) with respect to that program and a period of 30 days has elapsed after the date on which such committees receive the report.

(b) **REPORT.**—The report referred to in subsection (a) is a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of the proposed action.

(c) **COMPUTATION OF DAYS.**—In the computation of the 30-day period under subsection (a), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than three days to a day certain.

(d) **LIMITATIONS.**—

(1) **TOTAL AMOUNT OBLIGATED.**—In no event may the total amount of funds obligated pursuant to a DOE national security authorization for a fiscal year exceed the total amount authorized to be appropriated by that authorization for that fiscal year.

(2) **PROHIBITED ITEMS.**—Funds appropriated pursuant to a DOE national security authorization may not be used for an item for which Congress has specifically denied funds.

**SEC. 3122. MINOR CONSTRUCTION PROJECTS.**

(a) **AUTHORITY.**—Using operation and maintenance funds or facilities and infrastructure funds authorized by a DOE national security authorization, the Secretary of Energy may carry out minor construction projects.

(b) **ANNUAL REPORT.**—The Secretary shall submit to the congressional defense committees on an annual basis a report on each exercise of the authority in subsection (a) during the preceding fiscal year. Each report shall provide a brief description of each minor construction project covered by the report.

(c) **COST VARIATION REPORTS TO CONGRESSIONAL COMMITTEES.**—If, at any time during the construction of any minor construction project authorized by a DOE national security authorization, the estimated cost of the project is revised and the revised cost of the project exceeds the minor construction threshold, the Secretary shall immediately submit to the congressional defense committees a report explaining the reasons for the cost variation.

(d) **MINOR CONSTRUCTION PROJECT DEFINED.**—In this section, the term “minor construction

project” means any plant project not specifically authorized by law for which the approved total estimated cost does not exceed the minor construction threshold.

**SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.**

(a) **IN GENERAL.**—

(1) **CONSTRUCTION COST CEILING.**—Except as provided in paragraph (2), construction on a construction project which is in support of national security programs of the Department of Energy and was authorized by a DOE national security authorization may not be started, and additional obligations in connection with the project above the total estimated cost may not be incurred, whenever the current estimated cost of the construction project exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

(2) **EXCEPTION WHERE NOTICE-AND-WAIT GIVEN.**—An action described in paragraph (1) may be taken if—

(A) the Secretary of Energy has submitted to the congressional defense committees a report on the actions and the circumstances making such action necessary; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) **COMPUTATION OF DAYS.**—In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than three days to a day certain.

(b) **EXCEPTION FOR MINOR PROJECTS.**—Subsection (a) does not apply to a construction project with a current estimated cost of less than the minor construction threshold.

**SEC. 3124. FUND TRANSFER AUTHORITY.**

(a) **TRANSFER TO OTHER FEDERAL AGENCIES.**—The Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to a DOE national security authorization to other Federal agencies for the performance of work for which the funds were authorized. Funds so transferred may be merged with and be available for the same purposes and for the same time period as the authorizations of the Federal agency to which the amounts are transferred.

(b) **TRANSFER WITHIN DEPARTMENT OF ENERGY.**—

(1) **TRANSFERS PERMITTED.**—Subject to paragraph (2), the Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to a DOE national security authorization between any such authorizations. Amounts of authorizations so transferred may be merged with and be available for the same purposes and for the same period as the authorization to which the amounts are transferred.

(2) **MAXIMUM AMOUNTS.**—Not more than 5 percent of any such authorization may be transferred between authorizations under paragraph (1). No such authorization may be increased or decreased by more than 5 percent by a transfer under such paragraph.

(c) **LIMITATIONS.**—The authority provided by this subsection to transfer authorizations—

(1) may be used only to provide funds for items relating to activities necessary for national security programs that have a higher priority than the items from which the funds are transferred; and

(2) may not be used to provide funds for an item for which Congress has specifically denied funds.

(d) **NOTICE TO CONGRESS.**—The Secretary of Energy shall promptly notify the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives of any transfer of funds to or from any DOE national security authorization.

**SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUCTION DESIGN.**

(a) **REQUIREMENT OF CONCEPTUAL DESIGN.**—

(1) **IN GENERAL.**—Subject to paragraph (2) and except as provided in paragraph (3), before submitting to Congress a request for funds for a construction project that is in support of a national security program of the Department of Energy, the Secretary of Energy shall complete a conceptual design for that project.

(2) **REQUESTS FOR CONCEPTUAL DESIGN FUNDS.**—If the estimated cost of completing a conceptual design for a construction project exceeds \$3,000,000, the Secretary shall submit to Congress a request for funds for the conceptual design before submitting a request for funds for the construction project.

(3) **EXCEPTIONS.**—The requirement in paragraph (1) does not apply to a request for funds—

(A) for a construction project the total estimated cost of which is less than the minor construction threshold; or

(B) for emergency planning, design, and construction activities under section 3126.

(b) **AUTHORITY FOR CONSTRUCTION DESIGN.**—

(1) **IN GENERAL.**—Within the amounts authorized by a DOE national security authorization, the Secretary of Energy may carry out construction design (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such design does not exceed \$600,000.

(2) **SPECIFIC AUTHORITY REQUIRED.**—If the total estimated cost for construction design in connection with any construction project exceeds \$600,000, funds for that design must be specifically authorized by law.

**SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DESIGN, AND CONSTRUCTION ACTIVITIES.**

(a) **AUTHORITY.**—The Secretary of Energy may use any funds available to the Department of Energy pursuant to a DOE national security authorization, including funds authorized to be appropriated for advance planning, engineering, and construction design, and for plant projects, to perform planning, design, and construction activities for any Department of Energy national security program construction project that, as determined by the Secretary, must proceed expeditiously in order to protect public health and safety, to meet the needs of national defense, or to protect property.

(b) **LIMITATION.**—The Secretary may not exercise the authority under subsection (a) in the case of a construction project until the Secretary has submitted to the congressional defense committees a report on the activities that the Secretary intends to carry out under this section and the circumstances making those activities necessary.

(c) **SPECIFIC AUTHORITY.**—The requirement of section 3125(b)(2) does not apply to emergency planning, design, and construction activities conducted under this section.

**SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.**

Subject to the provisions of appropriation Acts and section 3121, amounts appropriated pursuant to a DOE national security authorization for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

**SEC. 3128. AVAILABILITY OF FUNDS.**

(a) **IN GENERAL.**—Except as provided in subsection (b), amounts appropriated for operation and maintenance or for plant projects may, when so specified in an appropriations Act, remain available until expended.

(b) **EXCEPTION FOR NNSA FUNDS.**—Amounts appropriated for the National Nuclear Security Administration pursuant to a DOE national security authorization for a fiscal year shall remain available to be expended—

(1) only until the end of that fiscal year, in the case of amounts appropriated for the Office of the Administrator for Nuclear Security; and

(2) only in that fiscal year and the two succeeding fiscal years, in all other cases.

**SEC. 3129. TRANSFER OF DEFENSE ENVIRONMENTAL MANAGEMENT FUNDS.**

(a) **TRANSFER AUTHORITY FOR DEFENSE ENVIRONMENTAL MANAGEMENT FUNDS.**—The Secretary of Energy shall provide the manager of each field office of the Department of Energy with the authority to transfer defense environmental management funds from a program or project under the jurisdiction of that office to another such program or project.

(b) **LIMITATIONS.**—

(1) **NUMBER OF TRANSFERS.**—Not more than one transfer may be made to or from any program or project under subsection (a) in a fiscal year.

(2) **AMOUNTS TRANSFERRED.**—The amount transferred to or from a program or project in any one transfer under subsection (a) may not exceed \$5,000,000.

(3) **DETERMINATION REQUIRED.**—A transfer may not be carried out by a manager of a field office under subsection (a) unless the manager determines that the transfer is necessary—

(A) to address a risk to health, safety, or the environment; or

(B) to assure the most efficient use of defense environmental management funds at the field office.

(4) **IMPERMISSIBLE USES.**—Funds transferred pursuant to subsection (a) may not be used for an item for which Congress has specifically denied funds or for a new program or project that has not been authorized by Congress.

(c) **EXEMPTION FROM REPROGRAMMING REQUIREMENTS.**—The requirements of section 3121 shall not apply to transfers of funds pursuant to subsection (a).

(d) **NOTIFICATION.**—The Secretary, acting through the Assistant Secretary of Energy for Environmental Management, shall notify Congress of any transfer of funds pursuant to subsection (a) not later than 30 days after such transfer occurs.

(e) **DEFINITIONS.**—In this section—

(1) the term “program or project” means, with respect to a field office of the Department of Energy, a program or project that is for environmental restoration or waste management activities necessary for national security programs of the Department, that is being carried out by that office, and for which defense environmental management funds have been authorized and appropriated; and

(2) the term “defense environmental management funds” means funds appropriated to the Department of Energy pursuant to an authorization for carrying out environmental restoration and waste management activities necessary for national security programs.

**SEC. 3130. TRANSFER OF WEAPONS ACTIVITIES FUNDS.**

(a) **TRANSFER AUTHORITY FOR WEAPONS ACTIVITIES FUNDS.**—The Secretary of Energy shall provide the manager of each field office of the Department of Energy with the authority to transfer weapons activities funds from a program or project under the jurisdiction of that office to another such program or project.

(b) **LIMITATIONS.**—

(1) **NUMBER OF TRANSFERS.**—Not more than one transfer may be made to or from any program or project under subsection (a) in a fiscal year.

(2) **AMOUNTS TRANSFERRED.**—The amount transferred to or from a program or project in any one transfer under subsection (a) may not exceed \$5,000,000.

(3) **DETERMINATION REQUIRED.**—A transfer may not be carried out by a manager of a field office under subsection (a) unless the manager determines that the transfer—

(A) is necessary to address a risk to health, safety, or the environment; or

(B) will result in cost savings and efficiencies.

(4) **LIMITATION.**—A transfer may not be carried out by a manager of a field office under

subsection (a) to cover a cost overrun or scheduling delay for any program or project.

(5) **IMPERMISSIBLE USES.**—Funds transferred pursuant to subsection (a) may not be used for an item for which Congress has specifically denied funds or for a new program or project that has not been authorized by Congress.

(c) **EXEMPTION FROM REPROGRAMMING REQUIREMENTS.**—The requirements of section 3121 shall not apply to transfers of funds pursuant to subsection (a).

(d) **NOTIFICATION.**—The Secretary, acting through the Administrator for Nuclear Security, shall notify Congress of any transfer of funds pursuant to subsection (a) not later than 30 days after such transfer occurs.

(e) **DEFINITIONS.**—In this section—

(1) the term “program or project” means, with respect to a field office of the Department of Energy, a program or project that is for weapons activities necessary for national security programs of the Department, that is being carried out by that office, and for which weapons activities funds have been authorized and appropriated; and

(2) the term “weapons activities funds” means funds appropriated to the Department of Energy pursuant to an authorization for carrying out weapons activities necessary for national security programs.

**SEC. 3131. SCOPE OF AUTHORITY TO CARRY OUT PLANT PROJECTS.**

In carrying out programs necessary for national security, the authority of the Secretary of Energy to carry out plant projects includes authority for maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto.

**Subtitle C—Program Authorizations, Restrictions, and Limitations**

**SEC. 3141. ONE-YEAR EXTENSION OF PANEL TO ASSESS THE RELIABILITY, SAFETY, AND SECURITY OF THE UNITED STATES NUCLEAR STOCKPILE.**

Section 3159 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (42 U.S.C. 2121 note) is amended—

(1) in subsection (d), by striking “February 1, 2002,” and inserting “February 1 of 2002 and 2003,”; and

(2) in subsection (g), by striking “three years” and all that follows through the period at the end and inserting “April 1, 2003.”

**SEC. 3142. TRANSFER TO NATIONAL NUCLEAR SECURITY ADMINISTRATION OF DEPARTMENT OF DEFENSE'S COOPERATIVE THREAT REDUCTION PROGRAM RELATING TO ELIMINATION OF WEAPONS GRADE PLUTONIUM IN RUSSIA.**

(a) **TRANSFER OF PROGRAM.**—There are hereby transferred to the Administrator for Nuclear Security the following:

(1) The program, within the Cooperative Threat Reduction program of the Department of Defense, relating to the elimination of weapons grade plutonium in Russia.

(2) All functions, powers, duties, and activities of that program performed before the date of the enactment of this Act by the Department of Defense.

(b) **TRANSFER OF ASSETS.**—(1) So much of the property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the program transferred by subsection (a) are transferred to the Administrator for use in connection with the program transferred.

(2) Funds so transferred—

(A) shall be credited to the appropriation account of the Department of Energy for the activities of the National Nuclear Security Administration in carrying out defense nuclear non-proliferation activities; and

(B) remain subject to such limitations as applied to such funds before such transfer.

(c) **REFERENCES.**—Any reference in any other Federal law to the Secretary of Defense (or an officer of the Department of Defense) or the Department of Defense shall, to the extent such reference pertains to a function transferred by this section, be deemed to refer to the Administrator for Nuclear Security or the National Nuclear Security Administration, as applicable.

**SEC. 3143. REPEAL OF REQUIREMENT FOR REPORTS ON OBLIGATION OF FUNDS FOR PROGRAMS ON FISSIONABLE MATERIALS IN RUSSIA.**

Section 3131 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 617; 22 U.S.C. 5952 note) is amended—

(1) in subsection (a), by striking “(a) AUTHORITY.—”; and

(2) by striking subsection (b).

**SEC. 3144. ANNUAL CERTIFICATION TO THE PRESIDENT AND CONGRESS ON THE CONDITION OF THE UNITED STATES NUCLEAR WEAPONS STOCKPILE.**

(a) **CERTIFICATION REQUIRED.**—(1) Not later than January 15 of each year, each official specified in subsection (b)(1) shall submit to the Secretary concerned a certification regarding the safety, reliability, and performance of each nuclear weapon type in the active stockpile of the United States for which such official is responsible.

(2) Not later than February 1 of each year, the Secretary of Defense and the Secretary of Energy shall each submit to the President and the Congress—

(A) each certification, without change, submitted under paragraph (1) to that Secretary;

(B) each report, without change, submitted under subsection (d) to that Secretary;

(C) the comments of that Secretary with respect to each such certification and each such report; and

(D) any other information that the Secretary considers appropriate.

(b) **COVERED OFFICIALS AND SECRETARIES.**—(1) The officials referred to in subsection (a) are the following:

(A) The head of each national security laboratory, as defined in section 3281 of the National Nuclear Security Administration Act (50 U.S.C. 2471).

(B) The commander of the United States Strategic Command.

(2) In this section, the term “Secretary concerned” means—

(A) the Secretary of Energy, with respect to matters concerning the Department of Energy; and

(B) the Secretary of Defense, with respect to matters concerning the Department of Defense.

(c) **USE OF “RED TEAMS” FOR LABORATORY CERTIFICATIONS.**—The head of each national security laboratory shall, to assist in the certification process required by subsection (a), establish one or more teams of experts known as “red teams”. Each such team shall—

(1) subject to challenge the matters covered by that laboratory’s certification, and submit the results of such challenge, together with findings and recommendations, to the head of that laboratory; and

(2) carry out peer review of the certifications carried out by the other laboratories, and submit the results of such peer review to the head of the laboratory concerned.

(d) **REPORT ACCOMPANYING CERTIFICATION.**—Each official specified in subsection (b)(1) shall submit with each such certification a report on the stockpile stewardship and management program of the Department of Energy. The report shall include the following:

(1) An assessment of the adequacy of the science-based tools and methods being used to determine the matters covered by the certification.

(2) An assessment of the capability of the manufacturing infrastructure required by section 3137 of the National Defense Authorization

Act for Fiscal Year 1996 (42 U.S.C. 2121 note) to identify and fix any inadequacy with respect to the matters covered by the certification.

(3) An assessment of the need of the United States to resume testing of nuclear weapons and the readiness of the United States to resume such testing, together with an identification of the specific tests the conduct of which might have value and the anticipated value of conducting such tests.

(4) An identification and discussion of any other matter that adversely affects the ability to accurately determine the matters covered by the certification.

(5) In the case of a report submitted by the head of a national security laboratory, the findings and recommendations submitted by the "red teams" under subsection (c) that relate to such certification, and a discussion of those findings and recommendations.

(6) In the case of a report submitted by the head of a national security laboratory, a discussion of the relative merits of other weapon types that could accomplish the mission of the weapon type covered by such certification.

(e) CLASSIFIED FORM.—Each submission required by this section shall be made only in classified form.

**SEC. 3145. PLAN FOR ACHIEVING ONE-YEAR READINESS POSTURE FOR RESUMPTION BY THE UNITED STATES OF UNDERGROUND NUCLEAR WEAPONS TESTS.**

(a) PLAN REQUIRED.—The Secretary of Energy, in consultation with the Administrator for Nuclear Security, shall prepare a plan for achieving, not later than one year after the date on which the plan is submitted under subsection (c), a one-year readiness posture for resumption by the United States of underground nuclear weapons tests.

(b) DEFINITION.—For purposes of this section, a one-year readiness posture for resumption by the United States of underground nuclear weapons tests is achieved when the Department of Energy has the capability to resume such tests, if directed by the President to resume such tests, not later than one year after the date on which the President so directs.

(c) REPORT.—The Secretary shall include with the budget justification materials submitted to Congress in support of the Department of Energy budget for fiscal year 2004 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) a report on the plan required by subsection (a). The report shall include the plan and a budget for implementing the plan.

**Subtitle D—Matters Relating to Defense Environmental Management**

**SEC. 3151. DEFENSE ENVIRONMENTAL MANAGEMENT CLEANUP REFORM PROGRAM.**

(a) PROGRAM REQUIRED.—From funds made available pursuant to section 3102(a)(2) for defense environmental management cleanup reform, the Secretary of Energy shall carry out a program to reform DOE environmental management activities. In carrying out the program, the Secretary shall allocate, to each site for which the Secretary has submitted to the congressional defense committees a site performance management plan, the amount of those funds that such plan requires.

(b) TRANSFER AND MERGER OF FUNDS.—Funds so allocated shall, notwithstanding section 3124, be transferred to the account for DOE environmental management activities and, subject to subsection (c), shall be merged with and be available for the same purposes and for the same period as the funds available in such account. The authority provided by section 3129 shall apply to funds so transferred.

(c) LIMITATION ON USE OF ALL MERGED FUNDS.—Upon a transfer and merger of funds under subsection (b), all funds in the merged account that are available with respect to the site may be used only to carry out the site performance management plan for such site.

(d) SITE PERFORMANCE MANAGEMENT PLAN DEFINED.—For purposes of this section, a site performance management plan for a site is a plan, agreed to by the applicable Federal and State agencies with regulatory jurisdiction with respect to the site, for the performance of activities to accelerate the reduction of environmental risk in connection with, and to accelerate the environmental cleanup of, the site.

(e) DOE ENVIRONMENTAL MANAGEMENT ACTIVITIES DEFINED.—For purposes of this section, the term "DOE environmental management activities" means environmental restoration and waste management activities of the Department of Energy in carrying out programs necessary for national security.

**SEC. 3152. REPORT ON STATUS OF ENVIRONMENTAL MANAGEMENT INITIATIVES TO ACCELERATE THE REDUCTION OF ENVIRONMENTAL RISKS AND CHALLENGES POSED BY THE LEGACY OF THE COLD WAR.**

(a) REPORT REQUIRED.—The Secretary of Energy shall prepare a report on the status of those environmental management initiatives specified in subsection (b) that are being undertaken to accelerate the reduction of the environmental risks and challenges that, as a result of the legacy of the Cold War, are faced by the Department of Energy, contractors of the Department, and applicable Federal and State agencies with regulatory jurisdiction.

(b) CONTENTS.—The report shall include the following matters:

(1) A discussion of the progress made in reducing such risks and challenges in each of the following areas:

(A) Acquisition strategy and contract management.

(B) Regulatory agreements.

(C) Interim storage and final disposal of high-level waste, spent nuclear fuel, transuranic waste, and low-level waste.

(D) Closure and transfer of environmental remediation sites.

(E) Achievements in innovation by contractors of the Department with respect to accelerated risk reduction and cleanup.

(F) Consolidation of special nuclear materials and improvements in safeguards and security.

(2) An assessment of the progress made in streamlining risk reduction processes of the environmental management program of the Department.

(3) An assessment of the progress made in improving the responsiveness and effectiveness of the environmental management program of the Department.

(4) Any proposals for legislation that the Secretary considers necessary to carry out such initiatives, including the justification for each such proposal.

(c) INITIATIVES COVERED.—The environmental management initiatives referred to in subsection (a) are the initiatives arising out of the report titled "Top-to-Bottom Review of the Environmental Management Program" and dated February 4, 2002, with respect to the environmental restoration and waste management activities of the Department of Energy in carrying out programs necessary for national security.

(d) SUBMISSION OF REPORT.—On the date on which the budget justification materials in support of the Department of Energy budget for fiscal year 2004 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) are submitted to Congress, the Secretary shall submit to the congressional defense committees the report required by subsection (a).

**TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD**

**SEC. 3201. AUTHORIZATION.**

There are authorized to be appropriated for fiscal year 2003, \$19,000,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

**TITLE XXXIII—NATIONAL DEFENSE STOCKPILE**

**SEC. 3301. AUTHORIZED USES OF NATIONAL DEFENSE STOCKPILE FUNDS.**

(a) OBLIGATION OF STOCKPILE FUNDS.—During fiscal year 2003, the National Defense Stockpile Manager may obligate up to \$76,400,000 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) for the authorized uses of such funds under subsection (b)(2) of such section, including the disposal of hazardous materials that are environmentally sensitive.

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date on which Congress receives the notification.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

**TITLE XXXIV—NAVAL PETROLEUM RESERVES**

**SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.**

(a) AMOUNT.—There are hereby authorized to be appropriated to the Secretary of Energy \$21,069,000 for fiscal year 2003 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves.

(b) PERIOD OF AVAILABILITY.—Funds appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

**TITLE XXXV—MARITIME ADMINISTRATION**

**SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2003.**

Funds are hereby authorized to be appropriated for fiscal year 2003, to be available without fiscal year limitation if so provided in appropriations Acts, for the use of the Department of Transportation for the Maritime Administration as follows:

(1) For expenses necessary for operations and training activities, \$93,132,000.

(2) For expenses under the loan guarantee program authorized by title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271 et seq.), \$54,126,000, of which—

(A) \$50,000,000 is for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees under the program; and

(B) \$4,126,000 is for administrative expenses related to loan guarantee commitments under the program.

(3) For expenses to dispose of obsolete vessels in the National Defense Reserve Fleet, including provision of assistance under section 7 of Public Law 92-402 (as amended by this title), \$20,000,000.

**SEC. 3502. AUTHORITY TO CONVEY VESSEL USS SPHINX (ARL-24).**

(a) IN GENERAL.—Notwithstanding any other law, the Secretary of Transportation may convey the right, title, and interest of the United States Government in and to the vessel USS SPHINX (ARL-24), to the Dunkirk Historical Lighthouse and Veterans Park Museum (a not-for-profit corporation, in this section referred to as the "recipient") for use as a military museum, if—

(1) the recipient agrees to use the vessel as a nonprofit military museum;

(2) the vessel is not used for commercial transportation purposes;

(3) the recipient agrees to make the vessel available to the Government when the Secretary requires use of the vessel by the Government;

(4) the recipient agrees that when the recipient no longer requires the vessel for use as a military museum—

(A) the recipient will, at the discretion of the Secretary, reconvey the vessel to the Government in good condition except for ordinary wear and tear; or

(B) if the Board of Trustees of the recipient has decided to dissolve the recipient according to the laws of the State of New York, then—

(i) the recipient shall distribute the vessel, as an asset of the recipient, to a person that has been determined exempt from taxation under the provisions of section 501(c)(3) of the Internal Revenue Code, or to the Federal Government or a State or local government for a public purpose; and

(ii) the vessel shall be disposed of by a court of competent jurisdiction of the county in which the principal office of the recipient is located, for such purposes as the court shall determine, or to such organizations as the court shall determine are organized exclusively for public purposes;

(5) the recipient agrees to hold the Government harmless for any claims arising from exposure to asbestos after conveyance of the vessel, except for claims arising from use by the Government under paragraph (3) or (4); and

(6) the recipient has available, for use to restore the vessel, in the form of cash, liquid assets, or a written loan commitment, financial resources of at least \$100,000.

(b) **DELIVERY OF VESSEL.**—If a conveyance is made under this Act, the Secretary shall deliver the vessel at the place where the vessel is located on the date of enactment of this Act, in its present condition, without cost to the Government.

(c) **OTHER UNNEEDED EQUIPMENT.**—The Secretary may also convey any unneeded equipment from other vessels in the National Defense Reserve Fleet in order to restore the USS SPHINX (ARL-24) to museum quality.

(d) **RETENTION OF VESSEL IN NDRF.**—The Secretary shall retain in the National Defense Reserve Fleet the vessel authorized to be conveyed under subsection (a), until the earlier of—

(1) 2 years after the date of the enactment of this Act; or

(2) the date of conveyance of the vessel under subsection (a).

**SEC. 3503. FINANCIAL ASSISTANCE TO STATES FOR PREPARATION OF TRANSFERRED OBSOLETE SHIPS FOR USE AS ARTIFICIAL REEFS.**

(a) **IN GENERAL.**—Public Law 92-402 (16 U.S.C. 1220 et seq.) is amended by redesignating section 7 as section 8, and by inserting after section 6 the following:

**“SEC. 7. FINANCIAL ASSISTANCE TO STATE TO PREPARE TRANSFERRED SHIP.**

“(a) **ASSISTANCE AUTHORIZED.**—The Secretary, subject to the availability of appropriations, may provide, to any State to which an obsolete ship is transferred under this Act, financial assistance to prepare the ship for use as an artificial reef, including for—

“(1) environmental remediation;

“(2) towing; and

“(3) sinking.

“(b) **AMOUNT OF ASSISTANCE.**—The Secretary shall determine the amount of assistance under this section with respect to an obsolete ship based on—

“(1) the total amount available for providing assistance under this section;

“(2) the benefit achieved by providing assistance for that ship; and

“(3) the cost effectiveness of disposing of the ship by transfer under this Act and provision of assistance under this section, compared to other disposal options for the vessel.

“(c) **TERMS AND CONDITIONS.**—The Secretary—

“(1) shall require a State seeking assistance under this section to provide cost data and other information determined by the Secretary to be

necessary to justify and document the assistance; and

“(2) may require a State receiving such assistance to comply with terms and conditions necessary to protect the environment and the interests of the United States.”.

(b) **CONFORMING AMENDMENT.**—Section 4(4) of such Act (16 U.S.C. 1220a(4)) is amended by inserting “(except for any financial assistance provided under section 7)” after “at no cost to the Government”.

**SEC. 3504. INDEPENDENT ANALYSIS OF TITLE XI INSURANCE GUARANTEE APPLICATIONS.**

Section 1104A of the Merchant Marine Act, 1936 (46 App. U.S.C. 1274) is amended—

(1) by adding at the end of subsection (d) the following:

“(4) The Secretary may obtain independent analysis of an application for a guarantee or commitment to guarantee under this title.”; and

(2) in subsection (f) by inserting “(including for obtaining independent analysis under subsection (d)(4))” after “applications for a guarantee”.

The CHAIRMAN. No amendment to the committee amendment in the nature of a substitute is in order except those printed in House Report 107-450 and amendments en bloc described in section 3 of House Resolution 415.

Except as specified in section 4 of the resolution, each amendment printed in the report shall be considered only in the order printed, may be offered only by a Member designated in the report, shall be considered read, and shall not be subject to a demand for a division of the question.

Unless otherwise specified in the report, each amendment printed in the report shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment, except as specified in the report and except that the chairman and ranking minority member of the Committee on Armed Services each may offer one pro forma amendment for the purpose of further debate on any pending amendment.

It shall be in order at any time for the chairman of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in part B of the report not earlier disposed of or germane modifications of any such amendment.

Amendments en bloc shall be considered read, except that modifications shall be reported, shall be debatable for 40 minutes, equally divided and controlled by the chairman and ranking minority member or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

The original proponent of an amendment included in the amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before disposition of the amendments en bloc.

The Chairman of the Committee of the Whole may recognize for consideration of any amendment out of the order printed, but not sooner than 1 hour after the chairman of the Committee on Armed Services or a designee

announces from the floor a request to that effect.

AMENDMENTS EN BLOC OFFERED BY MR. STUMP

Mr. STUMP. Mr. Chairman, I offer amendments en bloc consisting of the following amendments printed in part B of House Report 107-450: amendment No. 11, amendment No. 12, amendment No. 13, amendment No. 14, amendment No. 16, amendment No. 17, amendment No. 18, amendment No. 19, amendment No. 20, amendment No. 22 offered by the gentleman from Arkansas (Mr. SNYDER), amendment No. 23, amendment No. 24, and amendment No. 22 offered by the gentleman from Kansas (Mr. TIAHRT).

The CHAIRMAN. The Clerk will designate the amendments en bloc.

The text of the amendments en bloc is as follows:

Amendment No. 11 offered by Mr. CULBERSON:

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

**SEC. . . . USE FOR LAW ENFORCEMENT PURPOSES OF DNA SAMPLES MAINTAINED BY DEPARTMENT OF DEFENSE FOR IDENTIFICATION OF HUMAN REMAINS.**

(a) **IN GENERAL.**—Chapter 80 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 1566. DNA samples maintained for identification of human remains: use for law enforcement purposes**

“(a) **COMPLIANCE WITH COURT ORDER.**—(1) Subject to paragraph (2), if a valid order of a Federal court (or military judge) so requires, an element of the Department of Defense that maintains a repository of DNA samples for the purpose of identification of human remains shall make available, for the purpose specified in subsection (b), such DNA samples on such terms and conditions as such court (or military judge) directs.

“(2) A DNA sample with respect to an individual shall be provided under paragraph (1) in a manner that does not compromise the ability of the Department of Defense to maintain a sample with respect to that individual for the purpose of identification of human remains.

“(b) **COVERED PURPOSE.**—The purpose referred to in subsection (a) is the purpose of an investigation or prosecution of a felony, or any sexual offense, for which no other source of DNA information is available.

“(c) **DEFINITION.**—In this section, the term ‘DNA sample’ has the meaning given such term in section 1565(c) of this title.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

**“§ 1566. DNA samples maintained for identification of human remains: use for law enforcement purposes.”.**

Amendment No. 12 offered by Mrs. JO ANN DAVIS of Virginia:

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

**SEC. . . . SENSE OF CONGRESS CONCERNING AIRCRAFT CARRIER FORCE STRUCTURE.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) The aircraft carrier has been an integral component in Operation Enduring Freedom and in the homeland defense mission beginning on September 11, 2001. The aircraft carriers that have participated in Operation Enduring Freedom, as of May 1, 2002, are the USS Enterprise (CVN-65), the USS Carl Vinson (CVN-70), the USS Kitty Hawk (CV-63),

the USS Theodore Roosevelt (CVN-71), the USS John C. Stennis (CVN-74), and the USS John F. Kennedy (CV-67). The aircraft carriers that have participated in the homeland defense mission are the USS George Washington (CVN-73), the USS John F. Kennedy (CV-67), and the USS John C. Stennis (CVN-74).

(2) Since 1945, the United States has built 172 bases overseas, of which only 24 are currently in use.

(3) The aircraft carrier provides an independent base of operations should no land base be available for aircraft.

(4) The aircraft carrier is an essential component of the Navy.

(5) Both the F/A-18E/F aircraft program and the Joint Strike Fighter aircraft program are proceeding on schedule for deployment on aircraft carriers.

(6) As established by the Navy, the United States requires the service of 15 aircraft carriers to completely fulfill all the naval commitments assigned to it without gapping carrier presence.

(7) The Navy requires, at a minimum, at least 12 carriers to accomplish its current missions.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the number of aircraft carriers of the Navy in active service should not be less than 12.

(c) COMMENDATION OF CREWS.—Congress hereby commends the crews of the aircraft carriers that have participated in Operation Enduring Freedom and the homeland defense mission.

Amendment No. 13 offered by Mr. FARR of California:

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

**SEC. \_\_\_\_ ENHANCED AUTHORITY TO OBTAIN FOREIGN LANGUAGE SERVICES DURING PERIODS OF EMERGENCY.**

(a) NATIONAL FOREIGN LANGUAGE SKILLS REGISTRY.—(1) The Secretary of Defense may establish and maintain a secure data registry to be known as the "National Foreign Language Skills Registry". The data registry shall consist of the names of, and other pertinent information on, linguistically qualified United States citizens and permanent resident aliens who state that they are willing to provide linguistic services in times of emergency designated by the Secretary of Defense to assist the Department of Defense and other Departments and agencies of the United States with translation and interpretation in languages designated by the Secretary of Defense as critical languages.

(2) The name of a person may be included in the Registry only if the person expressly agrees for the person's name to be included in the Registry. Any such agreement shall be made in such form and manner as may be specified by the Secretary.

(b) AUTHORITY TO ACCEPT VOLUNTARY TRANSLATION AND INTERPRETATION SERVICES.—Section 1588(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(6) Language translation and interpretation services."

Amendment No. 14 offered by Mr. HEFLEY: Strike section 351 (page 68, beginning line 2), and insert the following new section:

**SEC. 351. AUTHORIZED DURATION OF BASE CONTRACT FOR NAVY-MARINE CORPS INTRANET.**

Section 814 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, as enacted into law by Public Law 106-398 (114 Stat. 1654A-215) and amended by section 362 of Public Law 107-107 (115 Stat. 1065), is amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting after subsection (h) the following new subsection (i):

"(i) DURATION OF BASE NAVY-MARINE CORPS INTRANET CONTRACT.—Notwithstanding section 2306c of title 10, United States Code, the base contract of the Navy-Marine Corps Intranet contract may have a term in excess of five years, but not more than seven years."

Amendment No. 16 offered by Mr. MANZULLO:

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

**SEC. \_\_\_\_ RENEWAL OF CERTAIN PROCUREMENT TECHNICAL ASSISTANCE COOPERATIVE AGREEMENTS AT FUNDING LEVELS AT LEAST SUFFICIENT TO SUPPORT EXISTING PROGRAMS.**

Section 2413 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d) With respect to any eligible entity that has successfully performed under a cooperative agreement entered into under subsection (a), the Secretary shall strive, to the greatest extent practicable and subject to appropriations, to renew such agreement with such entity at a level of funding which is at least equal to the level of funding under the cooperative agreement being renewed."

Amendment No. 17 offered by Mr. ORTIZ: At the end of subtitle B of title I (page 21, after line 20), insert the following new section:

**SEC. \_\_\_\_ PROHIBITION ON ACQUISITION OF CHAMPION-CLASS, T-5 FUEL TANKERS.**

(a) PROHIBITION.—Except as provided in subsection (b), a Champion-class fuel tanker, known as a T-5, which features a double hull and reinforcement against ice damage, may not be acquired for the Military Sealift Command or for other Navy purposes.

(b) TERMINATION.—The prohibition in subsection (a) shall not apply if the acquisition of a T-5 tanker is specifically authorized in a defense authorization Act that—

(1) is enacted after the date of the enactment of this Act;

(2) specifically refers to subsection (a); and

(3) specifically states that the prohibition in such subsection does not apply.

Amendment No. 18 offered by Mr. PALLONE: Page 312, after line 15, insert the following new section:

**SEC. 2826. LAND CONVEYANCE, FORT MONMOUTH, NEW JERSEY.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey by sale all right, title, and interest of the United States in and to a parcel of land, consisting of approximately 63.95 acres of military family housing known as Howard Commons, that comprises a portion of Fort Monmouth, New Jersey.

(b) COMPETITIVE BID REQUIREMENT.—The Secretary shall use competitive procedures for the sale authorized by subsection (a).

(c) CONSIDERATION.—As consideration for the conveyance authorized under subsection (a), the recipient of the land shall pay an amount that is no less than fair market value, as determined by the Secretary. Such recipient may, as in-kind consideration, build replacement military family housing or rehabilitate existing military family housing at Fort Monmouth, New Jersey, as agreed upon by the Secretary. Any proceeds received by the Secretary not used to construct or rehabilitate such military family housing shall be deposited in the special account in the Treasury established pursuant to section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)).

(d) DESCRIPTION OF PARCEL.—The exact acreage and legal description of the parcel to be conveyed under subsection (a) shall be determined by a survey that is satisfactory to the Secretary. The cost of the survey shall be borne by the recipient of the parcel.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Amendment No. 19 offered by Mr. SAXTON: At the end of title X (page 218, after line 15), insert the following new section:

**SEC. \_\_\_\_ SURFACE COMBATANT INDUSTRIAL BASE.**

(a) REVIEW.—The Secretary of Defense shall conduct a review of the effect of the contract award announced on April 29, 2002, for the lead design agent for the DD(X) ship program on the industrial base for ship combat system development, including the industrial base for each of the following: ship systems integration, radar, electronic warfare, launch systems, and other components.

(b) REPORT REQUIRED.—Not later than March 31, 2003, the Secretary shall submit to the congressional defense committees a report based on the review under subsection (a). The report shall provide the Secretary's assessment of the effect of that contract award on the ship combat system technology and industrial base and shall describe any actions that the Secretary proposes to ensure future competition across the array of technologies that encompass the combat systems of future surface ships, including the next generation cruiser (CG(X)), the littoral combat ship (LCS), and the joint command ship (JCC(X)).

Amendment No. 20 offered by Mr. SCHROCK: At the end of subtitle A of title XXVIII (page 292, after line 7), insert the following new section:

**SEC. \_\_\_\_ PILOT HOUSING PRIVATIZATION AUTHORITY FOR ACQUISITION OR CONSTRUCTION OF MILITARY UNACCOMPANIED HOUSING.**

(a) IN GENERAL.—(1) Subchapter IV of chapter 169 of title 10, United States Code, is amended by inserting after section 2881 the following new section:

**"§ 2881a. Pilot projects for acquisition or construction of military unaccompanied housing"**

"(a) PILOT PROJECTS AUTHORIZED.—The Secretary of the Navy may carry out not more than 3 pilot projects under the authority of this section or another provision of this subchapter to use the private sector for the acquisition or construction of military unaccompanied housing in the United States, including any territory or possession of the United States.

"(b) ASSIGNMENT OF MEMBERS AND BASIC ALLOWANCE FOR HOUSING.—(1) The Secretary of the Navy may assign members of the armed forces to housing units acquired or constructed under the pilot projects, and such housing units shall be considered as quarters of the United States or a housing facility under the jurisdiction of a uniformed service for purposes of section 403 of title 37.

"(2) Notwithstanding section 403(n)(2) of title 37, the Secretary of Defense may set specific higher rates of partial basic allowance for housing for a member of the armed forces who is assigned to a housing unit acquired or constructed under the pilot projects. Any increase in the rate of partial basic allowance for housing to accommodate the pilot programs shall be in addition to any partial basic allowance for housing that the member may otherwise be eligible to receive under section 403(n) of title 37. A member may not sustain a reduction in partial basic allowance for housing as a result of assignment to a housing unit acquired or constructed under the pilot projects.

"(c) FUNDING.—(1) The Department of Defense Housing Improvement Fund shall be used to carry out activities under the pilot projects.

“(2) Subject to 90 days prior notification to the appropriate committees of Congress, such additional amounts as the Secretary of Defense considers necessary may be transferred to the Department of Defense Housing Improvement Fund from amounts appropriated for construction of military unaccompanied housing projects in military construction accounts. The amounts so transferred shall be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund.

“(d) REPORTS.—(1) The Secretary of the Navy shall transmit to the appropriate committees of Congress a report describing—

“(A) each contract for the acquisition of military unaccompanied housing that the Secretary proposes to solicit under the pilot projects;

“(B) each conveyance or lease proposed under section 2878 of this title in furtherance of the pilot projects; and

“(C) the proposed partial basic allowance for housing rates for each contract as they vary by grade of the member and how they compare to basic allowance for housing rates for other contracts written under the authority of the pilot programs.

“(2) The report shall describe the proposed contract, conveyance, or lease and the intended method of participation of the United States in the contract, conveyance, or lease and provide a justification of such method of participation. The report shall be submitted not later than 90 days before the date on which the Secretary issues the contract solicitation or offers the conveyance or lease.

“(e) EXPIRATION.—Notwithstanding section 2885 of this title, the authority of the Secretary of the Navy to enter into a contract under the pilot programs shall expire September 30, 2007.”

(2) The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2881 the following new item:

“2881a. Pilot projects for acquisition or construction of military unaccompanied housing.”

(b) CONFORMING AMENDMENT.—Section 2871(7) of title 10, United States Code, is amended by inserting before the period at the end the following: “and transient housing intended to be occupied by members of the armed forces on temporary duty”.

Amendment No. 22 offered by Mr. SNYDER: At the end of title IX (page 179, after line 21), insert the following new section:

**SEC. 9. AUTHORITY TO ACCEPT GIFTS FOR NATIONAL DEFENSE UNIVERSITY.**

(a) IN GENERAL.—Section 2605 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting “(1)” after “administration of”; and

(B) by inserting before the period at the end of the first sentence “, or (2) the National Defense University”;

(2) in subsection (b)—

(A) by inserting “(1)” after “(b)”;

(B) by striking “subsection (a)” and inserting “subsection (a)(1)”;

(C) by designating the last sentence as paragraph (3) and in that sentence by inserting “or for the benefit or use of the National Defense University, as the case may be,” after “schools,”; and

(D) by inserting before paragraph (3), as designated by subparagraph (C), the following:

“(2) There is established in the Treasury a fund to be known as the ‘National Defense University Gift Fund’. Gifts of money, and the proceeds of the sale of property, received under subsection (a)(2) shall be deposited in the Fund.”;

(3) in subsection (d)(1)(A), by inserting “and the National Defense University Gift Fund” before the semicolon; and

(4) by adding at the end the following new subsection:

“(h) In this section, the term ‘National Defense University’ includes any school or other component of the National Defense University.”

(b) CLERICAL AMENDMENT.—(1) The heading of such section is amended to read as follows: “§ 2605. Acceptance of gifts for defense dependents’ schools and National Defense University”.

(2) The item relating to such section in the table of sections at the beginning of chapter 151 of such title is amended to read as follows:

“2605. Acceptance of gifts for defense dependents’ schools and National Defense University.”

Amendment No. 23 offered by Mr. SPRATT: At the end of title XI (page 222, after line 3), insert the following new section:

**SEC. . . . CERTIFICATION FOR DEPARTMENT OF DEFENSE PROFESSIONAL ACCOUNTING POSITIONS.**

(a) IN GENERAL.—(1) Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 1599d. Professional accounting positions: authority to prescribe certification and credential standards**

“(a) AUTHORITY TO PRESCRIBE PROFESSIONAL CERTIFICATION STANDARDS.—The Secretary of Defense may prescribe professional certification and credential standards for professional accounting positions within the Department of Defense. Any such standard shall be prescribed as a Department of Defense regulation.

“(b) WAIVER AUTHORITY.—The Secretary may waive any standard prescribed under subsection (a) whenever the Secretary determines such a waiver to be appropriate.

“(c) APPLICABILITY.—A standard prescribed under subsection (a) shall not apply to any person employed by the Department of Defense before the standard is prescribed.

“(d) REPORT.—The Secretary of Defense shall submit to Congress a report on the Secretary’s plans to provide training to appropriate Department of Defense personnel to meet any new professional and credential standards prescribed under subsection (a). Such report shall be prepared in conjunction with the Director of the Office of Personnel Management. Such a report shall be submitted not later than one year after the effective date of any regulations, or any revision to regulations, prescribed pursuant to subsection (a).

“(e) DEFINITION.—In this section, the term ‘professional accounting position’ means a position or group of positions in the GS-510, GS-511, and GS-505 series that involves professional accounting work.”

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

“1599d. Professional accounting positions: authority to establish certification and credential standards.”

(b) EFFECTIVE DATE.—Standards established pursuant to section 1599d of title 10, United States Code, as added by subsection (a), may take effect no sooner than 120 days after the date of the enactment of this Act.

Amendment No. 24 offered by Mr. STUMP: At the end of subtitle C of title I (page 23, after line 5), insert the following new section:

**SEC. . . . REALLOCATION OF CERTAIN FUNDS FOR AIR FORCE RESERVE COMMAND F-16 AIRCRAFT PROCUREMENT.**

Of the funds authorized to be appropriated by section 103(1) that are available for pro-

curement of F-16 aircraft for the Air Force Reserve Command, \$14,400,000 shall be available for 36 Litening II modernization upgrade kits for the F-16 block 25 and block 30 aircraft (rather than for Litening AT pods for such aircraft).

Page 65, line 11, strike “\$30,00,000” and insert “\$35,000,000”.

In section 2811, page 295, after line 11, insert the following new subsection (and redesignate subsequent subsections accordingly):

“(e) ACQUISITION OF WATER RIGHTS.—The authority of the Secretary of a military department to enter into an agreement under subsection (a) for the acquisition of real property (or an interest therein) includes the authority to support the purchase of water rights from any available source when necessary to support or protect the mission of a military installation.

Amendment No. 22 offered by Mr. TIAHRT: At the end of subtitle B of title X (page 209, after line 25), insert the following new section:

**SEC. . . . LIMITATION ON DURATION OF FUTURE DEPARTMENT OF DEFENSE REPORTING REQUIREMENTS.**

(a) IN GENERAL.—Chapter 23 of title 10, United States Code, is amended by inserting after section 480 the following new section:

**“§ 480a. Recurring reporting requirements: five-year limitation**

“(a) FIVE-YEAR SUNSET.—Any recurring congressional defense reporting requirement that is established by a provision of law enacted on or after the date of the enactment of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (including a provision of law enacted as part of that Act) shall cease to be effective, with respect to that requirement, at the end of the five-year period beginning on the date on which such provision is enacted, except as otherwise provided by law.

“(b) RULE OF CONSTRUCTION.—A provision of law enacted after the date of the enactment of this section may not be considered to supersede the provisions of subsection (a) unless that provision specifically refers to subsection (a) and specifically states that it supersedes subsection (a).

“(c) RECURRING CONGRESSIONAL DEFENSE REPORTING REQUIREMENTS.—In this section, the term ‘recurring defense congressional reporting requirement’ means a requirement by law for the submission of an annual, semi-annual, or other regular periodic report to Congress, or one or more committees of Congress, that applies only to the Department of Defense or to one or more officers of the Department of Defense.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 480 the following new item:

“480a. Recurring reporting requirements: five-year limitation.”

The CHAIRMAN. Pursuant to House Resolution 415, the gentleman from Arizona (Mr. STUMP) and the gentleman from Missouri (Mr. SKELTON) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. STUMP).

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

This en bloc amendment has been crafted in full consultation with the committee’s ranking Democrat, the gentleman from Missouri (Mr. SKELTON), and includes the part B amendments as reported by the Committee on Rules offered by the following Members: the gentleman from Texas (Mr. CULBERSON), the gentlewoman from

Virginia (Mrs. JO ANN DAVIS), the gentleman from California (Mr. FARR), the gentleman from Colorado (Mr. HEFLEY), the gentleman from Illinois (Mr. MANZULLO), the gentleman from Texas (Mr. ORTIZ), the gentleman from New Jersey (Mr. PALLONE), the gentleman from New Jersey (Mr. SAXTON), the gentleman from Virginia (Mr. SCHROCK), the gentleman from Arkansas (Mr. SNYDER), the gentleman from South Carolina (Mr. SPRATT), the gentleman from Kansas (Mr. TIAHRT) and myself.

I would like to thank all those Members for their work in putting this en bloc amendment together and for their cooperation in allowing us to consider them in this fashion.

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

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume. Let me take this opportunity to thank the chairman for his work on the en bloc amendments. I might say, Mr. Chairman, that we have reviewed each of the proposed en bloc amendments, that we agree to the submission thereof and the passage thereof, and that they should all be supported by the Members of this body.

Let me take just a moment in addition thereto, Mr. Chairman. Part of our duties as members of the Committee on Armed Services besides having hearings and having the briefings and doing the study here in Washington is to meet with the various members of the military personnel wherever they may be. Not long ago, I was aboard the USS Harry S Truman in Norfolk and met with the officers and men and women of that ship.

Not long thereafter, I was in San Diego and I went aboard the USS Peleliu and visited extensively with the sailors thereon. By the way, they had just returned from their duties in the Indian Ocean. And then I have been to Little Rock Air Force Base and saw the extensive training there; to Fort Campbell, Kentucky; to Whiteman Air Force base, which is in the State of Missouri.

I must tell my colleagues that the young people in American uniform are working hard, that they are dedicated and that they are professionals and the purpose of our being here today is to give them support. However, it is interesting to note two things. The first is that they are being stretched and strained in their efforts because there are too few in number in many instances. This is pointed out by the fact that General Buck Kernan of forces command down in Norfolk testified not long ago to the effect that the troops are tired and that they are stretched. Then a week later, the commander of our forces in Europe, General Joe Ralston, testified that there were needs for additional forces and resources in his jurisdiction. Admiral Dennis Blair, Commander in Chief of the Pacific, testified similarly.

The young men and young women are stretched. Their families are paying a

price of them being gone so much, but that is only half the story. The other half of the story, Mr. Chairman, is the fact that the morale is sky high, that they know why they are there, that they are supporting the men and women of the United States of America; and I think all of us should add a special note of pride and appreciation to them.

So I take this means while we are discussing these en bloc amendments, which we, of course, have no objection to, to say that added word in honor and in recognition of our young folks who represent the United States of America in uniform.

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

Mr. STUMP. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Chairman, I thank the gentleman from Arizona (Mr. STUMP) and the gentleman from Missouri (Mr. SKELTON) for including the Tiahart amendment language in the en bloc. This sunsets many unneeded reports after 5 years.

The bill already contains the Tiahart-Kirk language ending 20 unneeded reports that were previously required by law. Our effort is the first fruit of Secretary Rumsfeld's tooth-to-tail effort to increase the amount of effort we have on the front line by decreasing unneeded logistic efforts behind the lines. The Secretary launched this effort on September 10, but we are now yielding real fruit.

The current bill language killing unneeded reports is estimated to save over 21,000 man-hours inside the Pentagon. This effort in the en bloc to sunset all reports after 5 years will go a long way to focus efforts on the combat front line and away from the rear echelon.

I thank the gentleman from Arizona, and I thank the gentleman from Missouri for including this in the en bloc.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Chairman, I have an amendment included among the en bloc amendments which was specifically requested by the Department of Defense. In fact, the idea for this amendment arose at a breakfast we had with Secretary Rumsfeld at which there were complaints about limitations on their ability to manage the Pentagon. One was in the quality of personnel they have for financial management, the attraction of personnel with the requisite qualifications for handling a budget that is now approaching \$400 billion, the certification of these qualifications, hiring, firing.

I responded to that by calling Dr. Dov Zakheim, who is the comptroller of the Department of Defense, and telling him if he had problems like this, we were not going to be stinting about the cost of professional personnel in the Department of Defense. We need to raise the quality of management

throughout the Federal Government and certainly in the Department that has the largest budget.

I asked him to send me legislation of what he would like to have in the way of professional qualifications, certification, what he could reasonably require for those who worked in the Department of the Controller. He sent me some legislation, and we made a few minor revisions to it. We made some revisions primarily to make it prospective instead of retrospective so that nobody loses his job because he does not meet these new qualifications or these new certifications. Secondly, we worked with the American Federation of Government Employees to make sure that they were satisfied with the proposal we have got.

This amendment is just a crucial first step to helping the Department of Defense improve their abilities in the area of financial management and their ability to track and account for the funding that Congress provides. The heart and soul, obviously, of any accounting system is the people it employs. This will enable the Department to raise the level, raise the bar in the qualifications for people who are attracted and hired in the Department of Defense for financial management.

It is my understanding that the Committee on Government Reform has also vetted this legislation and supports it as well. I urge an "aye" vote on the en bloc amendment.

Mr. STUMP. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Chairman, I want to thank the chairman of the Committee on Armed Services for the outstanding work he has done for our armed services. His leadership is going to be greatly missed. We appreciate the job he has done for America.

My amendment, Mr. Chairman, would require that future regular reporting requirements imposed on the Department of Defense would have a sunset provision of 5 years after enactment. This would not apply to existing reporting requirements and only be applicable to new reports, including those in this bill, H.R. 4546.

This amendment serves both Congress and DOD by ensuring that all future reports are reviewed regularly and remain relevant and responsive. This is endorsed by Secretary of Defense Donald Rumsfeld. This legislation does not abdicate Congress' traditional oversight role and will insist that the Department of Defense remain responsive to congressional requests and questions about their activities. Those reporting requirements deemed useful after 5 years can easily be reauthorized at the conclusion of the sunset period. Conversely, Congress must demonstrate responsibility in its oversight authority by limiting burdensome and unnecessary and unending reporting requirements.

In fiscal year 2001, the Department of Defense was required to prepare 983

various reports to Congress, of which 449 are listed right here in this packet. This is simply a listing and a brief explanation of the 449 reports that are perennially required by Congress and stipulated year after year. The House Committee on Armed Services in conjunction with the Department of Defense has carefully examined these 449 reports and determined that only 20 out of the 449 were redundant, outdated or no longer relevant enough and should be terminated.

Since it is unlikely that Congress will be unable to significantly reduce the number of existing reports, it is our goal to limit the future ones. Remember, each existing and future report is an unfunded and unprogrammed mandate that has proven extremely difficult to eliminate. The cumulative effect of these required reports is highly burdensome and costly. Limiting these requirements in the future will allow the military staff to concentrate more fully on their primary mission of national security.

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Mr. STUMP. Mr. Chairman, I yield 4 minutes to the gentleman from Pennsylvania (Mr. PLATTS) for the purposes of a colloquy.

Mr. PLATTS. Mr. Chairman, I first would like to add my words of thanks and praise to the gentleman from Arizona (Mr. STUMP) for his fine leadership for the Committee on Armed Services and doing right by our armed men and women in uniform.

I rise for the purpose now of engaging in a colloquy with the gentleman from New Jersey (Mr. SAXTON), the chairman of the Subcommittee on Military Installations and Facilities of the Committee on Armed Services.

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

Mr. PLATTS. I yield to the gentleman from New Jersey.

Mr. SAXTON. Mr. Chairman, I would be happy to engage in a colloquy with the gentleman from the State capital area of Pennsylvania (Mr. PLATTS).

Mr. PLATTS. Mr. Chairman, as the gentleman knows, I requested that his subcommittee authorize the first phase of an important 5-phase project to replace seriously deteriorated family housing at the Army War College at Carlisle Barracks, Pennsylvania, which is in my district. The first phase is a modest beginning of 27 new units costing \$5.4 million. I understand that there was insufficient money to accommodate all Members' requests, however worthy. However, I have been informed that the Army intends to fund this project in the fiscal year 2004 budget that will be submitted in February 2003.

Mr. Chairman, this project is sorely needed, and I ask that the gentleman support this needed family housing project when his subcommittee reviews the Army's military construction request next year.

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

Mr. PLATTS. I yield to the gentleman from New Jersey.

Mr. SAXTON. Mr. Chairman, I thank the gentleman. The gentleman is correct that there is or was insufficient funding available to provide for all of the military construction and family housing improvements that are needed across our military. I might add that we have tried to increase the amount of money available for this purpose and, in fact, we were able to add some money to the request that we received from the Department of Defense. I wish that we could have done more, and I particularly wish we could have taken care of all family housing needs, as quality-of-life improvements are so important and necessary in today's volunteer service.

I agree that family housing at Carlisle Barracks is among those housing projects that must be replaced, and I assure the gentleman that any request by the Army for new family housing at Carlisle will receive careful consideration by my subcommittee in the next year.

Family housing is an important priority and has always received the subcommittee's full support. I thank the gentleman for bringing this important matter to our attention, and I look forward to working with him on it in the next Congress.

Mr. PLATTS. Mr. Chairman, reclaiming my time, I thank the gentleman for his interest and support on this issue, and I also look forward to working with him, and I thank him for his fine leadership.

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

Mrs. JO ANN DAVIS of Virginia. Mr. Chairman, today I rise to support the en bloc amendment containing a Sense of Congress on Aircraft Carrier Force Structure. This amendment would do 2 things.

First, it would commend the crews of the aircraft carriers that contributed directly to Operation Enduring Freedom and the homeland defense mission. Many people are aware that our aircraft carriers contributed to our initial actions in Operation Enduring Freedom, but most people are unaware as to the number of carriers and also the incredible effort and number of aircraft carriers it took to effect our initial response to the attack on September 11.

Second, this amendment would recognize the full value and worth that our carriers have for America's power and force projection capabilities. There is no doubt that the aircraft carriers have been integral to our war in Afghanistan. We have all heard the story of how the USS Enterprise turned around and went back when the captain heard about what was going on. Every munition and bomb dropped from a carrier air wing has been a precision-guided munition. The carriers worked around the clock after the attacks on September 11.

Mr. Chairman, the Sense of Congress expresses a simple truism that is laid

out in the Quadrennial Defense Review. The Navy needs, at a minimum, at least 12 aircraft carriers.

Mr. Chairman, I would strongly encourage all of my colleagues to vote in support of this en bloc amendment.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Chairman, I thank the gentleman for yielding me this time.

I would like to rise in support of the amendment of the gentlewoman from Virginia. One would not think that there would be much controversy about the important role Navy aircraft carriers are playing in this very dangerous world. Indeed, if we want to follow the war on terrorism on a daily basis, it is difficult to read a newspaper article or see television coverage that does not mention what our carriers are doing to keep fighting that remains away from our shores. No less than 8 carriers have been involved in Operation Enduring Freedom or patrolling our own shores in the name of homeland security since September 11.

This amendment also reaffirms our support for a fleet of no less than 12 carriers, the absolute minimum necessary to sustain coverage in the oceans around the hot spots in the world. The underlying bill restores both the funding and the original program of record for the next generation of aircraft carriers, CVNX program, and for that, Mr. Chairman, I am truly grateful.

Those of us who have had the privilege of representing Hampton Roads in Virginia, where carriers are built and many home-ported, we see on a daily basis the service and sacrifice made by these brave men and women and their families they leave behind when they race off to war. It would be my hope that our action on this amendment here would reaffirm once again that we in Congress both recognize and salute all of those in the armed services, including those Navy families who remain behind as their loved ones are deployed on these massive carriers.

Mr. Chairman, I want to congratulate the gentlewoman from Virginia (Mrs. JO ANN DAVIS) on offering this amendment, and I urge my colleagues to agree to the amendment.

Mr. STUMP. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, I want to do 2 things. The first is to mention, and I neglected to mention in my opening statement, that the gentleman from Massachusetts (Mr. MEEHAN) has been my partner on the Subcommittee on Military Research and Development of the Committee on Armed Services, and has done a wonderful job and has helped us to walk this bill through the subcommittee mark and the full floor mark, and I really appreciate his great work on this bill.

I also wanted to talk for just a minute about an area that I think is

pretty important to all of us from an environmental standpoint and also from a security standpoint, and that is our reserve fleet of ships, many of which are in very bad condition, which presently are at anchor in the James River, and our great colleague, Herb Bateman, worked on this issue for many years, the idea of trying to take care of these ships in an environmentally responsible way. It requires a lot of money. It usually requires about \$2.5 million per ship if you are going to scrap the ships in an American yard. You can give them to a foreign entity, but you are not really guaranteed that that entity is not just going to take the ships out and dump them, complete with PCBs and oil and other materials in the ocean, thereby creating another environmental problem.

So we have come up, in working with a working group that is headed by the gentlewoman from Virginia (Mrs. JO ANN DAVIS), very much a part of her creation, and the gentleman from Virginia (Mr. FORBES) who has a nearby district and also the gentleman from Virginia (Mr. SCHROCK) who has a near district, we have come up with an idea of how to make some lemonade out of these lemons, and that is to use these ships in the States where reefs are required and would, in fact, be a benefit to those shorelines.

Now, today reefs are used by a number of States to not only protect shorelines from erosion, but also to provide great opportunities for fishing enthusiasts and also for scuba divers and lots of other folks who are interested in recreation. So we have in our bill, originally in the mark in our maritime panel mark, and now in the full bill, a provision that will send some money to the States as grants from the MARAD administrator so that they can pay for towing, cleaning up and ultimately sinking these ships as reefs in these States that would like to have this new asset along their shorelines.

So I want to thank the gentlewoman from Virginia (Mrs. JO ANN DAVIS) for her great work on this and also her colleagues that she has brought into this process, including the gentleman from Virginia (Mr. FORBES) and the gentleman from Virginia (Mr. SCHROCK), who have a real interest, because they have the surrounding districts.

We have already hooked up with some of the sport fishing associations, and we are going to move forward with this working group and take direction from the Members of Congress led by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) who have a real interest in this issue because it is in their districts. We are going to move forward with this working group and I think we can find a home for these ships in such a way that we not only take them off our hands and eliminate this prospect of the ships sinking in the James River and the pollution that would attend that. We can not only take those ships out of inventory, but we can also provide an asset for the States that want

to have this new shoreline presence of reefs that we can provide by sinking these ships.

So this could be a winner for everybody, and I look forward to working with the gentlewoman from Virginia (Mrs. JO ANN DAVIS) on this issue.

Mr. HORN. Mr. Chairman, there has been considerable concern that this legislation gives the Department of Defense some limited exemptions from current environmental laws. Although this is a complicated issue and there are legitimate concerns on both sides, I think it is important to keep in mind some simple facts. Here are a few:

Fact Number One: The Migratory Bird Treaty Act did not interfere with military training in past wars for a simple reason. The courts never applied the act in this way until March of this year—2002—when the U.S. District Court for the District of Columbia interpreted the Migratory Bird Treaty Act to apply to military readiness activities. This is an important and real change in application of the Migratory Bird Act and we must address it. Navy Carrier Battle Groups and deploying Marine Corps and Air Force squadrons have been blocked by court order from using the only U.S. bombing range available to them in the Western Pacific. Let's be clear, our forces deploying to Afghanistan cannot now use the only range suitable for training with smart, laser-guided weapons, as a result of unprecedented judicial interference with military readiness activities.

Fact Number Two: There is no Presidential exemption available under the Migratory Bird Treaty Act. Under the current District Court interpretation, any military training can be enjoined and, except through legal appeals, there is no way to continue that vital military training.

Fact Number Three: There is an exemption under the Endangered Species Act (ESA) if the Secretary of Defense finds it is necessary for reasons of national security. That exemption, however, is better used to address emergencies or unusual, short-term situations. The need to train for combat, to plan and execute military readiness activities, is a seven day a week, 52 weeks a year requirement. The young men and women serving in our armed forces need to achieve basic readiness levels and then develop and sustain high levels of proficiency. Using statutory exemptions in that context is bad public policy. Balancing two public goods—national defense and environmental conservation—on a daily and long-term basis is a function properly vested in the Congress.

Mr. Chairman, our armed forces are not seeking a broad, total exemption from all environmental laws and regulations. They are seeking a balanced, sensible and responsible application of those laws. We must address this problem in a way that holds the Pentagon accountable for environmental concerns while also allowing the service to conduct essential combat training. This legislation sets the necessary balance and I urge my colleagues to support it.

Mr. ORTIZ. Mr. Chairman, I rise to briefly describe my amendment to today's bill . . . it is a simple amendment. It merely re-enforces for the services that the journey to approval of any policy or purchase on their part must travel through the House Armed Services Committee.

The genesis of this amendment lies with the Navy's intention to purchase five T-5 tankers

(surface ships) now under contract with Ocean Freedom Shipping. These tankers are being used to ship diesel fuel for the Defense Energy Supply Center.

Under the contract, the Navy has the option to buy the tankers. The contract also requires the Navy to have the purchase authorized and appropriated.

This amendment reinforces for the services the procedure for which such policy must pass muster. This is for the HASC to authorize, not for the Navy to seek appropriations for alone.

Mr. STUMP. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

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

The CHAIRMAN. The question is on the amendments en bloc offered by the gentleman from Arizona (Mr. STUMP).

The amendments en bloc were agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in part A of House report 107-450.

PART A. AMENDMENT NO. 1 OFFERED BY MR. WELDON OF PENNSYLVANIA

Mr. WELDON of Pennsylvania. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A, amendment No. 1 offered by Mr. WELDON of Pennsylvania:

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

**SEC. 10 . . . ENHANCED COOPERATION BETWEEN UNITED STATES AND RUSSIAN FEDERATION TO PROMOTE MUTUAL SECURITY.**

(a) STATEMENT OF POLICY.—It is the policy of the United States to pursue greater cooperation, transparency, and confidence with the Russian Federation regarding nuclear weapons policy, force structure, safeguards, testing, and proliferation prevention, as well as nuclear weapons infrastructure, production, and dismantlement, so as to promote mutual security, stability, and trust.

(b) SENSE OF CONGRESS REGARDING ENHANCED COOPERATION WITH RUSSIA.—It is the sense of Congress that the President of the United States should continue to engage the President of the Russian Federation to achieve the following objectives, consistent with United States national security, in the interest of promoting mutual trust, security, and stability:

(1) An agreement that would seek to prevent the illicit use, diversion, theft, or proliferation of tactical nuclear weapons, and their key components and materials, by—

(A) withdrawing deployed nonstrategic nuclear weapons;

(B) accounting for, consolidating, and securing the Russian Federation's nonstrategic nuclear weapons; and

(C) dismantling or destroying United States and Russian nonstrategic nuclear weapons in excess of each nation's legitimate defense needs.

(2) A reciprocal program of joint visits by nuclear weapons scientists and experts of the United States and the Russian Federation to the United States nuclear test site in Nevada, and the Russian nuclear test site at Novya Zemlya.

(3) A reciprocal program of joint visits and conferences at each nation's nuclear weapons laboratories and nuclear weapons development and production facilities to discuss how to improve the safety and security of

each nation's nuclear stockpile, nuclear materials, and nuclear infrastructure.

(4) A reciprocal program of joint visits and conferences to explore greater cooperation between the United States and the Russian Federation with regard to ballistic missile defenses against intentional, unauthorized, and accidental launches of ballistic missiles.

(5) A joint commission on nonproliferation, composed of senior nonproliferation and intelligence officials from the United States and the Russian Federation, to meet regularly in a closed forum to discuss ways to prevent rogue states and potential adversaries from acquiring—

(A) weapons of mass destruction and ballistic missiles;

(B) the dual-use goods, technologies, and expertise necessary to develop weapons of mass destruction and ballistic missiles; and

(C) advanced conventional weapons.

(6) A joint program to develop advanced methods for disposal of weapons-grade nuclear materials excess to defense needs, including safe, proliferation resistant, advanced nuclear fuel cycles that achieve more complete consumption of weapons materials, and other methods that minimize waste and hazards to health and the environment.

(7) A joint program to develop methods for safeguarding, treating, and disposing of spent reactor fuel and other nuclear waste so as to minimize the risk to public health, property, and the environment, as well as the possibility of diversion to illicit purposes.

(8) A joint program, built upon existing programs, to cooperatively develop advanced methods and techniques for establishing a state-of-the-art inventory control and monitoring system for nuclear weapons and material.

(c) REPORT.—No later than March 1, 2003, the President shall submit to Congress a report (in unclassified or classified form as necessary) on the status of the objectives under subsection (b). The report shall include the following:

(1) A description of the actions taken by the President to engage the Russian Federation to achieve those objectives.

(2) A description of the progress made to achieve those objectives.

(3) A description of the response of the Russian Federation to the actions referred to in paragraph (1).

(4) The President's assessment of the Russian Federation's commitment to a better, closer relationship with the United States based on the principles of increased cooperation and transparency.

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

**SEC. 3146. CONDITIONS UNDER WHICH PROHIBITION ON RESEARCH AND DEVELOPMENT OF LOW-YIELD NUCLEAR WEAPONS IS REPEALED.**

(a) PRESIDENTIAL CERTIFICATION.—Subsection (b) shall take effect as of the date on which the President submits to Congress the President's certification that—

(1) another nation has conducted a nuclear test for the purpose of developing new or improved nuclear weapons;

(2) another nation is developing weapons of mass destruction in underground facilities, and such weapons could pose an imminent risk to the United States or to United States military personnel deployed abroad; or

(3) it is in the national security interest of the United States that subsection (b) take effect.

(b) REPEAL.—Effective as of the date provided in subsection (a), section 3136 of the National Defense Authorization Act for Fiscal Year 1994 (42 U.S.C. 2121 note) is repealed.

The CHAIRMAN. Pursuant to House Resolution 415, the gentleman from Pennsylvania (Mr. WELDON) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. WELDON).

MOTION TO RISE OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion to rise offered by the gentleman from Mississippi (Mr. TAYLOR).

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

RECORDED VOTE

Mr. TAYLOR of Mississippi. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 51, noes 356, not voting 27, as follows:

[Roll No. 138]

AYES—51

Abercrombie Frank  
Baldwin Hinchey  
Becerra Holt  
Berry Honda  
Bonior Jefferson  
Brady (PA) Johnson, E. B.  
Brown (OH) Jones (OH)  
Capuano Kleczka  
Condit Kucinich  
Conyers Larson (CT)  
Cunningham Lee  
DeFazio Markey  
DeGette McDermott  
Delahunt McGovern  
Dingell McIntyre  
Doggett Miller, George  
Filner Mink

Napolitano  
Owens  
Pelosi  
Pomeroy  
Roybal-Allard  
Schakowsky  
Shows  
Slaughter  
Solis  
Stark  
Stupak  
Tanner  
Taylor (MS)  
Tierney  
Visclosky  
Waters  
Wu

NOES—356

Ackerman Camp  
Aderholt Cantor  
Akin Capito  
Allen Capps  
Andrews Cardin  
Army Carson (IN)  
Baca Carson (OK)  
Bachus Castle  
Baird Chabot  
Baker Chambliss  
Baldacci Clay  
Ballenger Clayton  
Barcia Clement  
Barr Clyburn  
Barrett Coble  
Bartlett Collins  
Barton Combest  
Bass Cooksey  
Bentsen Costello  
Bereuter Cox  
Berkley Coyne  
Biggart Cramer  
Bilirakis Crenshaw  
Bishop Crowley  
Blagojevich Cubin  
Blumenauer Culberson  
Blunt Cummings  
Boehkert Davis (CA)  
Boehner Davis (FL)  
Bonilla Davis (IL)  
Bono Davis, Jo Ann  
Boozman Davis, Tom  
Borski Deal  
Boswell DeLauro  
Boucher DeLay  
Boyd DeMint  
Brady (TX) Deutsch  
Brown (FL) Diaz-Balart  
Brown (SC) Dicks  
Bryant Dreier  
Burr Duncan  
Buyer Dunn  
Callahan Edwards  
Calvert Ehlers

Ehrlich  
Emerson  
Engel  
English  
Eshoo  
Etheridge  
Evans  
Everett  
Farr  
Fattah  
Ferguson  
Flake  
Fletcher  
Foley  
Forbes  
Ford  
Fossella  
Frelinghuysen  
Frost  
Gallegly  
Ganske  
Gekas  
Gephardt  
Gibbons  
Gilcrest  
Gillmor  
Gilman  
Gonzalez  
Goode  
Goodlatte  
Gordon  
Goss  
Graham  
Granger  
Graves  
Green (TX)  
Green (WI)  
Greenwood  
Grucci  
Gutierrez  
Gutknecht  
Hall (TX)  
Hansen  
Harman

McHugh  
McInnis  
McKeon  
McKinney  
McNulty  
Meehan  
Meek (FL)  
Meeks (NY)  
Menendez  
Mica  
Millender-  
Hoeffel  
Miller, Dan  
Miller, Gary  
Miller, Jeff  
Moore  
Moran (KS)  
Moran (VA)  
Morella  
Murtha  
Myrick  
Nadler  
Neal  
Ney  
Northup  
Norwood  
Nussle  
Oberstar  
Obey  
Oliver  
Ortiz  
Osborne  
Otter  
Oxley  
Pallone  
Pascrell  
Pastor  
Paul  
Payne  
Pence  
Peterson (MN)  
Peterson (PA)  
Petri  
Phelps  
Pickering  
Pitts  
Platts  
Pombo  
Portman  
Price (NC)  
Pryce (OH)  
Putnam  
Quinn  
Radanovich  
Rahall  
Ramstad  
Rangel  
Regula  
Rehberg  
Reynolds  
Rivers  
Rodriguez  
Roemer  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Ros-Lehtinen  
Ross  
Rothman  
Royce  
Rush  
Ryan (WI)  
Ryun (KS)  
Sabo  
Sanchez

NOT VOTING—27

Berman Jackson-Lee  
Burton (TX)  
Cannon Johnson, Sam  
Crane Kennedy (MN)  
Dooley LaFalce  
Doolittle Lewis (GA)  
Doyle Maloney (CT)  
Hall (OH) Mollohan  
Hilleary Nethercutt  
Hyde Ose

□ 1535

Messrs. OLVER, FARR of California, GOSS, BARTON of Texas, HERGER and Ms. CARSON of Indiana changed their vote from "aye" to "no."

Mr. GEORGE MILLER of California changed his vote from "no" to "aye."

So the motion to rise was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. MALONEY of Connecticut. Mr. Speaker, I was absent on May 9, 2002, and missed rollcall votes 134, 135, 136, 137 and 138. If I had been present, I would have voted "no" on rollcall vote 134, "no" on rollcall vote 135, "no" on rollcall vote 136, "no" on rollcall vote 137 and "no" on rollcall vote 138.

MODIFICATION TO PART A AMENDMENT NO. 1 OFFERED BY MR. WELDON OF PENNSYLVANIA

Mr. WELDON of Pennsylvania. Mr. Chairman, I ask unanimous consent to modify my amendment with the modification I place at the desk as worked out with my colleagues on the other side.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to Part A Amendment No. 1 Offered by Mr. WELDON of Pennsylvania:

Strike section 3146 as proposed to be inserted by the amendment and insert the following:

**SEC. 3146. PROHIBITION ON DEVELOPMENT OF LOW-YIELD NUCLEAR WEAPONS.**

(a) UNITED STATES POLICY.—It shall be the policy of the United States not to conduct development which could lead to the production by the United States of a new low-yield nuclear weapon, including a precision low-yield warhead.

(b) LIMITATION.—The Secretary of Energy may not conduct, or provide for the conduct of, development which could lead to the production by the United States of a low-yield nuclear weapon which, as of the date of the enactment of this Act, has not entered production.

(c) EFFECT ON OTHER DEVELOPMENT.—Nothing in this section shall prohibit the Secretary of Energy from conducting, or providing for the conduct of, development necessary—

(1) to design a testing device that has a yield of less than five kilotons;

(2) to modify an existing weapon for the purpose of addressing safety and reliability concerns; or

(3) to address proliferation concerns.

(d) DEFINITION.—In this section—

(1) the term "low-yield nuclear weapon" means a nuclear weapon that has a yield of less than five kilotons; and

(2) the term "development" does not include concept definition studies, feasibility studies, or detailed engineering design work.

(e) CONFORMING REPEAL.—Section 3136 of the National Defense Authorization Act for Fiscal Year 1994 (42 U.S.C. 2121 note) is repealed.

Mr. WELDON of Pennsylvania (during the reading). Mr. Chairman, I ask unanimous consent that the modification be considered as read and printed in the RECORD.

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

There was no objection.

The CHAIRMAN. Is there objection to the modification of the amendment?

There was no objection.

The CHAIRMAN. The amendment is modified.

The gentleman from Pennsylvania (Mr. WELDON) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. WELDON).

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, this is a historic day in the House of Representatives as we consider an amendment that is bipartisan, co-sponsored by my colleagues the gentleman from Texas (Mr. THORNBERRY), the gentleman from New Jersey (Mr. ANDREWS), the gentleman from Texas (Mr. TURNER), the gentleman from Hawaii (Mr. ABERCROMBIE), and the gentleman from South Carolina (Mr. SPRATT).

Mr. Chairman, this is a historic amendment and a historic day because this body is rising in a bipartisan voice to support the leadership of the President of the United States and the President of Russia to begin a new era in nuclear cooperation.

The amendment before us today has eight specific thrusts in opening up the transparency between the American and the Russian nuclear program. It calls for American scientists to be allowed to visit Novaya Zemlya, the underground test site in Russia, and for Russian scientists to visit our sites in Nevada.

It calls for joint cooperation in conferences on ways to monitor our nuclear stockpiles. It calls for joint visits and conferences to discuss the safety and security of our nuclear weapons. It calls for a joint commission on nonproliferation, a joint commission on cooperation on missile defense.

This program puts this body on record with a bipartisan vote that we, in fact, support the new vision of President Bush and President Putin. We started this process last fall when one-third of this Congress with my colleagues on the Democratic side and my colleagues on the Republican side joining together in a 45-page document outlining a new relationship with Russia.

This amendment calls for the specifics in implementing this new vision. This amendment allows the President and the President of Russia to truly open the doors for strong bilateral cooperation between our nations. It is a historic day. Our nuclear regulatory agencies and our security agency, I talked to General Holland and he totally supports the direction that we are going.

We have agreement on the Democrat and Republican sides about the thrust. We also give the President some flexibility in the research area to make sure that we have the ability to do additional research that up until this point in time has been prohibited. I am extremely pleased that we were able to work out a very carefully crafted piece of legislation with my colleagues on the other side that I hope we will vote unanimously or overwhelmingly show that this Congress is behind a new direction in the security relationship between the United States and Russia.

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

The CHAIRMAN. Is the gentleman from South Carolina (Mr. SPRATT) opposed?

Mr. SPRATT. Mr. Chairman, I am not opposed to the amendment, but I claim the time on my side.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina to control the time?

There was no objection.

The CHAIRMAN. The gentleman from South Carolina (Mr. SPRATT) is recognized for 10 minutes.

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

Mr. Chairman, I would have been opposed to the amendment as of yesterday, but we have had a work in progress here and I must say we have come up with a very good effort. I commend the gentleman for his efforts. I think he has a good bill.

The gentleman is probably more engaged than any member of Congress in either house in trying to bring Russia and the United States closer together. What he has in this bill, the first part of it, is an ambitious agenda dealing with nonproliferation, lab exchanges, visits to our testing sites.

What the gentleman has in the first part of the bill is an ambitious agenda of how we can bring Russia and the United States closer together in strategic cooperation. It lays out a number of specifics ranging from nonproliferation efforts to lab exchanges to joint visits to our testing sites, an ambitious agenda but nevertheless all the things we ought to be doing, the whole strategic spectrum.

I think it is well stated and well in order, and I think the bill deserves support for that reason alone.

I had a problem with the last page of the bill originally because the last page dealt with an amendment that I had added to the law, to Title XX, some six or seven years ago. That provision, the Spratt provision, Spratt first provision, prohibited testing below the level of five kilotons for reasons I will not get into here. There is no longer a provision in this bill that would repeal that. But there is a provision in this bill that would broaden the type of research that our labs can do with low yield weapons, the kind of development work they can do. It limits that work to what we could call in the Subcommittee on Military Research and Development 6-2-A; that is to say; they can do concept definition work, they can do research work, they can do design work, they can build a wooden mock-up, but they cannot bend metal or do fissile component parts until the law itself is changed.

I think that is a reasonable provision that gives the labs a much clearer definition of what the boundaries are, broadens the scope of what they can do, but stops short of decreeing a repeal of the 2-K-T provision.

In addition, yesterday this bill contained a call for a joint Russia collaboration on the development of nuclear penetrating weapons, nuclear and conventional, and the gentleman, after some reflection and discussion with the Department of Energy and others, has decided to take that off the bill.

With those two improvements this is a very good bill, a very good piece of work, and I commend it to everybody's support.

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

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. THORNBERRY) a leader on these issues in the Congress.

Mr. THORNBERRY. Mr. Chairman, I appreciate the distinguished subcommittee chairman yielding me time. He truly is the leader in Congress in our relationship with Russia and I believe that here, working with the gentleman from South Carolina (Mr. SPRATT), who is one of the most knowledgeable Members in Congress on these nuclear and strategic issues, they have come up with a very good product.

As the gentleman from South Carolina (Mr. SPRATT) mentioned, this includes an ambitious list of items to be on the agenda between the United States and Russia, including joint and reciprocal programs that deal with everything from nonproliferation all the way to disposal of waste. It is something that gives all of our contacts with Russia an agenda to go by and to encourage them to remove more of the distrust that still remains after years of Cold War and to work together in ways that are to our mutual benefit, but also to the benefit of the world.

So as the gentleman from South Carolina (Mr. SPRATT) mentioned, this amendment recognizes the need for a credible deterrent in the post-Cold War world, removing some restrictions that have made it uncomfortable for some of the folks in our laboratories to even be thinking about the kind of things we need for the future. So I want to commend both leaders on this issue. I think this is an important step that gives us a lot to work with in the future, and I hope Members will support it.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. SKELTON), the ranking member of our committee.

Mr. SKELTON. Mr. Chairman, I thank my friend from South Carolina (Mr. SPRATT) for yielding me time.

Mr. Chairman, I think this is true what the gentleman from Pennsylvania (Mr. WELDON) has said that this is an historic moment in this House because it makes a giant step forward in the nuclear nonproliferation effort. It retains the existing ban on developing low yield nuclear weapons, but the most important part is it allows scientific research to go forward in our nuclear weapons laboratories.

□ 1545

As the gentleman from South Carolina (Mr. SPRATT) said, in the original wording of the amendment, the latter part thereof did cause a great deal of concern on my part, and I am sure it was in the minds of others. So I compliment the gentleman on the compromise and our working together.

This is an excellent example between the gentleman from Pennsylvania (Mr. WELDON) and the gentleman from South Carolina (Mr. SPRATT) and all the others that were interested in this nonproliferation issue to make a step forward and to have an excellent compromise. We thank the gentlemen for that.

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from New Mexico (Mrs. WILSON) who has also been a tireless advocate on the nuclear security issues for this country and in the world.

Mrs. WILSON of New Mexico. Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. WELDON) for yielding me the time, and I thank him for his leadership on this issue and for really understanding the relationship between the United States and Russia.

I particularly appreciate this amendment because it focuses on some of the things we need to do now in the 21st century as opposed to looking backwards to the old relationship between the United States and the former Soviet Union. We need to focus on increasing transparency and cooperation with Russia because the situation has changed.

The principal threat is no longer each other. The principal threat to the United States and to Russia are third parties that threaten both of us and, therefore, cooperation and transparency are in our mutual interest.

I think we also have to recognize that Russia has a very active tactical nuclear program and there are some questions we have about their nuclear testing sites, and the best way to move forward is to actively and aggressively seek the cooperation of Russia in opening things up, cooperating, opening transparency at these places, so we as the United States can be reassured about what is going on now.

This is a good amendment. It is a good step in the right direction, and I commend the gentleman from Pennsylvania for his leadership.

Mr. SPRATT. Mr. Chairman, how much time is remaining?

The CHAIRMAN. The gentleman from South Carolina (Mr. SPRATT) has 6 minutes remaining. The gentleman from Pennsylvania (Mr. WELDON) has 4 minutes remaining.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. TURNER), one of the key players in the compromises that have perfected and made this a better bill.

Mr. TURNER. Mr. Chairman, I thank the gentleman from South Carolina (Mr. SPRATT) for yielding me time, and I want to thank him for his leadership in working on this amendment, and I want to commend the gentleman from Pennsylvania (Mr. WELDON) for his leadership in trying to work out the compromise that we have before us that I think moves us forward in the bipartisan manner that I think serves the national interests of this country very well.

This amendment sets in place for the first time a set of objectives that would be pursued between our Nation and Russia to try to enhance cooperation and furthering the efforts to end proliferation of nuclear weapons. Specific provisions of the amendment provide for exchange programs between our Nation and Russia, provides for increased transparency of the activities of each Nation in the area of nuclear research, and I want to say that having had the opportunity to travel to Russia with our friend, the gentleman from Pennsylvania (Mr. WELDON), I have the highest regard for his interest, his dedication, and his commitment to working with Russia to end nuclear proliferation and to be sure that this Nation's national interests are protected in that process. So I think all of us want to say to him we appreciate his leadership in this area.

I know that many Members heretofore had questions about this amendment. I want to remind Members on both sides of the aisle that the compromise that we are laying before the House today was just arrived at a few moments ago. We think it deserves the support of the entire House on both sides. We think it is an important step forward toward peace and toward improving our cooperative relationship with Russia.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Chairman, this is right for the United States and this is right for this Congress. This is an opportunity for the bilateral relationships between the United States and Russia to improve, and I am here to say that I am very thankful to see that it is also a real sign of bipartisanship of this Congress where Democrats and Republicans, who up to yesterday had some disagreements about some language in this amendment, have come together in a very practical and common sense way to increase the opportunities for our national labs, two of which are in my district in northern California, to work to provide for the American people and frankly for the people of Russia and around the world much more opportunities for nonproliferation, much more opportunities for bilateral work and cooperation, and the ability for us to have agreements between our countries that are much more transparent and give a sense that we are very committed to working together and to turn aside the old adversarial relationships in the post-Cold War and move to a new time where we can be cooperative against the threats that we both share.

I want to thank my colleagues on both sides of the aisle for being so cooperative in working together.

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. HUNTER), the distinguished chairman of the Subcommittee on Military Research and Development of the Committee on

Armed Services, and a leader on defense issues in this country.

Mr. HUNTER. Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. WELDON) for yielding me the time, and I thank him for his leadership in this area.

We have moved from the era of confrontation with the former Soviet Union to what I would call the era of engagement, and the engagement needs to be pursued in a number of areas. A couple of areas that are very important to this Member, and I know a lot of others, is the idea of disposal of weapons-grade materials, making sure that all of the ideas of stockpile security that we adhere to are adhered to also in the former Soviet Union.

Also, the idea of making sure that the genius of the scientists' population in the former Soviet Union that put together that massive weapons complex in the weapons that they produced, to make sure that that genius does not migrate to nations that at some point may be adversaries to the United States is of utmost concern to us, and I think that this amendment makes good sense, and the engagement that it promotes is going to serve those ends.

I thank the gentleman and commend him for his leadership and everyone on both sides of the aisle who worked on the amendment.

Mr. SPRATT. Mr. Chairman, I yield 90 seconds to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Mr. Chairman, one of the motivating forces in my life to enter electoral politics was civil rights, and the other element that I wanted to devote whatever energy I could in terms of politics was nuclear proliferation.

What we are about to do today, I think, may set us on the path that for many of us has been decades in the realizing.

I want to pay tribute especially to the gentleman from South Carolina (Mr. SPRATT). When I think of someone who I believe to be the ideal Member of Congress, ready to deal with Members in every way, in a straightforward and forthright manner, when I think of someone who has a tenacious capacity to pursue his ideals, I think of the gentleman from Pennsylvania (Mr. WELDON), and I think there is an amalgam today of interests on behalf of peace.

I just want to reiterate for the record what the policy will be when the gentleman from Pennsylvania's (Mr. WELDON) and the gentleman from South Carolina's (Mr. SPRATT) work comes to fruition. Greater cooperation, transparency and confidence with the Russian federation regarding nuclear weapons, policy, restructure, safeguards, testing, proliferation, prevention, infrastructure, production and dismantlement, everything associated with nuclear proliferation in our attempt to deal with it in three-dimensional human terms is in this amendment, and the wording that has been

arrived at, because the gentleman from Pennsylvania (Mr. WELDON) and the gentleman from South Carolina (Mr. SPRATT) are not theologians on this floor, they are legislators. Legislators in every good sense of the word, and I am proud to be associated with them.

MOTION TO RISE OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion offered by the gentleman from Mississippi (Mr. TAYLOR).

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

RECORDED VOTE

Mr. TAYLOR of Mississippi. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 49, noes 352, not voting 33, as follows:

[Roll No. 139]

AYES—49

Abercrombie	Doggett
Ackerman	Evans
Baldwin	Filner
Bartlett	Frank
Berry	Hinchey
Blumenauer	Holt
Boyd	Honda
Brady (PA)	Jefferson
Brown (OH)	Jones (OH)
Capuano	Larson (CT)
Clay	Lee
Condit	Lynch
Cumyers	Markey
Cummings	McDermott
DeFazio	McGovern
DeGette	McIntyre
Dingell	Miller, George

NOES—352

Aderholt	Cantor
Akin	Capito
Allen	Capps
Andrews	Cardin
Armey	Carson (IN)
Baca	Carson (OK)
Bachus	Castle
Baird	Chabot
Baker	Chambliss
Baldacci	Clayton
Ballenger	Clement
Barcia	Clyburn
Barr	Coble
Barrett	Collins
Barton	Combest
Bass	Cooksey
Becerra	Costello
Bentsen	Cox
Bereuter	Coyne
Berkley	Cramer
Berman	Crenshaw
Biggart	Crowley
Bilirakis	Cubin
Bishop	Culberson
Blagojevich	Cunningham
Blunt	Davis (CA)
Boehner	Davis (FL)
Bonilla	Davis, Jo Ann
Bonior	Davis, Tom
Bono	Deal
Boozman	Delahunt
Borski	DeLauro
Boswell	DeMint
Boucher	Deutsch
Brady (TX)	Diaz-Balart
Brown (FL)	Dicks
Brown (SC)	Dooley
Bryant	Doolittle
Burr	Doyle
Buyer	Dreier
Callahan	Duncan
Calvert	Dunn
Camp	Edwards
Cannon	Ehlers

Hayes	Mink
Hayworth	Obey
Hefley	Pallone
Herger	Pelosi
Hill	Radanovich
Hilleary	Shows
Hilliard	Solis
Hinojosa	Stupak
Hobson	Tanner
Hoeffel	Taylor (MS)
Hoekstra	Tiberi
Holden	Towns
Hooley	Townsend
Horn	Waters
Hostettler	Wu
Houghton	Wynn
Hoyer	
Hunter	
Inslie	
Isakson	
Israel	
Issa	
Istook	
Jackson (IL)	
Jenkins	
John	
Johnson (CT)	
Johnson (IL)	
Johnson, E. B.	
Johnson, Sam	
Jones (NC)	
Kanjorski	
Kaptur	
Keller	
Kelly	
Kennedy (RI)	
Kerns	
Kildee	
Kilpatrick	
Kind (WI)	
King (NY)	
Kingston	
Kirk	
Kleczka	
Knollenberg	
Kolbe	
Kucinich	
LaFalce	
LaHood	
Lampson	
Langevin	
Lantos	
Larsen (WA)	
Latham	
LaTourette	
Leach	
Levin	
Lewis (CA)	
Lewis (KY)	
Linder	
Lipinski	
LoBiondo	
Lofgren	
Lowe	
Lucas (KY)	
Lucas (OK)	
Luther	
Maloney (CT)	
Manzullo	
Mascara	
Matheson	
Matsui	
McCarthy (MO)	
Cox	
McCarthy (NY)	

McCollum	Saxton
McHugh	Schaffer
McInnis	Schakowsky
McKeon	Schiff
McKinney	Schrock
McNulty	Scott
Meehan	Sensenbrenner
Meeks (NY)	Serrano
Menendez	Sessions
Mica	Shadegg
Miller, Dan	Shaw
Miller, Gary	Shays
Miller, Jeff	Sherman
Mollohan	Sherwood
Moore	Shimkus
Moran (KS)	Shuster
Moran (VA)	Simmons
Morella	Simpson
Murtha	Skeen
Myrick	Skelton
Nadler	Smith (NJ)
Napolitano	Smith (TX)
Neal	Smith (WA)
Ney	Snyder
Northrup	Souder
Oberstar	Spratt
Oliver	Stearns
Ortiz	Stenholm
Osborne	Strickland
Otter	Stump
Owens	Sullivan
Pascrell	Sununu
Pastor	Sweeney
Paul	Tancred
Payne	Tauscher
Pence	Tauzin
Peterson (MN)	Taylor (NC)
Peterson (PA)	Terry
Petri	Thomas
Phelps	Thompson (CA)
Pickering	Thompson (MS)
Pitts	Thornberry
Platts	Thune
Pombo	Thurman
Pomeroy	Tiahrt
Portman	Tierney
Price (NC)	Toomey
Putnam	Turner
Quinn	Udall (CO)
Rahall	Udall (NM)
Ramstad	Upton
Rangel	Velazquez
Regula	Visclosky
Rehberg	Vitter
Reynolds	Walden
Rivers	Walsh
Rodriguez	Wamp
Roemer	Watkins (OK)
Rogers (KY)	Watt (NC)
Rogers (MI)	Watts (OK)
Rohrabacher	Weiner
Ros-Lehtinen	Ross
Royce	Rothman
Rush	Roybal-Allard
Ryan (WI)	Royce
Ryun (KS)	Rush
Sabo	Ryan (WI)
Sanchez	Sabon
Sanders	Sanchez
Sandlin	Sanders
Sawyer	Sandlin

NOT VOTING—33

Boehlert	Kennedy (MN)	Pryce (OH)
Burton	Lewis (GA)	Reyes
Crane	Maloney (NY)	Riley
Davis (IL)	McCrery	Roukema
DeLay	Meek (FL)	Slaughter
Ford	Millender	Smith (MI)
Gutierrez	McDonald	Stark
Hall (OH)	Nethercutt	Traficant
Hulshof	Norwood	Watson (CA)
Hyde	Nussle	Waxman
Jackson-Lee	Ose	Young (FL)
(TX)	Oxley	

□ 1615

Messrs. GRAVES, RUSH and SCHIFF changed their vote from "aye" to "no."

So the motion to rise was rejected.

The result of the vote was announced as above recorded.

□ 1615

The CHAIRMAN. The Committee is considering amendment No. 1, as modified, offered by the gentleman from Pennsylvania (Mr. WELDON).

The gentleman from Pennsylvania has 2½ minutes remaining. The gentleman from South Carolina (Mr. SPRATT) has 1½ minutes remaining, and the gentleman from Pennsylvania has the right to close.

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield 1 minute to the gentleman from Maryland (Mr. BARTLETT), one of our Ph.D.'s in Congress, who has visited Russia on three or four occasions.

Mr. BARTLETT of Maryland. Mr. Chairman, the Cold War is over, and the United States and Russia are recognizing that our two countries have far more that unites us than divides us. This amendment is one area that we recognize that when we join forces, when we focus on those things that unite us, that both countries and the world are better off for that.

We have spent far too much time focusing on what divides us from Russia and not near enough time focusing on our common interests. This amendment does just that. It should have been done last year, or 10 years ago. Let us not be next year saying we should have done this last year. This is the right thing to do. I urge Members to vote for this amendment.

Mr. SPRATT. Mr. Chairman, I yield 1¼ minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Chairman, I rise in strong support of the amendment, and thank the gentleman from Pennsylvania (Mr. WELDON), the gentleman from South Carolina (Mr. SPRATT), the gentleman from Texas (Mr. TURNER), the gentlewoman from California (Mrs. TAUSCHER), and the others involved in crafting this compromise.

I think this language recognizes the balance that has to be struck in the new dynamic between our country and Russia. Most of this amendment deals with cooperation, with transparency and technology, joint visitation, joint research and development, things that would not have been possible a dozen years ago; and the authors of the amendment deserve great credit for making those possibilities a reality.

The amendment also wisely recognizes, though, that as close as our friendship with Russia is growing, there is still risk. There is still uncertainty, and there is still need for a joint process between the executive branch and those of us in the Congress to recognize and react to emergency circumstances. I hope such circumstances never arise, but if they do, this amendment strikes the proper balance. I urge its adoption by both Republicans and Democrats.

Mr. SPRATT. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, this is a good compromise and a good bill, and I urge support for it on both sides of the aisle.

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

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in closing, I thank Members on both sides of the aisle for what has become I think one of the most important statements that we will make in this bill about a new era of our security, our security in working together with Russia as partners.

Yesterday a group of Members met in the House of Representatives with a Minister of Atomic Energy, Rummyantsev, from Russia, and he told us that Russia is ready for a new era of transparency, that the days of the Cold War are over. This amendment tests that language. This amendment says, Mr. Rummyantsev, we agree with you, and we are ready for a new era. Open up the test facilities, underground test sites, and laboratories for joint cooperation, and we will do the same. It says that America and Russia truly can be, should be, and will be partners; but it does not do it through rose-colored glasses.

This amendment says in the new century Russia and America together can be key partners, whether it is solving the war in Kosovo, solving the problem in the Middle East, or dealing with security issues, that Russia can help us accomplish our objectives.

Mr. Chairman, I ask Members on both sides of the aisle to support this amendment.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from Pennsylvania (Mr. WELDON).

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

Mr. WELDON of Pennsylvania. Mr. Chairman, I demand a recorded vote.

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

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in part A of House Report 107-450.

PART A AMENDMENT NO. 2 OFFERED BY MRS. TAUSCHER

Mrs. TAUSCHER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A Amendment No. 2 offered by Mrs. TAUSCHER:

At the end of section 1014 of the bill (page 200, after line 6), insert the following new subsection:

(c) REPORT ON OPTIONS FOR ACHIEVING, PRIOR TO FISCAL YEAR 2012, PRESIDENT'S OBJECTIVE FOR OPERATIONALLY DEPLOYED NUCLEAR WARHEADS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Energy shall submit to Congress a report on options for achieving, prior

to fiscal year 2012, a posture under which the United States maintains a number of operationally deployed nuclear warheads at a level of from 1,700 to 2,200 such warheads, as outlined in the Nuclear Posture Review. The report shall include the following:

(1) For each of fiscal years 2006, 2008, and 2010, an assessment of the options for achieving such posture as of such fiscal year.

(2) An assessment of the effects of achieving such posture prior to fiscal year 2012 on cost, the dismantlement workforce, and any other affected matter.

The CHAIRMAN. Pursuant to House Resolution 415, the gentlewoman from California (Mrs. TAUSCHER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California (Mrs. TAUSCHER).

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

Mr. Chairman, this amendment adds a small but critical requirement to the language in the bill on the Nuclear Posture Review.

As Members know, the Nuclear Posture Review provides Congress with crucial information about the administration's intentions on the country's nuclear strategy, warhead levels and infrastructure over the next 10 years.

Some of the review's comments are positive, such as the restatement of the need to deploy the lowest number of nuclear weapons consistent with our security requirements.

Other findings are more troubling, especially the review's failure to outline significant and verifiable cuts to our nuclear arsenal.

Recent comments by Assistant Secretary of Defense Crouch about warhead reduction that "there is no such thing as something that is irreversible," directly contradict the President's objective stated in Crawford, Texas, in the summit with President Putin last summer.

The credibility of the United States' leadership in the area of arms control will be significantly undermined if we do not live up to the President's proposal to reduce our nuclear arsenal.

The gentleman from Arizona (Chairman STUMP) and the gentleman from Missouri (Mr. SKELTON), the ranking member, took a first and valuable step toward addressing this disconnect.

Indeed, the bill requests clarification of the administration's plans for our strategic force structure, including specific definitions of how many warheads will be dismantled or placed in the ready reserve and associated costs.

I ask for Members' support for an additional requirement to this section mandating a report from the Secretary of Energy on options for achieving the President's objectives for operationally deployed nuclear warheads before 2012.

This is a nonbinding, common sense requirement that simply asks the Secretary of Energy to look at whether the President's arms objective can be achieved in a shorter time frame. Additionally, it is my belief that this

should actually be addressed to the National Nuclear Security Administration, which is a semi-autonomous agency inside the Department of Energy.

Mr. WELDON of Pennsylvania. Mr. Chairman, will the gentlewoman yield?

Mrs. TAUSCHER. I yield to the gentleman from Pennsylvania.

Mr. WELDON of Pennsylvania. Mr. Chairman, this side applauds the gentlewoman for her leadership on these issues, and we are happy to accept this amendment in the spirit in which it is offered, and think it will be a productive addition to the bill.

Mrs. TAUSCHER. Mr. Chairman, I yield 1 minute to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Chairman, I rise to commend both the gentlewoman from California (Mrs. TAUSCHER) and the gentleman from Pennsylvania (Mr. WELDON) for reaching agreement on what I think is a good amendment to an amendment.

Basically the Nuclear Posture Review raised more questions than it answered; among them, why does it take 10 years to draw down the operationally deployed force; why do we have to maintain a responsive force of the magnitude that was indicated? We may have as many warheads actually deployed in 2012 as we do today. How costly will it be to maintain this force? These are all questions that we need to ask directly, and that is what this amendment will do. It will put these questions back to DOD and get a further addendum or response to clarify NPR on these critical points.

Mr. Chairman, I commend the gentlewoman for offering this amendment, and support it fully.

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

Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. WELDON) for accepting the amendment and appreciate the opportunity to work with the gentleman.

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

The CHAIRMAN. Does any Member wish to speak in opposition to the amendment?

The question is on the amendment offered by the gentlewoman from California (Mrs. TAUSCHER).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in part A of House Report 107-450.

PART A AMENDMENT NO. 3 OFFERED BY MR. MARKEY

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A Amendment No. 3 offered by Mr. MARKEY:

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

**SEC. 3146. PROHIBITION ON RESEARCH AND DEVELOPMENT OF NUCLEAR EARTH PENETRATOR WEAPON.**

(a) PERMANENT PROHIBITION.—No funds available to the Department of Energy may be used for any development, testing, or engineering of a nuclear earth penetrator weapon.

(b) FISCAL YEAR 2003.—No funds appropriated for or otherwise made available to the Secretary of Energy for fiscal year 2003 may be used for a feasibility study for a nuclear earth penetrator weapon.

The CHAIRMAN. Pursuant to House Resolution 415, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. MARKEY) for 10 minutes.

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

Mr. Chairman, I have an amendment that is before the House that I would hope as the staffs talk right now we might be able to work out some form of a compromise on; but pending that, the subject is around the whole subject of a robust nuclear earth penetrator.

Now this weapon is one which is contemplated being used as a nuclear weapon to be a bunker buster, but potentially bigger than that, in fact, and will breach this psychological and political barrier that we have established in the world for 57 years that nuclear weapons are not usable.

What my amendment says is that there should be a permanent prohibition; that is, that no funds should be available to the Department of Energy for any development, testing or engineering of a nuclear earth penetrator weapon. The objective, of course, is to say if we moved to that phase of testing, unfortunately, it would most likely result in a breach of the test ban accommodation which has been lived with by the United States and the Soviet Union and the rest of the world for the last 15 years or so.

Since we already have a generation of nuclear earth penetrating weapons, it seems to me it does not make a lot of sense for us to run the risk of sending a signal to the rest of the world that we are trying to dissuade from using these weapons towards the goal of just improving one to make it more usable, but at the same time because of the sensitivity of our relations with Russia, amongst others, in terms of their nuclear testing, but every other country in the world that we are trying to convince that nuclear weapons are unusable, that as we cross this nuclear Rubicon we are sending a very strong signal that the weapons are usable.

So my amendment seeks to stop the testing, stop any engineering or development of such a weapon.

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

Mr. WELDON of Pennsylvania. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Pennsylvania (Mr. WELDON) is recognized for 10 minutes.

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, we have made a good-faith effort both in the committee and on this floor to reach bipartisan compromise on issues regarding our nuclear policy.

We just completed a vote on a comprehensive program to engage Russia, a program that I think is historic. We just accepted an amendment from the gentlewoman from California (Mrs. TAUSCHER). We agreed to a report that she wants to have issued on the size of our nuclear weapon force over the next dozen years.

But, Mr. Chairman, this amendment in my opinion is a dangerous amendment. There are certain things we cannot discuss on the House floor. I would think before any Member voted on this amendment, they would want to have had the Code Word level briefing that I arranged for Members of the Committee on Armed Services last week.

□ 1630

A number of my colleagues from both sides of the aisle attended that briefing, where at a Code Word level we were given certain information about what appears to be to the Intelligence Community some new movement in the area of nuclear weapons and nuclear materials. We cannot discuss that on the floor of the House because we are in open session. So, therefore, even though Members have access to that information, I would say to you that probably no more than 10 Members of this body, maybe 20, have received the security classified briefing on the implications of this amendment. For that reason alone, this amendment should be defeated.

But, Mr. Chairman, beyond that, this amendment says that the Secretary of Energy cannot even do a feasibility study for a nuclear earth penetrating weapon. If we look at Afghanistan and the wars and the situation we are involved in, one of our biggest problems are deep underground hardened targets. This amendment says we cannot even do a feasibility study. We are not talking about building a weapon. We are not talking about producing something to drop. We are talking about a feasibility study. This amendment says no feasibility study.

Mr. Chairman, this amendment goes way too far. This amendment is more about, I think, a political statement than it is about substance. I would aggressively urge our colleagues to vote "no."

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. SKELTON), the ranking member of the Committee on Armed Services.

Mr. SKELTON. I thank my friend from Massachusetts for yielding me this time.

Mr. Chairman, we all know from our experience in Afghanistan that adversaries use caves and bunkers to counter our American conventional strength

and we are right to be concerned that future enemies might use such bunkers to protect weapons of mass destruction. However, the use of nuclear bunker busters is absolutely not the way to go. It is counterproductive.

Using nuclear weapons would spread deadly radiation, putting both American troops in the theater as well as local populations at risk. It would also prevent American troops from entering caves and bunkers to retrieve potentially valuable intelligence. We have been doing that in Afghanistan. Perhaps most significantly, the use of tactical nuclear weapons would mark a dramatic change in United States policy and would undermine our nonproliferation policies around the globe. This is a very needed and a very necessary amendment to proceed on the non-nuclear proliferation effort.

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON of New Mexico. Mr. Chairman, I thank the gentleman from Pennsylvania for yielding me this time. I rise to oppose this amendment.

The reality is that our enemies are burrowing in their chemical weapons capability, their conventional capability, their command and control biological and nuclear weapons programs. Our current weapons systems cannot destroy targets that are deeply buried in tunnels. They were not designed to. Our enemies know that.

Nuclear weapons are useful precisely because they are unusable. That is the nature of deterrence and the reason that we want to be able to keep these targets at risk. The robust nuclear earth penetrating weapon is being studied as directed by this Congress in the 2001 defense authorization bill. It is not a new nuclear weapon. The question is whether you can take an existing nuclear weapon, package it and encase it in such a way so that it will penetrate the Earth before it explodes in order to hold at risk those hard and deeply buried targets. It does not make it more likely that the President would use such a weapon. It does make it more probable that that weapon would work if he had to use it. Any President should have at his disposal the ability to hold at risk the most important targets that people have who would want to destroy and to hurt us. By holding those targets at risk, we make it less likely that they will hurt us and attack us or our allies with chemical, biological or nuclear weapons.

The President should have options, the options of conventional forces, of precision conventional weapons, and of nuclear weapons that are capable of holding those targets at risk so that we do not have to use them. That is precisely why we need to continue with this feasibility study.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I want to thank the gentleman from Massachu-

setts for yielding me this time and for his leadership in leading the world, I think, in the right direction.

I rise in strong support of the Markey amendment really to prohibit the development of this nuclear earth penetrator weapon. This weapon poses unacceptable risks. Our own troops would be endangered by nuclear fallout and innocent civilians could be caught in a nuclear crossfire. Furthermore, developing this weapon really does take us down the path of nuclear testing and nuclear proliferation. Where we go, others will follow.

It is bad enough that we have not ratified the Comprehensive Test Ban Treaty. United States nuclear testing would destroy this treaty. The United States cannot preach nonproliferation while escalating the arms race ourselves.

I urge my colleagues to support this amendment. I want to again thank the gentleman from Massachusetts for offering this amendment.

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. HUNTER), the distinguished chairman of the Subcommittee on Research and Development.

Mr. HUNTER. I thank the distinguished gentleman for yielding me this time.

Mr. Chairman, we are in this amendment proposing to kill what could be the centerpiece of a certain deterrent capability that is important to us. We want to send a message to anybody who would strike America, whether on a conventional battlefield or in a terrorist manner, we want them to know that we will hunt them down and find them and, if necessary, dig them out, wherever we have to.

That means no safe havens. One way you ensure that there are no safe havens is to be able to go deep. Unless we do a lot more research and development and we find some quantum breakthrough in conventional systems, to go deep is going to require a nuclear capability. That is a good message to send to people who would hurt this country, because if you look at the array of fixtures that are going to be buried by potential adversaries, you see several things. You see their command and control; you see their development of nuclear, chemical and biological weapons; and, most importantly, you see the people themselves who ordered the strike on the United States.

That is where leadership goes. Leadership, in terms of our potential adversaries, will go deep. They will go as far underground as they possibly can go. They need to know there is no safe haven. That requires that we vote "no" on this amendment.

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. Mr. Chairman, I welcome this latest in the acts of leadership my friend and colleague has dealt with in the nuclear area.

I have listened to the arguments of the gentleman from California and the gentlewoman from New Mexico. They are very honest. They are really talking about obliterating the distinction between nuclear and non-nuclear weapons that has been a centerpiece for 50 years. What they say is if they threaten us, we will go after them, we will find them.

What we are being told is that we should develop a nuclear capacity to respond to non-nuclear threats. We are being told that conventional threats will call from America a nuclear response. Not only is that greatly unnecessary, it will further destabilize the world. We have been trying to preach non-nuclear proliferation, but the town drunk is a poor advocate for temperance. We cannot simultaneously obliterate the distinction that has existed for the entire period between nuclear and non-nuclear weapons. We cannot threaten, as we have heard, a nuclear response to a non-nuclear attack and then still have any credibility in preaching temperance.

Secondly, we have said in Afghanistan, in Iraq, we are these days likely to be in the posture not of war against a people, say, as in World War II but in an effort to rescue a people from an oppressive government. How welcome will our wagon be when it comes to nuclear arms? Do we tell the people of Afghanistan, do not worry, we will free you from the Taliban by using nuclear weapons within your country. Do not worry, we will overthrow Saddam Hussein with nuclear attacks in Iraq.

I think you undercut the whole notion that America can be coming to the rescue of the victims of oppression. The United States is hardly a pitiful giant weakened without nuclear weapons. We just saw in Afghanistan no shortage of overwhelming American power. It was not a lack of force, a lack of potency. To destroy the distinction between nuclear and non-nuclear weapons as we have heard is with very grave error.

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield myself 30 seconds.

First of all, Mr. Chairman, we are not talking about a new nuclear weapon. That is not the discussion here. We are talking about an attempt to repackage an existing nuclear weapon for a new threat that we have to deal with. We know the Russians have 13,000 tactical nuclear weapons.

If you really want to stop proliferation, I would like to see my colleague from Massachusetts offer an amendment to negotiate for a serious reduction of tactical nuclear weapons. These tactical nuclear weapons are a real threat to us. The Russians have 13,000 of them.

Mr. Chairman, I yield 15 seconds to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, let me just say that there has been a policy among a number of nations in the Western democracies, including our allies, that would respond to chemical or

biological attack with nuclear systems. We have never foreclosed that.

Mr. MARKEY. Mr. Chairman, I yield 10 seconds to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. Mr. Chairman, I think the gentleman from Pennsylvania invited either myself or my colleague to offer an amendment on nonproliferation, but the problem is that the way the Committee on Rules has been working, at your behest, it would not have been in order. That is why we did not bother to try.

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield myself 5 seconds.

I felt that same way just a few short years ago. I understand the gentleman from Massachusetts' frustration.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentleman from California (Ms. WOOLSEY).

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

Ms. WOOLSEY. Mr. Chairman, I rise in strong support of the Markey amendment to halt development, testing or use of so-called mini nukes. I thank my colleague from Massachusetts for his continuing leadership on nonproliferation issues.

Let us make no mistake about it. Developing these mini nukes would make their use more likely, which would make a nuclear war more likely. The fact is if we sanction their development, we only provide legitimacy for other nations to do exactly the same.

My constituents in Marin and Sonoma Counties in California, like most Americans, have made it very clear that they support a reduction in America's nuclear arsenal. They are rightly demanding that we take a reasoned approach toward nuclear weapons policy, not a renewed buildup of nuclear arms. Without the Markey amendment, United States nuclear policy will take a U-turn that would prompt more nuclear competition, threaten our national security, and undermine nonproliferation efforts.

Reject this vision. Support the Markey amendment.

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, this is not a mini nuclear weapon. I do not know where that term came from, but it is totally incorrect. A deep earth penetrating weapon is a large weapon designed to do damage. In fact, in our committee we called for a report, again with the bipartisan spirit of our members on the other side, for a study of the effects of this. This amendment should be rejected.

Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. I thank the gentleman for yielding me this time.

Mr. Chairman, I have always found it rather odd that some of our most difficult battles in the area of national security are preventing our own people by limiting our options and tying our hands behind our back.

There are some military capabilities that we may decide are not worth the time to pursue, and there are some capabilities that in the priority of things we may want to leave behind. But I find it very troubling that some people do not even want us to explore options which could be critical for our future national security.

Frankly, I am skeptical that any Member of this body can know for certain all of the circumstances that any President in the future will face in a world full of chemical and biological and radiological and nuclear weapons, and we want to say we are not even going to consider those options to deal with all of those things. I think that would be a mistake.

To have a credible deterrent, that means political adversaries, and even friends have to believe in that deterrent. If we say up front, if you burrow down in the ground we cannot touch you because our conventional capabilities have obvious limitations, and so if we say we are not even going to consider going after buried targets in any other way, then we are simply saying, "Go to it. We'll leave you alone." We are encouraging people to bury their communication, their factories, their silos, and we will not be able to do anything about it.

□ 1645

Mr. Chairman, we know Russia has buried targets deep. We have seen what al Qaeda has done in Afghanistan. We know Iraq is burying things. So to take an option off the table, to say we are not even going to explore it, that we are going to tie our own hands behind our backs, even in a world with all of these difficult, complex situations I think would be a tragic mistake. We should reject the amendment.

The CHAIRMAN. The gentleman from Pennsylvania (Mr. WELDON) has 1 minute remaining. The gentleman from Massachusetts (Mr. MARKEY) has 1¾ minutes remaining. The gentleman from Pennsylvania (Mr. WELDON) has the right to close.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, the question is not whether we should permit targets to be buried deep; the question is whether we are going to permit peace to be buried deep.

We have a nonproliferation treaty that stops nuclear weapons from becoming a sword of Damocles hanging over this world. We had an ABM Treaty that stopped the United States and Russia from engaging each other. We had START II and START III that was the basis of getting rid of nuclear weapons. We had a Comprehensive Test Ban Treaty waiting to be signed. Now, we have gone from that kind of a hopeful approach to sustain the world to an approach that puts the world at an abyss, to an approach that envisions target nations, nuclear first strike, bunker busters.

It is time that we took a stand for peace. It is time that we took a stand for the continuation of life on this planet. Why should that be hard to do, even for the Congress?

Mr. MARKEY. Mr. Chairman, I yield myself the remaining time.

We do not use biological weapons in Afghanistan. We do not use chemical weapons in Afghanistan. We do not use this present generation of nuclear earth penetrators in Afghanistan because we know it is wrong, and because we just have to ask al Qaeda how well our existing conventional bombs did in destroying them. I have not heard anyone say that there was some problem that needed nuclear weapons to be dropped on Afghanistan.

The consequences of opposing the Markey amendment will be that a new generation of nuclear testing, breaching the test ban between the United States and the Soviet Union, sending a signal to countries all around the world that nuclear weapons are now usable, even though we do not need them in Afghanistan, we do not need them in Iraq; we can destroy, level those countries. If we use nuclear weapons in Tora Bora, it will only be in order to ensure that the rubble is bouncing, not that we have destroyed the entire country already with conventional weapons.

This is the wrong road to go down. We are breaching a barrier which would be a very serious mistake for our country.

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, we have just completed almost an hour's worth of work of starting a new era in our relationship with Russia on nuclear weapons. It has been bold. It has been bipartisan. It has been bilateral. We have shown, without any doubt, that we are willing to move into a new era. But, Mr. Chairman, as we saw on September 11, there are those people who do not play by the rules. Anyone who would take out almost 3,000 lives in the most unbelievable way thinkable would not hesitate to do work in one of 10,000 underground bunkers and caves around the world, most of which are in our adversaries' territory, to develop and potentially use weapons of mass destruction. This amendment would go to the extreme. It would prevent the President from even doing a feasibility study.

This is not about peace. I am a teacher by profession. Nobody wants peace more than I do. We do not have a handle on peace with a certain few in this body. This is about giving the President legitimate ability to protect us against those threats that we see emerging in the 21st century. I ask my colleagues to vote no on the Markey amendment.

Ms. LEE. Mr. Chairman, I rise today in strong support of the Markey amendment, and I want to thank my colleagues, Mr. RAHALL and Mr. MARKEY, for their leadership in standing up for the environment.

The Defense Authorization Bill as written grants the Department of Defense sweeping the blanket exemptions to existing environmental laws.

The American public doesn't want fewer environmental protections. They want more. Eighty-five percent of registered voters surveyed on this question believe that the Department of Defense should have to follow the same environmental and public health laws as everyone else.

We have already seen efforts to roll back protections on our air and water. It is time to stand up and put a stop to these assaults on our environment.

Biodiversity is essential to our national heritage. We have an obligation to our children and to their children to protect that biodiversity.

And so, I urge you to adopt this amendment. It does not impose any unreasonable restrictions on the Department of Defense. It simply ensures that the U.S. government will abide by existing U.S. laws.

MOTION TO RISE OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion to rise offered by the gentleman from Mississippi (Mr. TAYLOR).

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

RECORDED VOTE

Mr. TAYLOR of Mississippi. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 51, noes 360, not voting 23, as follows:

[Roll No. 140]

AYES—51

Abercrombie	Filner	Obey
Ackerman	Frank	Oliver
Baldwin	Hinchee	Pallone
Berry	Honda	Pelosi
Blumenauer	Jefferson	Roemer
Bonior	Johnson, E. B.	Schakowsky
Boyd	Jones (OH)	Shows
Brady (PA)	Larson (CT)	Slaughter
Capuano	Lee	Solis
Clay	Lynch	Stark
Condit	Markey	Stenholm
Conyers	McDermott	Stupak
DeFazio	McGovern	Tanner
DeGette	McIntyre	Taylor (MS)
Delahunt	Miller, George	Towns
Dingell	Mink	Waters
Doggett	Oberstar	Wu

NOES—360

Aderholt	Biggert	Cantor
Akin	Bilirakis	Capito
Allen	Bishop	Capps
Andrews	Blagojevich	Cardin
Army	Blunt	Carson (IN)
Baca	Boehlert	Carson (OK)
Bachus	Boehner	Castle
Baird	Bonilla	Chabot
Baker	Bono	Chambliss
Baldacci	Boozman	Clayton
Ballenger	Borski	Clement
Barcia	Boswell	Clyburn
Barr	Brady (TX)	Inlee
Barrett	Brown (FL)	Collins
Bartlett	Brown (OH)	Combest
Barton	Brown (SC)	Cooksey
Bass	Bryant	Costello
Becerra	Burr	Coyne
Bentsen	Buyer	Cramer
Bereuter	Callahan	Crenshaw
Berkley	Calvert	Crowley
Berman	Camp	Cubin

Culberson	Johnson, Sam	Radanovich
Cummings	Jones (NC)	Rahall
Cunningham	Kanjorski	Ramstad
Davis (CA)	Kaptur	Rangel
Davis (FL)	Keller	Regula
Davis, Jo Ann	Kelly	Rehberg
Davis, Tom	Kennedy (RI)	Reynolds
Deal	Kerns	Rivers
DeLauro	Kildee	Rodriguez
DeLay	Kilpatrick	Rogers (KY)
DeMint	Kind (WI)	Rogers (MI)
Deutsch	King (NY)	Rohrabacher
Diaz-Balart	Kingston	Ros-Lehtinen
Dicks	Kirk	Ross
Doolittle	Kleczka	Rothman
Doyle	Knollenberg	Roybal-Allard
Dreier	Kolbe	Royce
Duncan	Kucinich	Rush
Dunn	LaFalce	Ryan (WI)
Edwards	LaHood	Ryun (KS)
Ehlers	Lampson	Sabo
Ehrlich	Langevin	Sanchez
Emerson	Lantos	Sanders
Engel	Larsen (WA)	Sandlin
English	LaTham	Sawyer
Eshoo	LaTourette	Saxton
Etheridge	Leach	Schaffer
Evans	Levin	Schiff
Everett	Lewis (CA)	Schrock
Farr	Lewis (KY)	Scott
Fattah	Linder	Sensenbrenner
Ferguson	Lipinski	Serrano
Flake	LoBiondo	Sessions
Fletcher	Lofgren	Shadegg
Foley	Lowey	Shaw
Forbes	Lucas (KY)	Shays
Ford	Lucas (OK)	Sherman
Fossella	Luther	Sherwood
Frelinghuysen	Maloney (CT)	Shimkus
Frost	Maloney (NY)	Shuster
Gallegly	Manzullo	Simmons
Ganske	Mascara	Simpson
Gekas	Matheson	Skeen
Gephardt	Matsui	Skelton
Gibbons	McCarthy (MO)	Smith (NJ)
Gilchrest	McCarthy (NY)	Smith (TX)
Gillmor	McCollum	Smith (WA)
Gilman	McCrery	Snyder
Gonzalez	McHugh	Souder
Goode	McInnis	Spratt
Goodlatte	McKeon	Stearns
Gordon	McKinney	Strickland
Goss	McNulty	Stump
Graham	Meehan	Sullivan
Granger	Meeke (FL)	Sununu
Graves	Meeke (NY)	Sweeney
Green (TX)	Menendez	Tancredo
Green (WI)	Mica	Tauscher
Greenwood	Miller, Dan	Tauzin
Grucci	Miller, Gary	Taylor (NC)
Gutknecht	Miller, Jeff	Terry
Hall (TX)	Mollohan	Thomas
Hansen	Moore	Thompson (CA)
Harman	Moran (KS)	Thompson (MS)
Hart	Moran (VA)	Thornberry
Hastings (FL)	Morella	Thune
Hastings (WA)	Murtha	Thurman
Hayes	Myrick	Tiahrt
Hayworth	Nadler	Tiberi
Hefley	Napolitano	Tierney
Herger	Neal	Toomey
Hill	Ney	Turner
Hilleary	Northup	Udall (CO)
Hilliard	Norwood	Udall (NM)
Hinojosa	Ortiz	Upton
Hobson	Osborne	Velazquez
Hoefel	Otter	Visclosky
Hoekstra	Owens	Vitter
Holden	Oxley	Walden
Holt	Pascrell	Walsh
Hooley	Pastor	Wamp
Horn	Paul	Watkins (OK)
Hostettler	Payne	Watt (NC)
Houghton	Pence	Watts (OK)
Hoyer	Peterson (MN)	Weiner
Hulshof	Peterson (PA)	Weldon (FL)
Hunter	Petri	Weldon (PA)
Hyde	Phelps	Weller
Inlee	Pickering	Wexler
Isakson	Pitts	Whitfield
Israel	Platts	Wicker
Issa	Pombo	Wilson (NM)
Istook	Pomeroy	Wilson (SC)
Jackson (IL)	Portman	Wolf
Jenkins	Price (NC)	Woolsey
John	Pryce (OH)	Wynn
Johnson (CT)	Putnam	Young (AK)
Johnson (IL)	Quinn	Young (FL)

NOT VOTING—23

Boucher	Jackson-Lee	Reyes
Burton	(TX)	Riley
Cannon	Kennedy (MN)	Roukema
Cox	Lewis (GA)	Smith (MI)
Crane	Millender-	Trafficant
Davis (IL)	McDonald	Watson (CA)
Dooley	Nethercutt	Waxman
Gutierrez	Nussle	
Hall (OH)	Ose	

□ 1719

Mr. LEWIS of Kentucky changed his vote from "aye" to "no."

So the motion to rise was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

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

RECORDED VOTE

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

Mr. CHAIRMAN. Pursuant to clause 6 of rule XVIII, the Chair will reduce to 5 minutes the time for a recorded vote on amendment No. 1.

The vote was taken by electronic device, and there were—ayes 172, noes 243, not voting 19, as follows:

[Roll No. 141]

AYES—172

Abercrombie	Frank	Meeks (NY)
Ackerman	Frost	Menendez
Allen	Gephardt	Miller, George
Andrews	Gonzalez	Mink
Baca	Gutierrez	Moore
Baird	Hastings (FL)	Moran (VA)
Baldacci	Hill	Morella
Baldwin	Hilliard	Nadler
Barrett	Hinchee	Napolitano
Becerra	Hoefel	Neal
Bentsen	Holt	Oberstar
Berkley	Honda	Obey
Berman	Hooley	Olver
Blagojevich	Hoyer	Owens
Blumenauer	Inslee	Pallone
Bonior	Jackson (IL)	Pascrell
Borski	Jefferson	Pastor
Boswell	Johnson, E. B.	Payne
Boucher	Jones (OH)	Pelosi
Brady (PA)	Kaptur	Peterson (MN)
Brown (FL)	Kennedy (RI)	Pomeroy
Brown (OH)	Kildee	Price (NC)
Capps	Kilpatrick	Rahall
Capuano	Kind (WI)	Rangel
Cardin	Kleczka	Rivers
Carson (IN)	Kucinich	Rodriguez
Clay	LaFalce	Roemer
Clayton	Lampson	Ross
Clyburn	Langevin	Roybal-Allard
Condit	Lantos	Rush
Conyers	Larsen (WA)	Sabo
Coyne	Larson (CT)	Sanchez
Crowley	Leach	Sanders
Cummings	Lee	Sawyer
Davis (CA)	Levin	Schakowsky
DeFazio	Lofgren	Schiff
DeGette	Lowey	Scott
Delahunt	Luther	Serrano
DeLauro	Lynch	Shays
Deutsch	Maloney (CT)	Sherman
Dicks	Maloney (NY)	Skelton
Dingell	Markey	Slaughter
Doggett	Matheson	Smith (NJ)
Dooley	Matsui	Smith (WA)
Edwards	McCarthy (MO)	Snyder
Engel	McCarthy (NY)	Solis
Eshoo	McCollum	Spratt
Etheridge	McDermott	Stark
Evans	McGovern	Strickland
Farr	McKinney	Stupak
Fattah	McNulty	Tauscher
Filner	Meehan	Thompson (CA)
Ford	Meek (FL)	Thompson (MS)

Thurman Velazquez Woolsey
Tierney Visclosky Wu
Towns Waters Wynn

□ 1738

Mr. CROWLEY and Mr. FORD
changed their vote from "no" to "aye."
So the amendment was rejected.

The result of the vote was announced
as above recorded.

PART A, AMENDMENT NO. 1, AS MODIFIED,
OFFERED BY MR. WELDON OF PENNSYLVANIA

THE CHAIRMAN. The pending busi-
ness is the demand for a recorded vote
on amendment No. 1, as modified,
printed in part A of House Report 107-
450 offered by the gentleman from
Pennsylvania (Mr. WELDON) on which
further proceedings were postponed and
on which the ayes prevailed by voice
vote.

The Clerk will redesignate the
amendment.

The Clerk redesignated the amend-
ment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has
been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-
minute vote.

The vote was taken by electronic de-
vice, and there were—ayes 362, noes 53,
not voting 19, as follows:

[Roll No. 142]

AYES—362

NOES—243

Aderholt Goodlatte Otter
Akin Gordon Oxley
Army Goss Paul
Bachus Graham Pence
Baker Granger Peterson (PA)
Ballenger Graves Petri
Barcia Green (TX) Phelps
Barr Green (WI) Pickering
Bartlett Greenwood Pitts
Barton Grucci Platts
Bass Gutknecht Pombo
Bereuter Hall (TX) Portman
Berry Hansen Pryce (OH)
Biggert Harman Putnam
Bilirakis Hart Quinn
Bishop Hastings (WA) Radanovich
Blunt Hayes Ramstad
Boehlert Hayworth Regula
Boehner Hefley Rehberg
Bonilla Herger Reynolds
Bono Hilleary Rogers (KY)
Boozman Hinojosa Rogers (MI)
Boyd Hobson Rohrabacher
Brady (TX) Hoekstra Ros-Lehtinen
Brown (SC) Holden Rothman
Bryant Horn Royce
Burr Hostettler Ryan (WI)
Buyer Houghton Ryun (KS)
Callahan Hulshof Sandlin
Calvert Hunter Saxton
Camp Hyde Schaffer
Cantor Isakson Schrock
Capito Israel Sensenbrenner
Carson (OK) Issa Sessions
Castle Istook Shadegg
Chabot Jenkins Shaw
Chambliss John Sherwood
Clement Johnson (CT) Shimkus
Coble Johnson (IL) Shows
Collins Johnson, Sam Shuster
Combust Jones (NC) Simmons
Cooksey Kanjorski Simpson
Costello Keller Skeen
Cox Kelly Smith (TX)
Cramer Kerns Souder
Crenshaw King (NY) Stearns
Cubin Kingston Stenholm
Culberson Kirk Stump
Cunningham Knollenberg Sullivan
Davis (FL) Kolbe Sununu
Davis, Jo Ann LaHood Sweeney
Davis, Tom Latham Tancredo
Deal LaTourette Tanner
DeLay Lewis (CA) Tauzin
DeMint Lewis (KY) Taylor (MS)
Diaz-Balart Linder Taylor (NC)
Doolittle Lipinski Terry
Doyle LoBiondo Thomas
Dreier Lucas (KY) Thornberry
Duncan Lucas (OK) Thune
Dunn Manzullo Tiahrt
Ehlers Mascara Tiberi
Ehrlich McCrery Toomey
Emerson McHugh Turner
English McInnis Upton
Everett McIntyre Vitter
Ferguson McKeon Walden
Flake Mica Walsh
Fletcher Miller, Dan Wamp
Foley Miller, Gary Watkins (OK)
Forbes Miller, Jeff Watts (OK)
Fossella Mollohan Weldon (FL)
Frelinghuysen Moran (KS) Weldon (PA)
Gallegly Murtha Weller
Ganske Myrick Wexler
Gekas Ney Whitfield
Gibbons Northup Wicker
Gilchrest Norwood Wilson (NM)
Gillmor Nussle Wilson (SC)
Gilman Ortiz Wolf
Goode Osborne Young (FL)

NOT VOTING—19

Burton Kennedy (MN) Riley
Cannon Lewis (GA) Roukema
Crane Millender Smith (MI)
Davis (IL) McDonald Traficant
Hall (OH) Nethercutt Watson (CA)
Jackson-Lee Ose Waxman
(TX) Reyes Young (AK)

Abercrombie Clyburn Gibbons
Akin Coble Gilchrest
Allen Collins Gillmor
Andrews Combust Gilman
Armey Cooksey Gonzalez
Baca Costello Goode
Bachus Cox Goodlatte
Baird Coyne Gordon
Baker Cramer Goss
Balducci Crenshaw Graham
Ballenger Crowley Granger
Barcia Cubin Graves
Barr Culberson Green (TX)
Barrett Cummings Green (WI)
Bartlett Cunningham Greenwood
Barton Davis (CA) Grucci
Bass Davis (FL) Gutierrez
Bentsen Davis (IL) Gutknecht
Bereuter Davis, Jo Ann Hall (TX)
Berkley Davis, Tom Hansen
Berman Deal Harman
Berry Delahunt Hart
Biggert DeLauro Hastings (FL)
Bilirakis DeLay Hastings (WA)
Bishop DeMint Hayes
Blagojevich Deutsch Hayworth
Blumenauer Diaz-Balart Hefley
Blunt Dicks Heger
Boehlert Dooley Hill
Boehner Doolittle Hilleary
Bonilla Doyle Hilliard
Bono Dreier Hinojosa
Boozman Duncan Hobson
Borski Dunn Hoeffel
Boswell Edwards Hoekstra
Boucher Ehlers Holden
Boyd Ehrlich Hooley
Brady (PA) Emerson Horn
Brady (TX) Engel Hostettler
Brown (FL) English Houghton
Brown (OH) Eshoo Hoyer
Brown (SC) Etheridge Hulshof
Bryant Evans Hunter
Burr Everett Hyde
Buyer Ferguson Isakson
Callahan Flake Israel
Calvert Fletcher Issa
Camp Crane Istook
Cantor Forbes Jackson (IL)
Capito Ford Jefferson
Capps Fossella Jenkins
Cardin Frelinghuysen John
Carson (OK) Frost Johnson (CT)
Castle Gallegly Johnson (IL)
Chabot Ganske Johnson, Sam
Chambliss Gekas Jones (NC)
Clement Gephardt Kanjorski

Kaptur Ney Shimkus
Keller Northup Shows
Kelly Norwood Shuster
Kennedy (RI) Nussle Simmons
Kerns Oberstar Simpson
Kildee Obey Skeen
Kilpatrick Ortiz Skelton
Kind (WI) Osborne Smith (NJ)
King (NY) Otter Smith (TX)
Kingston Oxley Smith (WA)
Kirk Pallone Snyder
Kleczka Pascrell Souder
Knollenberg Pastor Spratt
Kolbe Pence Stearns
LaFalce Peterson (MN) Stenholm
LaHood Peterson (PA) Strickland
Lampson Petri Stump
Langevin Phelps Sullivan
Lantos Pickering Sununu
Larsen (WA) Pitts Sweeney
Larson (CT) Platts Tancredo
Latham Pombo Pomeroy
LaTourette Portman Tanner
Leach Price (NC) Tauscher
Levin Pryce (OH) Tauzin
Lewis (CA) Putnam Taylor (MS)
Lewis (KY) Quinn Taylor (NC)
Linder Radanovich Terry
Lipinski Rahall Thomas
LoBiondo Ramstad Thompson (CA)
LoBiondo Lowey Thompson (MS)
Lucas (KY) Regula Thornberry
Lucas (OK) Rehberg Thune
Luther Reynolds Thurman
Lynch Rivers Tiahrt
Maloney (CT) Rodriguez Tiberi
Maloney (NY) Roemer Toomey
Manzullo Rogers (KY) Towns
Mascara Rogers (MI) Turner
Matheson Rohrabacher Udall (CO)
Matsui Ros-Lehtinen Udall (NM)
McCarthy (MO) Ross Upton
McCarthy (NY) Rothman Velazquez
McCollum Roybal-Allard Visclosky
McCole Royce Vitter
McCrery Rush Walden
McHugh Ryan (WI) Walsh
McInnis Ryun (KS) Wamp
McIntyre Sabo Watkins (OK)
McKeon Meek (FL) Sanchez
Meeks (NY) Sawyer Watts (OK)
Menendez Saxton Weiner
Mica Schaffer Weldon (FL)
Miller, Dan Schiffo Weldon (PA)
Miller, Gary Schrock Weller
Miller, Jeff Scott Wexler
Mollohan Sensenbrenner Whitfield
Moore Serrano Wicker
Moran (KS) Sessions Wilson (NM)
Moran (VA) Shadegg Wilson (SC)
Morella Shaw Wolf
Murtha Shays Wu
Myrick Sherman Wynn
Napolitano Sherwood Young (FL)

NOES—53

Ackerman Hinchey Neal
Baldwin Holt Olver
Becerra Honda Owens
Bonior Inslee Paul
Capuano Johnson, E. B. Payne
Carson (IN) Jones (OH) Pelosi
Clay Kucinich Rangel
Clayton Lee Sanders
Condit Lofgren Sandlin
Conyers Markey Schakowsky
DeFazio McDermott Slaughter
DeGette McGovern Solis
Dingell McKinney Stark
Doggett McNulty Tierney
Farr Meehan Waters
Fattah Miller, George Watt (NC)
Filner Mink Woolsey
Frank Nadler

NOT VOTING—19

Aderholt Kennedy (MN) Riley
Burton Lewis (GA) Roukema
Cannon Millender Smith (MI)
Crane McDonald Traficant
Hall (OH) Nethercutt Watson (CA)
Jackson-Lee Ose Waxman
(TX) Reyes Young (AK)

□ 1749

Mr. MEEHAN and Ms. SLAUGHTER
changed their vote from "aye" to "no."

So the amendment, as modified, was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Ms. RIVERS. Mr. Chairman, on rollcall No. 142, I should have voted "no." I mistakenly voted "yea."

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in part A of House Report 107-450.

PART A AMENDMENT NO. 4 OFFERED BY MR. TIERNEY

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 4 offered by Mr. TIERNEY:

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

**SEC. 234. PROHIBITION ON USE OF FUNDS FOR SPACE-BASED NATIONAL MISSILE DEFENSE PROGRAM.**

No funds appropriated for fiscal year 2003 for the Department of Defense may be used for a space-based national missile defense program.

The CHAIRMAN. Pursuant to House Resolution 415, the gentleman from Massachusetts (Mr. TIERNEY) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. TIERNEY).

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

It is clear from the size of this Department of Defense budget, including the \$48 billion-or-so increase, that the administration and others here are using the circumstances of our involvement in Afghanistan and the circumstances of September 11 to put money into this budget for all manner of programs whether or not they deal with priority threats to this country now and here.

Every Member of this body is concerned and wants the best defense possible for this country. We all want support for the men and women who serve. We want fair pay, decent housing, working weapons. We are collectively concerned with the security of this country, and we need to be certain we allocate our limited resources toward programs that target those threats and risks which are the most likely to endanger us now and in the near future.

This amendment then focuses on just that. It is to make the point that this bill is a repository for already-repudiated programs, some of which our own Secretary of Defense is surprised to still see in this bill. The amendment does it by prohibiting the Department of Defense from using funds this fiscal year for space-based national missile defense, or Star Wars. Not sea based, not air based, not land based, not components of any of those. We should debate those matters. But this amendment focuses on space-based, or Star Wars, programs, the same concept which was here before, on which we

spent billions of dollars and lost that money.

This bill authorizes \$54 million for a Boost Program Space-Based Lasers, which act as interceptors in space, as well as the kinetic physical interceptors. This space-based interceptor has gone through two iterations already. They are behind schedule and over budget. Testing for this space-based laser system has been pushed back indefinitely. And that is just the testing for the system. Nobody can even predict when such a space-based system might actually be deployed.

How does continued funding for this program serve us towards a more agile force? We should not repeat the past errors, like Safeguard, which was the first stab at a failed missile defense space wars system in the 1970s. Rushing to fund an untested program with the questionable capabilities of this one makes no sense. It jeopardizes strategic judgment and wastes our much-needed money.

At the very least, we should be alarmed that we are not taking the time as a Nation to have a thoughtful dialogue on this and the ramifications of this national missile defense system. There are billions in this budget that have little to do with our priority realistic threats to our security. This Star Wars program is but one small part of that.

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

Mr. HUNTER. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from California is recognized for 10 minutes.

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

My colleagues, we are in space. We are in space in a way that is inextricably linked with not only our missile defense system but almost all of our systems.

If we take a look at the architecture for our space systems, we have in space literally everything from weather and the environment, to navigation, to surveillance and reconnaissance, to missile warning, to communications. The successful intercepts that we have made now out of the Kwajalein Test Range took place 148 miles above the surface of the Earth.

I want to read the amendment of my friend, the gentleman from Massachusetts (Mr. TIERNEY): "No funds appropriated for fiscal year 2003 for the Department of Defense may be used for a space-based national missile defense program."

Now, in the first place, we simply have a missile defense program, not a national missile versus a theater missile defense program, because we are now dealing with a number of missiles which have varying rates of speed and distances. For example, we have the old Model T scud that goes fairly slowly, several hundred miles, all the way up to the fast-moving ICBM that will go several times the speed of a high-

powered rifle bullet when it reenters the atmosphere aimed at an American city.

So we are putting in place an architecture which is layered, which will give us, hopefully, several shots at these missiles as they progress toward either our troops in theater or the United States of America and our cities. We have to have space assets to be able to intercept those incoming missiles.

Now, one thing we have seen in this debate today is what I would call the new imposition of Marquis of Queensbury rules on our side. We just had an amendment in which the other people may drive an airplane into an American tower and destroy thousands of American civilians, but it is against the rules for us to go after their leadership if they are buried deep underground and we use a nuclear penetrator. That is not Marquis of Queensbury rules. And no matter what the other side does, we must play by the Marquis of Queensbury rules.

Well, we are already in space. It does not make any sense to have a very broadly worded amendment that, if we take it literally, would ban the very systems that we are testing right now.

There is another aspect of this, and that is this: we had the predator over in Afghanistan, and the predator is our unmanned aircraft. And from that aircraft we take certain recon capability, certain sensors, and we target the enemy. And then we use another platform, whether it is from a ship or a plane or a land-based unit, to hit that enemy that was targeted by the predator. And our war-fighting commanders, who were trying to win the war over there, with as few Americans as possible being killed, said this: They said, maybe we should just use that airborne unit up there. Instead of just using that for information and relaying that information to the ground, why do we not just put a hell fire missile on that particular UAV and go ahead and strike the enemy with the UAV? In other words, let us use this recon unit for both a reconnaissance and for the attack shot.

So we are becoming more efficient in the way we use technology. So the idea that we have to play by some obscure Marquis of Queensbury rules that says we cannot use space to stop a missile that may be incoming to an American city does not make any sense.

So I would just urge all Members to vote against this amendment. This is a dangerous amendment. If taken literally, it freezes our present programs in place.

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

MOTION TO RISE OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion to rise offered by the gentleman from Mississippi (Mr. TAYLOR).

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

RECORDED VOTE

Mr. TAYLOR of Mississippi. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 46, noes 356, not voting 32, as follows:

[Roll No 143]

AYES—46

Abercrombie	Frank	Oberstar
Baldwin	Hill	Oliver
Berry	Holt	Pelosi
Blumenauer	Honda	Rush
Bonior	Jefferson	Shows
Boyd	Johnson, E. B.	Slaughter
Brady (PA)	Jones (OH)	Solis
Capuano	Larson (CT)	Stark
Condit	Lee	Tanner
Conyers	Lynch	Taylor (MS)
Davis (IL)	Markey	Towns
DeGette	McDermott	Waters
Dicks	McGovern	Weiner
Dingell	McIntyre	Wu
Doggett	Miller, George	
Filner	Mink	

NOES—356

Ackerman	Cubin	Hastings (FL)
Aderholt	Culberson	Hastings (WA)
Akin	Cummings	Hayes
Allen	Cunningham	Hayworth
Andrews	Davis (CA)	Hefley
Armey	Davis (FL)	Herger
Baca	Davis, Jo Ann	Hilleary
Bachus	Davis, Tom	Hilliard
Baird	Deal	Hinchey
Baker	DeFazio	Hinojosa
Baldacci	DeLauro	Hobson
Barcia	DeLay	Hoeffel
Barr	DeMint	Hoekstra
Barrett	Deutsch	Holden
Bartlett	Dooley	Hooley
Barton	Doolittle	Horn
Bass	Doyle	Hostettler
Becerra	Dreier	Houghton
Bereuter	Duncan	Hoyer
Berkley	Dunn	Hulshof
Biggert	Edwards	Hunter
Bilirakis	Ehlers	Hyde
Bishop	Ehrlich	Inslee
Blagojevich	Emerson	Isakson
Blunt	Engel	Israel
Boehrlert	English	Issa
Boehner	Eshoo	Istook
Bonilla	Etheridge	Jackson (IL)
Bono	Evans	Jackson-Lee
Boozman	Everett	(TX)
Borski	Farr	Jenkins
Boswell	Fattah	John
Brady (TX)	Ferguson	Johnson (CT)
Brown (FL)	Flake	Johnson (IL)
Brown (OH)	Fletcher	Johnson, Sam
Brown (SC)	Foley	Jones (NC)
Bryant	Forbes	Kanjorski
Burr	Ford	Kaptur
Buyer	Fossella	Keller
Callahan	Frelinghuysen	Kelly
Calvert	Frost	Kennedy (RI)
Camp	Galleghy	Kerns
Cantor	Ganske	Kildee
Capito	Gekas	Kilpatrick
Capps	Gephardt	Kind (WI)
Cardin	Gibbons	King (NY)
Carson (IN)	Gilchrest	Kingston
Carson (OK)	Gillmor	Kirk
Castle	Gilman	Kleczkza
Chabot	Gonzalez	Knollenberg
Chambliss	Goode	Kolbe
Clay	Goodlatte	Kucinich
Clayton	Gordon	LaFalce
Clement	Goss	LaHood
Clyburn	Graham	Lampson
Coble	Granger	Langevin
Collins	Graves	Lantos
Combest	Green (TX)	Larsen (WA)
Cooksey	Green (WI)	Latham
Costello	Grucci	LaTourrette
Cox	Gutierrez	Leach
Coyne	Gutknecht	Levin
Cramer	Hall (TX)	Lewis (CA)
Crenshaw	Harman	Lewis (KY)
Crowley	Hart	Linder

LoBiondo	Petri	Skelton
LoGren	Phelps	Smith (MI)
Lowe	Pickering	Smith (NJ)
Lucas (KY)	Pitts	Smith (TX)
Lucas (OK)	Platts	Smith (WA)
Luther	Pombo	Snyder
Maloney (CT)	Pomeroy	Spratt
Maloney (NY)	Portman	Stearns
Manzullo	Price (NC)	Stenholm
Mascara	Pryce (OH)	Strickland
Matheson	Putnam	Stupak
Matsui	Quinn	Sullivan
McCarthy (MO)	Radanovich	Sununu
McCarthy (NY)	Rahall	Sweeney
McCollum	Ramstad	Tancredo
McCrery	Rangel	Tauscher
McHugh	Regula	Tauzin
McInnis	Rehberg	Taylor (NC)
McKeon	Reynolds	Terry
McKinney	Rivers	Thomas
McNulty	Rodriguez	Thompson (CA)
Meehan	Roemer	Thompson (MS)
Meeks (NY)	Rogers (KY)	Thornberry
Menendez	Rogers (MI)	Thune
Mica	Rohrabacher	Thurman
Miller, Dan	Ros-Lehtinen	Tiahrt
Miller, Gary	Ross	Tiberi
Miller, Jeff	Rothman	Tierney
Mollohan	Roybal-Allard	Toomey
Moore	Royce	Turner
Moran (KS)	Ryan (WI)	Udall (CO)
Moran (VA)	Ryun (KS)	Udall (NM)
Morella	Sabo	Upton
Myrick	Sanchez	Velazquez
Nadler	Sandlin	Visclosky
Napolitano	Sawyer	Vitter
Neal	Saxton	Walden
Northup	Schaffer	Walsh
Norwood	Schakowsky	Wamp
Nussle	Schiff	Watkins (OK)
Obey	Schrock	Watt (NC)
Ortiz	Scott	Watts (OK)
Osborne	Sensenbrenner	Weldon (FL)
Otter	Serrano	Weldon (PA)
Owens	Sessions	Weller
Oxley	Shadegg	Wexler
Pallone	Shaw	Whitfield
Pascrell	Shays	Wicker
Pastor	Sherman	Wilson (NM)
Paul	Sherwood	Wilson (SC)
Payne	Shimkus	Wolf
Pence	Shuster	Woolsey
Peterson (MN)	Simmons	Wynn
Peterson (PA)	Skeen	Young (AK)

NOT VOTING—32

Ballenger	Hansen	Reyes
Bentsen	Kennedy (MN)	Riley
Berman	Lewis (GA)	Roukema
Boucher	Lipinski	Sanders
Burton	Meeke (FL)	Simpson
Cannon	Millender	Souder
Crane	McDonald	Stump
Delahunt	Murtha	Traficant
Diaz-Balart	Nethercutt	Watson (CA)
Greenwood	Ney	Waxman
Hall (OH)	Ose	Young (FL)

□ 1826

Ms. LOFGREN, Mr. BEREUTER and Mr. CRAMER changed their vote from “aye” to “no.”

So the motion was rejected.

The result of the vote was announced as above recorded.

Mr. TIERNEY. Mr. Chairman, I yield 1 minute to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Chairman, I would like to engage the gentleman from Massachusetts in a colloquy about his amendment.

The gentleman from California was just showing us a number of space-based systems, satellites and sensors, that are in one way or another connected with ballistic missile defense.

Is it the gentleman's intention in this amendment to prohibit funding for space-based sensors that are instrumental to the airborne laser and ground-based and sea-based ballistic missile defense systems?

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

Mr. SPRATT. I yield to the gentleman from Massachusetts.

Mr. TIERNEY. No, the amendment does not affect space-based sensors. It only affects space-based interceptors.

Mr. SPRATT. So, specifically, your amendment would not prohibit or affect funding for what we call SBIRS-High, space-based infrared sensors, SBIRS-High or SBIRS-Low sensor programs like this?

Mr. TIERNEY. The gentleman is correct.

Mr. SPRATT. I thank the gentleman for these clarifications. Therefore, the gentleman's amendment would prohibit funding for the space-based ballistic missile defense interceptors, \$54 million is requested, but it would not affect sensors at all.

Mr. TIERNEY. The gentleman is correct.

Mr. SPRATT. I thank the gentleman for the clarification. The space-based interceptor, as some know, has gone through a couple of iterations, both of which have eventually been discarded. I think the Missile Defense Agency has already a full plate. It ought to stay focused on ground-based and ship-based interceptors. For that reason, with this clarification, I can support the amendment.

Mr. HUNTER. Mr. Chairman, I yield myself 30 seconds.

The problem here is we are not dealing with the amendment as the gentleman from Massachusetts would rewrite it. We are dealing with the amendment as it is written, because that is the amendment that is going to be dealt with by DOD lawyers. It says, “No funds appropriated for fiscal year 2003 for the Department of Defense may be used for a space-based national defense missile program.”

The point is we have to deal with the law as it is written, not as he would rewrite it. If he is going to rewrite it, I would recommend he come back next year with another text. This thing would basically put a freeze on the programs that we have right now.

Mr. TIERNEY. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Chairman, space-based missile defense is the true faith-based initiative because it takes a mighty big leap of faith to believe we can master the technology, distinguish the decoys and achieve perfection.

Of course, in the real world this spacey shield idea has been rather hit or miss, mostly miss, since you need perfect weather and a honing beacon on the incoming missile for it to work. But the experience never seems to faze those who have seen so many Star Wars sequels that they abide by the questionable principle, “build it and it will work.” I prefer the wisdom of Dr. Steven Weinberg, a Nobel Prize-winning physicist at the University of Texas, who says this system will “worsen our security”, and that of

former Defense Secretary William Perry, who warned that “a relatively small deployment of defensive systems could have the effect of triggering a considerable nuclear arms race.”

If terrorism is now our greatest threat, if we have learned anything from September 11, we know an ICBM is not the most likely way to wreak devastation and that putting so many more taxpayers’ dollars in this one NMD basket makes so little security sense.

We can spend billions trying to build a shield to blunt every sword or we can invest our resources and diplomacy more wisely to keep the sword, or missile from ever being drawn.

□ 1830

Mr. TIERNEY. Mr. Chairman, I yield 1 minute to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in support of the Tierney amendment to ban spending on space-based national missile defense systems in fiscal year 2003. Before funding space-based weapons, we should have a consensus on the wisdom of space-based warfare and today there is no such consensus.

The Missile Defense Agency has requested \$35 million to do R&D on a space-based laser which has not completed concept definition and was killed by the House Committee on Appropriations last year. The administration wants to resurrect space-based kinetic interceptors to shoot down missiles in the boost phase. This approach has been tried and rejected twice before on technological and cost grounds.

The Missile Defense Agency should focus on getting the most mature systems like PAC 3 and THAAD to the field to protect our troops, not to invest in systems that will make outer space the next battlefield.

Mr. Chairman, I urge support for the Tierney amendment.

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

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

Mr. WELDON of Pennsylvania. Mr. Chairman, this is a 1980s amendment; Ronald Reagan was President. The term “Stars Wars” is again resurrecting itself. It has no relevancy to what we are doing today. This is not a discussion of whether or not we are going to deploy a strategic defense initiative. That discussion is over; it ended in the 1980s and 1990s. There is no national missile defense, so the amendment is not relative.

In fact, if we take this amendment, it is so poorly worded, which is why the gentleman from South Carolina (Mr. SPRATT) had to get clarification, because even he has concerns, but to get clarification, he is trying to qualify some things. It is so poorly worded we

could in fact end the only joint program we have with Russia. Does the gentleman know about the RAMOS program which the Russians proposed that we do, which Carl Levin on the Senate side led the fight to restore? That program is 2 satellites. Under the gentleman’s amendment, we cut the funding for the RAMOS program because, heaven forbid, satellites are in space.

But wait a minute. What about all of my colleagues here who care about Israel’s security? We funded with our money the Arrow program. We spent almost \$500 million on Arrow, the most successful missile defense program operating today.

Well, guess what? Maybe the gentleman does not know this, but we are now retrofitting Arrow so it can interact with our systems. So what the gentleman wants to say is no more national missile defense.

Well, guess what? To Israel, Arrow is their national missile defense, and we funded it.

So the fact is that while the gentleman may have wanted to end one specific program, the amendment is so vague that it applies to everything, and it really does not make any sense. It really was designed for a Ronald Reagan-era debate when Stars Wars could be used like Darth Vader, that somehow we were advocating some obscene process to start war in space. That is not the case.

We have a very deliberate program that has been supported by Democrats and Republicans because we have confidence, perhaps more than ever, in the director of our Missile Defense Agency. General Kadish is respected by Democrats and Republicans for giving us a thoughtful, interconnected, multi-layered approach to missile defense. There is no more national missile defense. It does not exist. It is no longer a term used in the jargon. To say somehow we are going to end it is a misnomer.

In terms of space, if we ended the space assets, whether it is airborne or higher, we would basically end a whole ton of programs that are now under way, and we would deny eventually the ability of Israel to do what she is going to have to do. We cannot have it both ways on this debate. If my colleagues want to defend the people of Israel against the Shahab III missile from Iran, which is there today, Israel cannot shoot that missile down mid-stream. Because like the Patriot, it will rain on the people. Israel needs to take down that Scud missile when it is launched. We cannot do that without assets that allow us to take it out in the boost phase. That is going to eventually require some type of space-based assets.

So we are having a debate for the 1980s. Let us all join hands and sing peace songs and let us all hug each other and say we are all for peace, but this amendment is absolutely outrageous. I encourage my colleagues to vote no, and let us sing Kumbaya together in voting no.

Mr. TIERNEY. Mr. Chairman, I am told the gentleman is like that all the time, so I will not carry on, except to note that the chief investigator of the director of Operations, Testing and Evaluation has said that the deployment of this is so far into the future, it is beyond the horizon.

Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Actually, Mr. Chairman, there are some people who believe that the world does have the possibility to live in peace and that the instrumentalities of violence will eventually give way to human reason and that our ability to talk to each other as human beings may be the basis for peace in the world as opposed to weaponizing space.

The gentleman’s amendment is well taken because, according to an Air Force briefing, the space-based laser is being contemplated for anti-satellite missions, denying access to space, disrupting satellite communications, knocking out high altitude aircraft, or unmanned aerial vehicles. These missions go far beyond intercepting missiles, and they echo the Quadrennial Defense Review’s call for the United States to exploit space for military purposes, and the Air Force’s wish in a Joint Vision 20/20 document for full spectrum dominance in space.

What colossal arrogance it is to assume that we can seize the high heavens and control the world through space. Yes, work for peace on earth, and when we do that, we will not have to worry about a later generation creating peace in space.

Mr. HUNTER. Mr. Chairman, I yield myself such time as I may consume to just remind my colleagues that when we are considering this amendment and we consider all of the things that our military uses that are space-based right now, right from a marine platoon leader’s GPS, it tells him where he is, to the recon satellites that we have to, yes, the cueing system that we are going to have to hopefully be able to intercept missiles before they impact our cities, I think we are going to come to the conclusion that the American people do not have too much tolerance for the argument that is being put forward.

There are no people in space. There are people in those towers that got hit by those incoming planes. If we ask the American people would you accept a space-based system that might have protected the Twin Towers, they probably would say yes. We do not care if we are violating the Marquis of Queensbury rules by somehow using assets that are in space. So this is an argument that I think should be given short shrift by the American people. We are in space, other nations are in space, and the idea that we are going to take from General Kadish, who Democrats and Republicans trust and feel is a good steward of this program, the idea that we are going to take one of his options that he has laid out to

test, we are going to move it off of the table because we want to impose our judgment in place of his judgment is not a good thing.

We have given him this set of options. We have let him pick them. We are going to let him go through with the test. We have a robust testing schedule ahead of us. He is going to throw the losers out and reward the winners by trying to get something that can stop incoming ballistic missiles in the next 4 to 5 years. That is a good goal. We should leave this package that he has intact. Let us let him make some decisions and let us let General Kadish have some discretion. Please vote no on this.

Mr. TIERNEY. Mr. Chairman, it is Mr. Kadish's plans, which the director of Operations, Testing and Evaluation said had no testing regime that anybody could trust or that would work.

Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. HOLT).

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

Mr. HOLT. Mr. Chairman, while there are many things in the defense authorization bill that I support, national missile defense is not one of them, and the gentleman from Massachusetts is seeking to eliminate one of the more senseless parts of the supposed national missile defense system.

The proposed missile defense system would not work as designed, as wishing will not overcome the physics. It could be confused with the decoys, it could be bypassed for suitcase bombs, pickup trucks, sea-launched missiles. It would be billions of dollars down the drain. But it is not just a diversion of resources. It is worse than a waste. Simple strategic analysis tells us that provocative yet permeable defenses are destabilizing and would reduce our security.

Americans have been awakened in recent months to threats to our national security and they understand that a space-based missile defense will not help. Americans have learned in recent months that we need anthrax defense, we need container ship defense, we need bridge and tunnel defense. We do not need space-based national missile defense.

The CHAIRMAN. The gentleman from California (Mr. HUNTER) has 15 seconds remaining. The gentleman from Massachusetts (Mr. TIERNEY) has 2½ minutes remaining.

Mr. TIERNEY. Mr. Chairman, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Chairman, I rise in support of the Tierney amendment to prohibit the Bush administration from spending taxpayer dollars on a space-based, 21st century version of a Stars Wars missile defense system.

The simple question we should always ask is does this system make us safer? Are my children and my grandchildren safer if we spend these mil-

lions of dollars? I believe the answer is no. Not now, and not in the future.

Today we do face some very real threats. Warnings are issued on a regular basis of possible terrorist attacks. Interceptors from space are not going to help us. We need better intelligence to intercept phone conversations and shoe bombs and biological weapons at our airports, seaports, trains and highways.

Long-range, weaponizing space, bringing weapons into another dimension, is not a formula for security. Rather, as the Union of Concerned Scientists contend, such a move destabilizes arms control as we know it.

The only Stars Wars any Members of this Congress should see will be at a theater near you on May 16. I strongly urge a yes vote on the Tierney amendment.

Mr. TIERNEY. Mr. Chairman, I yield the remaining time to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. Mr. Chairman, I congratulate the gentleman from California on his debating tactic. He has me focused on how that space-based interceptor was going to stop the attack on the World Trade Center when no one knew the attack was coming. Maybe it has psychic powers. So I do not know what else I am supposed to talk about.

Except I would note that I was struck, when forced to defend this notion of a space-based system, we are told that it is for Israel. I have to say, in addition to all of Israel's other problems, getting schlepped into every defense debate when my colleagues are short of an argument seems to me an unnecessary burden on them. Yes, people are prepared to deal with the Arrow and support the Arrow.

As to the gentleman's amendment, it is not perfectly worded because of the process we have. He had another amendment, a very specific amendment that the Committee on Rules kept out. If we were in a normal situation, we could have amended the amendment. It is clear what is intended. If this amendment passes and goes to conference, the colloquy will be carried out.

The question is this: Everywhere but on the floor of the House, people on the other side talk about how we are going to have these space-based interceptors that are going to come down and probably knock down the planes at the World Trade Center when we did not know there were planes that we should have been going after, and do all of these other things. The fact is that we do not believe that putting billions and billions of dollars, when we are already underfunding all manner of other priorities, into a space-based system makes sense.

I have heard people say if we do not do this, we are going to encounter a space-based Pearl Harbor. Well, fortunately, there is no space-based Japan of 1941. We have it to ourselves.

Finally, I want to say, Mr. Chairman, time and again we are told America is

terribly weak and we have to spend all of these billions. That is totally at variance with the reality of a very strong America, and the need to spend these additional billions on these ill-thought-out programs does not exist.

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

Mr. Chairman, during the testimony when General Eberhardt was before our committee, and a question was put to him as to what is of utmost importance for the future, his answer was what we call SBIRS, Space-Based Infrared System.

□ 1845

I think that is very, very important to the defense of our country, based upon General Eberhardt's comments to us that day.

Now, based upon the colloquy between the gentleman from Massachusetts (Mr. TIERNEY) and the gentleman from South Carolina (Mr. SPRATT), it is apparent that the SBIRS, or the space-based infrared systems, are exempt from the language and the intent of this amendment, which allows me, based upon that, to support this amendment.

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

Mr. SKELTON. I yield to the gentleman from Indiana.

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

Mr. ROEMER. Mr. Chairman, I thank my good friend, the gentleman from Missouri, for yielding to me.

I want to start by applauding my friend, the gentleman from California (Mr. HUNTER); my friend, the gentleman from Pennsylvania (Mr. WELDON), and this side of the aisle for putting together a good bill that I rise in strong support of.

I rise in strong support of the ability of the gentleman from Mississippi (Mr. TAYLOR) or anybody else in this body to stand up and offer motions to adjourn because they have not had the opportunity to offer an important amendment.

I rise in strong support, Mr. Chairman, of the principles in this great House of free debate and free speech on a bill that has been on this floor in the past for 2 and 3 weeks, yet somehow we want to get it through in hours today.

There are very many important amendments that were denied the possibility of being debated in the Committee on Rules on this floor. Why is that important? Back in 1969, a man by the name of Robert Wilson, the first director of the Fermilab, a particle physics facility, was asked to testify before Congress.

Congress asked him, What does your testimony and your lab have to do with the defense of this country? And here is what he said: "This new knowledge has all to do with honor and country, but it has nothing to do directly with defending our country, except to make it worth defending."

Now, "make it worth defending" is when we can have the amendment of the gentleman from Mississippi (Mr. TAYLOR) on base closure debated on the floor; when we can have a Crusader missile amendment, which even the Secretary of the Defense Department wants to eliminate, debated on this floor. That is in the best interests of this country.

The Secretary of Defense has said we can save the taxpayer \$11 billion, yet the Committee on Rules, run by the Republican Party, said they are going to deny five different amendments the opportunity to be debated on this floor.

Mr. Chairman, when those terrorists attacked our country in New York City and at the Pentagon, they attacked more than our people and more than our buildings. They attacked the principles of free speech. They attacked what we stand for in this country.

Let us not let the people's House deny the people of this great House the opportunity to offer their amendments. Let us let the gentleman from Mississippi (Mr. TAYLOR) offer that amendment, and let us give the taxpayer the opportunity for an amendment to save \$11 billion.

Mr. SKELTON. In conclusion, Mr. Chairman, I again reiterate, based upon the colloquy between the gentleman from South Carolina (Mr. SPRATT) and the gentleman from Massachusetts (Mr. TIERNEY) and those concerned about the future of the SBIRS system, I can fully support the amendment.

Mr. HUNTER. Mr. Chairman, I yield myself the balance of my time.

Just to conclude, Mr. Chairman, this is a three-sentence amendment. When it takes a colloquy to explain what a three-sentence amendment means, we know we are in trouble.

This amendment, as it is written, would freeze our present programs with respect to testing missile defense. Please vote "no" on this amendment.

Ms. WOOLSEY. Mr. Chairman, I rise in strong support of the Tierney amendment. Considering the poor results that recent N.M.D. tests have had, it's mind-boggling that funding for a national missile defense system is still being debated.

Since 1940, the U.S. has spent \$5.8 trillion dollars on nuclear weapons programs . . . more than on any other single program, except Social Security! The U.S. has already spent more than \$100 billion on missile defenses with little to show—so why do we keep throwing good money after bad?

Mr. Chairman, where are our priorities? Instead of investing in missile defense programs—we should be spending our scarce financial resources on our real domestic needs . . . like our children's education; our seniors, and their health care; our families and their financial security.

If this Congress wants to really increase U.S. security, we must invest in people, not weapons.

I urge my colleagues to support the Tierney amendment.

MOTION TO RISE OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion to rise offered by the gentleman from Mississippi (Mr. TAYLOR).

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

RECORDED VOTE

Mr. TAYLOR of Mississippi. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 48, noes 356, not voting 30, as follows:

[Roll No. 144]

AYES—48

Abercrombie	Frank	Miller, George
Baldwin	Hastings (FL)	Mink
Berry	Hill	Oberstar
Blumenauer	Hinchey	Olver
Bonior	Holt	Pelosi
Boyd	Honda	Schakowsky
Brady (PA)	Jefferson	Shows
Capuano	Johnson, E. B.	Slaughter
Clay	Larson (CT)	Solis
Condit	Lee	Stark
Conyers	Lynch	Tanner
DeGette	Maloney (NY)	Taylor (MS)
DeLahunt	Markey	Towns
Dingell	McDermott	Waters
Doggett	McGovern	Watt (NC)
Filner	McIntyre	Wu

NOES—356

Ackerman	Clyburn	Gephardt
Aderholt	Coble	Gibbons
Akin	Collins	Gilchrest
Allen	Combest	Gillmor
Andrews	Cooksey	Gilman
Armey	Costello	Gonzalez
Baca	Cox	Goode
Bachus	Coyne	Goodlatte
Baird	Cramer	Gordon
Baker	Crenshaw	Goss
Baldacci	Crowley	Graham
Ballenger	Cubin	Granger
Barcia	Culberson	Graves
Barr	Cummings	Green (TX)
Barrett	Cunningham	Green (WI)
Barton	Davis (CA)	Greenwood
Bass	Davis (FL)	Grucci
Becerra	Davis (IL)	Gutierrez
Bentsen	Davis, Jo Ann	Gutknecht
Bereuter	Davis, Tom	Hall (TX)
Berkley	Deal	Hansen
Berman	DeFazio	Harman
Biggert	DeLauro	Hart
Bilirakis	DeLay	Hastings (WA)
Bishop	DeMint	Hayes
Blagojevich	Deutsch	Hayworth
Blunt	Diaz-Balart	Hefley
Boehlert	Dicks	Heger
Bonilla	Doolittle	Hilliard
Bono	Doyle	Hobson
Boozman	Dreier	Hoefel
Borski	Duncan	Hoekstra
Boswell	Dunn	Holden
Boucher	Edwards	Hooley
Brady (TX)	Ehlers	Horn
Brown (FL)	Ehrlich	Hostettler
Brown (OH)	Emerson	Houghton
Brown (SC)	Engel	Hoyer
Bryant	Eshoo	Hulshof
Burr	Etheridge	Hunter
Buyer	Evans	Hyde
Callahan	Everett	Inslee
Calvert	Farr	Isakson
Camp	Fattah	Israel
Cantor	Ferguson	Issa
Capito	Flake	Istook
Capps	Fletcher	Jackson (IL)
Cardin	Foley	Jackson-Lee
Carson (IN)	Forbes	(TX)
Carson (OK)	Ford	Jenkins
Castle	Fossella	Johnson (CT)
Chabot	Frelinghuysen	Johnson (IL)
Chambliss	Frost	Johnson, Sam
Clayton	Ganske	Jones (NC)
Clement	Gekas	Jones (OH)

Kanjorski	Neal	Shadegg
Kaptur	Ney	Shaw
Keller	Northup	Shays
Kelly	Norwood	Sherman
Kennedy (RI)	Nussle	Sherwood
Kerns	Obey	Shimkus
Kildee	Ortiz	Shuster
Kilpatrick	Osborne	Simmons
Kind (WI)	Otter	Simpson
King (NY)	Owens	Skeen
Kingston	Pallone	Skelton
Kirk	Pascarell	Smith (MI)
Kleczka	Pastor	Smith (NJ)
Knollenberg	Paul	Smith (TX)
Kolbe	Payne	Smith (WA)
Kucinich	Pence	Snyder
LaFalce	Peterson (MN)	Souder
LaHood	Peterson (PA)	Spratt
Lampson	Petri	Stearns
Langevin	Phelps	Stenholm
Lantos	Pickering	Strickland
Larsen (WA)	Pitts	Stump
Latham	Platts	Sullivan
LaTourette	Pombo	Sununu
Leach	Pomeroy	Sweeney
Levin	Portman	Tancredo
Lewis (CA)	Price (NC)	Tauscher
Lewis (KY)	Pryce (OH)	Tauzin
Linder	Putnam	Taylor (NC)
Lipinski	Quinn	Terry
LoBiondo	Radanovich	Thompson (CA)
Lofgren	Rahall	Thompson (MS)
Lowey	Ramstad	Thornberry
Lucas (KY)	Rangel	Thune
Lucas (OK)	Regula	Thurman
Luther	Rehberg	Tiahrt
Maloney (CT)	Reynolds	Tiberi
Manzullo	Rivers	Toomey
Mascara	Rodriguez	Turner
Matheson	Roemer	Udall (CO)
Matsui	Rogers (KY)	Udall (NM)
McCarthy (MO)	Rogers (MI)	Upton
McCarthy (NY)	Rohrabacher	Velazquez
McCollum	Ros-Lehtinen	Visclosky
McHugh	Ross	Vitter
McInnis	Rothman	Walden
McKeon	Royal-Allard	Walsh
McKinney	Royce	Wamp
McNulty	Rush	Watkins (OK)
Meehan	Ryan (WI)	Watts (OK)
Meek (FL)	Ryun (KS)	Weiner
Meeke (NY)	Sabo	Weldon (FL)
Menendez	Sanchez	Weldon (PA)
Mica	Sanders	Weller
Miller, Dan	Sandin	Wexler
Miller, Gary	Sawyer	Whitfield
Miller, Jeff	Saxton	Wicker
Mollohan	Schaffer	Wilson (NM)
Moore	Schiff	Wilson (SC)
Moran (KS)	Schrock	Wolf
Moran (VA)	Scott	Woolsey
Morella	Sensenbrenner	Wynn
Murtha	Serrano	Young (AK)
Myrick	Sessions	Young (FL)

NOT VOTING—30

Bartlett	John	Reyes
Boehner	Kennedy (MN)	Riley
Burton	Lewis (GA)	Roukema
Cannon	McCrary	Stupak
Crane	Millender-	Thomas
Dooley	McDonald	Tierney
English	Nadler	Traficant
Gallegly	Napolitano	Watson (CA)
Hall (OH)	Nethercutt	Waxman
Hilleary	Ose	
Hinojosa	Oxley	

□ 1917

Ms. MCCOLLUM and Messrs. WYNN, BRADY of Texas and Kingston changed their vote from "aye" to "no."

So the motion to rise was rejected.

The result of the vote was announced as above recorded.

PART A AMENDMENT NO. 4 OFFERED BY MR. TIERNEY

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. TIERNEY).

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

RECORDED VOTE

Mr. TIERNEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 159, noes 253, not voting 22, as follows:

[Roll No. 145]

AYES—159

Abercrombie	Hastings (FL)	Neal
Allen	Hill	Oberstar
Baca	Hilliard	Obey
Baird	Hinchey	Oliver
Baldacci	Hinojosa	Owens
Baldwin	Hoeffel	Pallone
Barrett	Holt	Pascarell
Becerra	Honda	Pastor
Bentsen	Hookey	Payne
Berkley	Hoyer	Pelosi
Berman	Inslee	Price (NC)
Blumenauer	Jackson (IL)	Rahall
Bonior	Jackson-Lee	Rangel
Borski	(TX)	Rivers
Boswell	Jefferson	Rodriguez
Boucher	Johnson, E. B.	Roemer
Brady (PA)	Jones (OH)	Rothman
Brown (FL)	Kanjorski	Roybal-Allard
Brown (OH)	Kaptur	Rush
Capps	Kilpatrick	Sabo
Capuano	Kind (WI)	Sanchez
Cardin	Kleczka	Sanders
Carson (IN)	Kucinich	Sawyer
Clay	LaFalce	Schakowsky
Clayton	Lampson	Schiff
Clyburn	Langevin	Scott
Conyers	Lantos	Serrano
Coyne	Larson (CT)	Sherman
Crowley	Leach	Skelton
Cummings	Lee	Slaughter
Davis (CA)	Levin	Solis
Davis (FL)	Lofgren	Spratt
Davis (IL)	Lowey	Stark
DeFazio	Luther	Strickland
DeGette	Lynch	Stupak
Delahunt	Maloney (NY)	Tauscher
DeLauro	Markey	Thompson (CA)
Dingell	Matheson	Thompson (MS)
Doggett	Matsui	Thurman
Doyle	McCarthy (MO)	Tierney
Duncan	McCollum	Towns
Engel	McDermott	Udall (CO)
Eshoo	McGovern	Udall (NM)
Etheridge	McKinney	Velazquez
Evans	McNulty	Visclosky
Farr	Meehan	Waters
Fattah	Meek (FL)	Watt (NC)
Filner	Meeks (NY)	Weiner
Frank	Menendez	Wexler
Frost	Miller, George	Woolsey
Gephardt	Mink	Wu
Gonzalez	Moore	Wynn
Green (TX)	Nadler	
Gutierrez	Napolitano	

NOES—253

Ackerman	Calvert	Dreier
Aderholt	Camp	Dunn
Akin	Cantor	Ehlers
Andrews	Capito	Ehrlich
Armey	Carson (OK)	Emerson
Bachus	Castle	English
Baker	Chabot	Everett
Ballenger	Chambliss	Ferguson
Barcia	Clement	Flake
Barr	Coble	Fletcher
Bartlett	Collins	Foley
Barton	Combest	Forbes
Bass	Condit	Ford
Bereuter	Cooksey	Fossella
Berry	Costello	Frelinghuysen
Biggart	Cox	Galleghy
Billirakis	Cramer	Ganske
Bishop	Crenshaw	Gekas
Blagojevich	Cubin	Gibbons
Blunt	Culberson	Gilchrest
Boehrlert	Cunningham	Gillmor
Bonilla	Davis, Jo Ann	Gilman
Bono	Davis, Tom	Goode
Boozman	Deal	Goodlatte
Boyd	DeLay	Gordon
Brady (TX)	DeMint	Goss
Brown (SC)	Deutsch	Graham
Bryant	Diaz-Balart	Granger
Burr	Dicks	Graves
Buyer	Dooley	Green (WI)
Callahan	Doolittle	Greenwood

Grucci	McCarthy (NY)	Sensenbrenner
Gutknecht	McHugh	Sessions
Hall (TX)	McInnis	Shadegg
Hansen	McIntyre	Shaw
Harman	McKeon	Shays
Hart	Mica	Shimkus
Hastings (WA)	Miller, Dan	Shows
Hayes	Miller, Gary	Shuster
Hayworth	Miller, Jeff	Simmons
Hefley	Mollohan	Simpson
Hergert	Moran (KS)	Skeen
Hilleary	Moran (VA)	Smith (MI)
Hobson	Morella	Smith (NJ)
Hoekstra	Murtha	Smith (TX)
Holden	Myrick	Smith (WA)
Horn	Ney	Snyder
Hostettler	Northup	Souder
Houghton	Norwood	Stearns
Hulshof	Nussle	Stenholm
Hunter	Ortiz	Stump
Hyde	Osborne	Sullivan
Isakson	Otter	Sununu
Israel	Oxley	Sweeney
Issa	Paul	Tancredo
Istook	Pence	Tanner
Jenkins	Peterson (MN)	Tauzin
Johnson (CT)	Peterson (PA)	Taylor (MS)
Johnson (IL)	Petri	Taylor (NC)
Johnson, Sam	Phelps	Terry
Jones (NC)	Pickering	Thornberry
Keller	Pitts	Thune
Kelly	Platts	Tiahrt
Kennedy (RI)	Pombo	Tiberi
Kerns	Pomeroy	Toomey
Kildee	Portman	Turner
King (NY)	Putnam	Upton
Kingston	Quinn	Vitter
Kirk	Radanovich	Walden
Knollenberg	Ramstad	Walsh
Kolbe	Regula	Wamp
LaHood	Rehberg	Watkins (OK)
Larsen (WA)	Reynolds	Watts (OK)
Lee	Rogers (KY)	Weldon (FL)
Latham	Rogers (MI)	Weldon (PA)
LaTourette	Rohrabacher	Weller
Lewis (CA)	Ros-Lehtinen	Whitfield
Lewis (KY)	Ross	Wicker
Linder	Royce	Wilson (NM)
Lipinski	Ryan (WI)	Wilson (SC)
LoBiondo	Ryan (KS)	Wolf
Lucas (KY)	Sandlin	Young (AK)
Lucas (OK)	Saxton	Young (FL)
Maloney (CT)	Schaffer	
Manzullo	Schrock	
Mascara		

NOT VOTING—22

Boehner	Lewis (GA)	Riley
Burton	McCrery	Roukema
Cannon	Millender-	Sherwood
Crane	McDonald	Thomas
Edwards	Nethercutt	Trafficant
Hall (OH)	Ose	Watson (CA)
John	Pryce (OH)	Waxman
Kennedy (MN)	Reyes	

□ 1935

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in part A of House Report 107-450.

PART A AMENDMENT NO. 5 OFFERED BY MR.

SPRATT

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A Amendment No. 5 offered by Mr. SPRATT:

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

**SEC. 217. TRANSFER OF FUNDS TO INCREASE AMOUNTS FOR PAC-3 MISSILE PROCUREMENT AND ISRAELI ARROW PROGRAM.**

(a) INCREASE FOR PAC-3 PROCUREMENT.—The amount provided in section 101 for Missile Procurement, Army, is hereby increased by \$65,000,000, to be available for an additional 24 PAC-3 missiles.

(b) INCREASE FOR ISRAELI ARROW PROGRAM.—The amount provided in section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby increased by \$70,000,000, to be available within program element 0603881C, Terminal Defense Segment, only for the Israeli Arrow Ballistic Missile System program.

(c) CORRESPONDING REDUCTION.—The amount provided in section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby reduced by \$135,000,000, to be derived from amounts for the Missile Defense Agency for program element 0603883C, Boost Defense Segment, of which—

(1) \$54,393,000 shall be derived from project 4040, Space-Based Boost;

(2) \$24,810,000 shall be derived from project 4043, Space-Based Laser; and

(3) \$55,797,000 shall be derived from project 4020, Sea-Based Boost.

The CHAIRMAN. Pursuant to House Resolution 415, the gentleman from South Carolina (Mr. SPRATT) and a Member opposed each will control 10 minutes.

Mr. HUNTER. Mr. Chairman, I rise in opposition to the amendment, until it is amended.

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina (Mr. SPRATT).

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

The purpose of this amendment, Mr. Chairman, is to move \$135 million within the ballistic missile defense account. Not outside it, not away from it, not to take a dime out of the top line, but to rearrange \$135 million within the \$7.8 billion account in the following manner:

First, we would move \$65 million into production of 24 additional PAC-3 missiles. The PAC-3, the most advanced missile, the only missile defense system that we will really deploy for nearly the next 5 years, is woefully short in supply at the present time. We could very well need it in the near future. And so this would move \$65 million into the PAC-3 line and allow 24 additional PAC-3s to be purchased.

There is an economic effect. By buying more, we buy more efficiently. We run the plant at a higher and more efficient rate; and as a consequence, these 24 missiles will cost nearly \$1 million a copy less than they would otherwise cost if we were buying fewer.

Secondly, this amendment would move \$70 million out of other accounts into manufacturing and development for the Arrow missile, which is being manufactured at a plant in Alabama, a Boeing plant in Alabama. Once again, this would provide us with a system which may be needed in the here and now, in the near future. This is a system that is ready to go but is not fully funded for production.

Now, where does this money come from? Under my amendment, we would take first of all funds out of space-based interceptors. Mr. Chairman, we have in the past, since the inauguration of SDI in 1983, we have developed at least two iterations of a space-based kinetic kill interceptor. The original

space-based interceptor was based on a satellite. A number of different interceptors would have been garaged on a single satellite and deployed from that satellite. Because such a satellite is a highly valuable and highly visible target in a fixed orbit circling the Earth at given times constantly, it becomes an easy target to take out. Because of its vulnerability, it was discontinued. Actually, it was defeated here on the House floor; discontinued the next year by SDI.

In its place, SDI proposed something called Brilliant Pebbles. The idea was to make these interceptors single autonomous satellites and so prolific they would be too prolific for any adversary to take out enough to make a difference. Well, Brilliant Pebbles II, after the expenditure of several hundred million dollars, was abandoned and discarded.

What I am proposing here tonight, Mr. Chairman, is that we have a full plate already for the Missile Defense Agency. We are trying to bring to fruition the mid-course interceptor. We are trying to develop a boost-phase intercept for the Navy. We are trying to develop a mid-course intercept system based upon a Navy ship. We have an airborne laser system. Given the full plate that the MDA, Missile Defense Agency, already has for the systems it has started up or is starting now, it does not need to complicate its problems with an additional space-based system, particularly after we have already abandoned two iterations of it.

Secondly, we would deplete the funding except for \$10 million for further feasibility and concept definition studies of the space-based laser, a truly futuristic and, in my opinion, highly dubious system. We take the money out of those systems; and we put it in the theater missile defense where the danger is clear, present, and imminent.

That is the purpose here, to rearrange money. Not to take money out of missile defense, but to rearrange it and to accomplish some near-term needs of systems that we very well may have to call upon in the near future.

The gentleman from California (Mr. HUNTER) has an amendment that would rearrange my rearrangement. He would leave in place the allocations I have made, but he would allow General Kadish to determine which systems would be debited in order for these two systems to be plussed up. And I can live with the gentleman's amendment.

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

Mr. HUNTER. Mr. Chairman, is it in order for me to offer the substitute at this time?

The CHAIRMAN. It is now in order to consider amendment No. 6 printed in part A of House Report 107-450.

PART A AMENDMENT NO. 6 OFFERED BY MR. HUNTER AS A SUBSTITUTE FOR THE PART A AMENDMENT NO. 5 OFFERED BY MR. SPRATT

Mr. HUNTER. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The CHAIRMAN. The Clerk will designate the amendment offered as a substitute for the amendment.

The text of the amendment offered as a substitute for the amendment is as follows:

Part A amendment No. 6 offered by Mr. HUNTER as a substitute for part A amendment No. 5 offered by Mr. SPRATT:

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

**SEC. \_\_\_\_ . TRANSFER OF FUNDS TO INCREASE AMOUNTS FOR PAC-3 MISSILE PROCUREMENT AND ISRAELI ARROW PROGRAM.**

(a) INCREASE FOR PAC-3 PROCUREMENT.—The amount provided in section 101 for Missile Procurement, Army, is hereby increased by \$65,000,000, to be available for an additional 24 PAC-3 missiles.

(b) INCREASE FOR ISRAELI ARROW PROGRAM.—The amount provided in section 201(4) for the Missile Defense Agency is hereby increased by \$70,000,000, to be available within program element 0603881C, Terminal Defense Segment, only for the Israeli Arrow Ballistic Missile Defense System program.

(c) CORRESPONDING REDUCTION.—The amount provided in section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby reduced by \$135,000,000, to be derived from amounts available to the Missile Defense Agency.

The CHAIRMAN. Pursuant to House Resolution 415, the gentleman from California (Mr. HUNTER) and a Member opposed each will control 5 minutes.

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

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

Mr. Chairman, the amendment offered by the gentleman from South Carolina (Mr. SPRATT) is very excellent with respect to the requirement or the proposal that we increase in two areas in missile defense, one of which is for additional PAC-3 missiles. Those in fact are the missiles, the antimissile system that we are deploying in the near term. We started deploying those around September of 2001. We are moving ahead to deploy that first battery. We are in what is known as low-rate initial production right now, finishing up EMD; and we are starting to move out with that program. And it is a great improvement over the Patriot missile that we utilized during Desert Storm. So it makes sense to try to get as many of those in the field as quickly as possible.

Similarly, we have been the prime mover in the Arrow missile program, which is also a theater antimissile system. It is an excellent system. It has been proven out and is in deployment right now, and we are trying to increase the deployment and get a third battery up for the Arrow missile. So both of those adds, I think, are good adds, Mr. Chairman.

What we do that is a little different in the substitute, the way we modify Mr. SPRATT's amendment, is instead of designating certain places where we mandate cuts in the missile defense program, we are not replacing General Kadish's discretion with our own. We are leaving him the discretion to move

money around and decide where he is going to take the money from to come up with this additional \$135 million-or-so for these two missile programs.

So if the gentleman will accept our substitute, I am inclined to accept his amendment.

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

Mr. HUNTER. I yield to the gentleman from South Carolina.

Mr. SPRATT. Mr. Chairman, I will indeed.

I do, however, Mr. Chairman, still wish to reserve my time so I can recognize others to make comments upon the amendment.

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

**MOTION TO RISE OFFERED BY MR. TAYLOR OF MISSISSIPPI**

Mr. TAYLOR of Mississippi. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion to rise offered by the gentleman from Mississippi (Mr. TAYLOR).

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

**RECORDED VOTE**

Mr. TAYLOR of Mississippi. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 55, noes 336, answered "present" 1, not voting 42, as follows:

[Roll No. 146]

**AYES—55**

Abercrombie	Frank	Oberstar
Baldwin	Hill	Obey
Berry	Holt	Olver
Blumenauer	Honda	Pelosi
Bonior	Hooley	Rodriguez
Boyd	Jackson-Lee	Schakowsky
Brady (PA)	(TX)	Shows
Capuano	Jefferson	Slaughter
Condit	Larson (CT)	Solis
Conyers	Lee	Stark
Costello	Lynch	Stenholm
Davis (FL)	Markey	Tanner
DeGette	McDermott	Taylor (MS)
Delahunt	McGovern	Thompson (CA)
Dingell	McIntyre	Towns
Doggett	Meek (FL)	Waters
Etheridge	Miller, George	Watt (NC)
Evans	Mink	Wu
Filner	Napolitano	

**NOES—336**

Ackerman	Bonilla	Clyburn
Aderholt	Bono	Coble
Akin	Boozman	Collins
Allen	Borski	Cox
Andrews	Boswell	Coyne
Armey	Brady (TX)	Cramer
Baca	Brown (FL)	Crenshaw
Bachus	Brown (OH)	Crowley
Baird	Brown (SC)	Cubin
Baker	Bryant	Culberson
Baldacci	Burr	Cummings
Barcia	Buyer	Cunningham
Barr	Callahan	Davis (CA)
Barrett	Calvert	Davis (IL)
Bartlett	Camp	Davis, Jo Ann
Barton	Cantor	Davis, Tom
Bass	Capito	Deal
Becerra	Capps	DeLauro
Bentsen	Cardin	DeLay
Bereuter	Carson (IN)	DeMint
Berkley	Carson (OK)	Deusch
Biggert	Castle	Diaz-Balart
Bilirakis	Chabot	Dicks
Bishop	Chambliss	Doolittle
Blagojevich	Clayton	Doyle
Boehrlert	Clement	Dreier

Duncan Kleczka  
 Dunn Knollenberg  
 Edwards Rohrabacher  
 Ehlers Kucinich  
 Ehrlich LaHood  
 Emerson Lampson  
 Engel Langevin  
 English Lantos  
 Eshoo Larsen (WA)  
 Farr Latham  
 Fattah Leach  
 Ferguson Levin  
 Flake Lewis (CA)  
 Fletcher Lewis (KY)  
 Forbes Linder  
 Ford Lipinski  
 Fossella LoBiondo  
 Frelinghuysen Lofgren  
 Frost Lowey  
 Gallegly Lucas (KY)  
 Gekas Lucas (OK)  
 Gephardt Luther  
 Gibbons Maloney (CT)  
 Gilchrest Maloney (NY)  
 Gilman Manzullo  
 Gonzalez Mascara  
 Goode Matheson  
 Goodlatte Matsui  
 Goss McCarthy (MO)  
 Graham McCarthy (NY)  
 Granger McCollum  
 Graves McHugh  
 Green (TX) McInnis  
 Green (WI) McKeon  
 Greenwood McKinney  
 Grucci McNulty  
 Gutierrez Meehan  
 Gutknecht Meeks (NY)  
 Hall (TX) Menendez  
 Hansen Mica  
 Harman Miller, Dan  
 Hart Miller, Gary  
 Hastings (FL) Miller, Jeff  
 Hastings (WA) Mollohan  
 Hayes Moore  
 Hayworth Moran (KS)  
 Hefley Moran (VA)  
 Herger Morella  
 Hilleary Murtha  
 Hilliard Myrick  
 Hinojosa Nadler  
 Hobson Neal  
 Hoeffel Ney  
 Hoekstra Northrup  
 Holden Nussle  
 Horn Ortiz  
 Hostettler Osborne  
 Houghton Otter  
 Hoyer Owens  
 Hulshof Pallone  
 Hunter Pascrell  
 Hyde Pastor  
 Insole Paul  
 Isakson Payne  
 Israel Pence  
 Issa Peterson (MN)  
 Istook Peterson (PA)  
 Jackson (IL) Petri  
 Jenkins Phelps  
 Johnson (CT) Pickering  
 Johnson (IL) Pitts  
 Johnson, E. B. Platts  
 Jones (NC) Pombo  
 Jones (OH) Pomeroy  
 Kanjorski Portman  
 Kaptur Price (NC)  
 Keller Putnam  
 Kelly Quinn  
 Kennedy (RI) Rahall  
 Kerns Ramstad  
 Kildee Rangel  
 Kilpatrick Regula  
 Kind (WI) Rehberg  
 King (NY) Reynolds  
 Kingston Rivers  
 Kirk Roemer

ANSWERED "PRESENT"—1

DeFazio

NOT VOTING—42

Ballenger Combust  
 Berman Cooksey  
 Blunt Crane  
 Boehner Dooley  
 Boucher Everett  
 Burton Foley  
 Cannon Ganske  
 Clay Gillmor

Gordon  
 Hall (OH)  
 Hinchey  
 John  
 Johnson, Sam  
 Kennedy (MN)  
 LaFalce  
 LaTourette

Lewis (GA)  
 McCrery  
 Millender-  
 McDonald  
 Nethercutt  
 Norwood  
 Ose

Oxley  
 Pryce (OH)  
 Radanovich  
 Reyes  
 Riley  
 Roukema  
 Royce

Simpson  
 Thomas  
 Traficant  
 Watson (CA)  
 Waxman

□ 2011

Messrs. BACHUS, FERGUSON and LAHOOD changed their vote from "aye" to "no."

Mr. RODRIGUEZ changed his vote from "no" to "aye."

So the motion to rise was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The gentleman from California (Mr. HUNTER) has 13 minutes remaining. The gentleman from South Carolina (Mr. SPRATT) has 10½ minutes remaining.

Mr. HUNTER. Mr. Chairman, the gentleman from South Carolina and I have discussed his accepting of my substitute and our accepting of the amendment. I know he has several speakers. We do not have any more speakers. What I would be happy to do is yield my time on the substitute to the gentleman from South Carolina's speakers and maybe we could move this process along.

Mr. SPRATT. I thank the gentleman.

Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. SKELTON), the ranking member of our committee.

Mr. SKELTON. Mr. Chairman, I strongly support the amendment by my friend from South Carolina, and I compliment him as well as the gentleman from California.

This amendment addresses what I see as a relevance problem. I have looked at the future and found it wanting. There just is not enough money to carry out the current defense program through the next few years.

But instead of keeping its priorities on what the troops need, we see the Department of Defense canceling programs with real-world relevance while throwing money at any missile defense item that comes down the pike.

As a gesture of national unity, Democrats last year foreswore a significant debate on missile defense. We did not debate the 57 percent increase in spending. We have not debated Secretary Rumsfeld's removal of most of the controls and oversight required of all other major defense programs. We have not debated other significant changes.

But I hope, Mr. Chairman, that we can at least begin, with this amendment, to reestablish relevance as a consideration when spending the national treasury.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. HARMAN).

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

Ms. HARMAN. Mr. Chairman, I thank the gentleman for yielding to me and I rise in support of this bill.

Mr. Chairman, I believe I was the first Member of Congress in January

2001 to see the Arrow system deployed at Palmachim Air Force Base in Israel. It was very exciting to see the radar, the launchers, and also to see some members of the United States Navy working on the interoperable aspects of the system.

□ 2015

An important thing for this House to understand is that this system is interoperable. The cost-sharing between our country and Israel has produced a system that will protect Israel against current and future missile attacks, and these are real threats, but also will protect U.S. troops deployed in the field. The work we have done on this system and the costs we have shared with our democratic ally, Israel, will help us as we develop our own more advanced theater missile defense and national missile defense systems. This amendment transfers money in this defense authorization bill to support more advanced deployment of a system Israel needs now, and to support the continued development of missile defense systems for the United States. It is a win-win; a win for our ally, Israel; a win for our troops and our homeland.

At a time when our homeland is under serious threat, an issue I devote a lot of my time to, this amendment will assure that we are more capable against a missile threat.

Mr. Chairman, I urge our colleagues to support the amendment.

Mr. Chairman, I support this bill, which provides for a strong defense for our nation. This chamber and this Committee, of which I am a former member, have a long record of providing our armed forces with the capabilities needed to win wars overseas. The overwhelming success of the ongoing operations in Afghanistan demonstrates these capabilities, and attests to the skill and dedication of our armed forces.

We now face a new challenge. While our military forces will be called to win wars overseas, the nation must also wage a war at home. This is not a war we can win with artillery or uniformed troops. It is a war of intelligence, of technology, and of wills.

Similarly, the war against terrorism in Afghanistan was not won with the force structure and equipment of the Cold War. We relied on long-range platforms, on stealth, and on precision-guided munitions. Technology is replacing the need to put our uniformed personnel in harm's way and providing situational awareness to commanders thousands of miles away. While we will maintain the ability to go it alone, the ability to lead a coalition will frequently replace the need to shoulder the burden exclusively.

The bill before us today is a step in the right direction in transforming the military to a truly modern fighting force. The authorization of programs to protect the homeland shows an understanding of the threats we now face. The authorization of uninhabited vehicles, of stealthy aircraft, and improved communications and sensors embraces new technologies.

This bill moves down the path of defense reform. To be sure, there still is more to go. I urge my friends on the committee to continue

the fight against legacy systems and programs, to replace them with agile and smart systems, and to improve the poor tooth to tail ratio through better business practices in the defense establishment.

Finally, I am proud to represent the aerospace capital of the universe. The companies in my district forge the reconnaissance and communications satellites, UAVs, and other cutting edge technologies that will drive the new defense. I support these programs, and I support this bill.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. TURNER), in whose district the PAC III is built.

Mr. TURNER. Mr. Chairman, I thank the gentleman for yielding me this time.

I think it is important for us to understand what this amendment is really all about. It is the intent of the sponsors of these amendments to be sure that our troops are prepared to deal with what we may potentially face if we are involved in a land battle in a country like Iraq.

Today we have only 20 PAC III missiles in our inventory. We authorized 72 additional missiles last year. They are not on line yet. What that means is if we get into a battle, a land battle where our troops need the protection from those Scud missiles coming from Iraq, we will simply not have the protection our troops should have.

The PAC III missile is the only hit-to-kill missile that we have that has been proven to be successful. The old Patriot missiles are a different technology. We will certainly want as a House tonight to stand behind our troops and ensure that an additional 24 missiles are authorized under this bill.

The Army says they need over 2,000 PAC III missiles in their inventory. We will have to appropriate money for a decade to get that inventory to that level. But we can take a small step tonight by authorizing an additional 24 missiles for PAC III, as well as the authorization for additional funding for the Arrow missile, which is also a missile that will defend against the Scud missiles of Iraq.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman from South Carolina (Mr. SPRATT) for yielding me this time.

Mr. Chairman, let me first of all state my support for this legislation as it relates to the funding of the military personnel in this country. I support the increased compensation that this authorization bill will provide.

Let me also thank the gentleman from South Carolina (Mr. SPRATT) for a very thoughtful amendment as it relates to dealing with the missile activities in the theater or grounded missile activity. I support that kind of utilization of missile defense, in the theater, on the ground.

I think it is important to note that I do oppose in its totality the utilization of \$7 billion for missile defense in this particular bill. I think the thoughtful amendment that the gentleman from South Carolina (Mr. SPRATT) has that deals with the particular distribution of the funds, particularly as it relates to Israeli defense, is very helpful. However, let me share with my colleagues my concerns about missile defense.

First of all, Operation Enduring Freedom is costing roughly \$1.8 billion per month. This bill funds missile defense at \$7 billion, and we will also use \$7 billion in 4 months for Operation Enduring Freedom. The money for Missile defense was put in this legislation even after a top defense official has said that a successful U.S. missile defense system which was completed recently does not realistically duplicate conditions of an actual attack, a fault in the missile defense. We also find that kinetic kill as a concept for destroying long-range ballistic missiles is even more problematic at this stage. There is no empirical evidence to support the contention that kinetic kill for ICBM defense will work.

So I simply say that the amendment before us, the Spratt amendment, with the distribution of funds as he is offering to do, is an amendment that makes sense, because it is related to ground missile defense. But I am opposed, Mr. Chairman, to the utilization of \$7 billion for the missile defense program as offered in this bill and in the President's budget. I ask my colleagues to support the Spratt amendment.

Mr. SPRATT. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding me this time, and I thank him for accepting my amendment.

This Arrow missile was a program that we started in 1987. Members of the Committee on Armed Services contacted Mr. Rabin and Mr. Abramson and said you have to develop a system against incoming ballistic missiles because at some point we are going to see them coming from neighboring countries built presumably by Russia. We saw that. We are going to see more of it. This is a prudent move. The PAC III is also an excellent addition. I thank the gentleman for accepting this substitute.

Mr. Chairman, I move the substitute at this time.

Ms. JACKSON-LEE of Texas. Mr. Chairman, Operation Enduring Freedom is costing roughly \$1.8 billion per month. Within four months time that amount will climb to \$7.2 billion, while funding the ballistic missile defense program in H.R. 4546 will cost approximately \$7.784 billion.

The Ballistic Missile Defense system has failed most of its tests. Kinetic kill as a concept for destroying long-range ballistic missiles is even more problematic at this stage. There is no empirical evidence to support the contention that kinetic kill for ICBM defense will work.

The military personnel conducting the war in Afghanistan are showing measurable victories in achieving the United States goals. While the ballistic missile defense program is not a proven deterrent, let's not fund an unproven, instead let's fund success. By diverting the funds to military personnel we are insuring their welfare and the welfare of their families, which results in increased security for America.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. HUNTER) as a substitute for the amendment offered by the gentleman from South Carolina (Mr. SPRATT).

The amendment offered as a substitute for the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina (Mr. SPRATT), as amended.

The amendment, as amended, was agreed to.

MOTION TO RISE OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion to rise offered by the gentleman from Mississippi (Mr. TAYLOR).

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

RECORDED VOTE

Mr. TAYLOR of Mississippi. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 56, noes 339, not voting 39, as follows:

[Roll No 147]

AYES—56

Abercrombie	Holt	Napolitano
Ackerman	Honda	Oberstar
Baldwin	Jackson-Lee	Obey
Berry	(TX)	Oliver
Blumenauer	Jefferson	Pelosi
Bonior	Johnson, E. B.	Peterson (MN)
Boyd	Kaptur	Rodriguez
Brady (PA)	Kucinich	Sanchez
Capuano	Langevin	Schakowsky
Condit	Larson (CT)	Shows
Conyers	Lee	Solis
DeGette	Lynch	Stenholm
Delahunt	Markey	Tanner
Doggett	McDermott	Taylor (MS)
Filner	McGovern	Tierney
Ford	McIntyre	Towns
Frank	Meeks (NY)	Waters
Hill	Miller, George	Watt (NC)
Hinchey	Mink	Wu

NOES—339

Aderholt	Berman	Callahan
Akin	Biggart	Calvert
Allen	Bilirakis	Camp
Andrews	Bishop	Cantor
Armey	Blagojevich	Capito
Baca	Blunt	Capps
Bachus	Boehert	Cardin
Baird	Bonilla	Carson (IN)
Baker	Bono	Carson (OK)
Baldacci	Boozman	Castle
Barcia	Borski	Chabot
Barrett	Boswell	Chambliss
Bartlett	Brady (TX)	Clement
Barton	Brown (FL)	Clyburn
Bass	Brown (OH)	Coble
Becerra	Brown (SC)	Collins
Bentsen	Bryant	Cooksey
Bereuter	Burr	Costello
Berkley	Buyer	Cox

Coyne	Goss	Kleczka	Osborne	Ryan (WI)	Tancredo
Cramer	Graham	Knollenberg	Otter	Ryun (KS)	Tauscher
Crenshaw	Granger	Kolbe	Owens	Sabo	Tauzin
Crowley	Graves	LaHood	Pallone	Sanders	Taylor (NC)
Cubin	Green (TX)	Lampson	Pascarell	Sandlin	Terry
Culberson	Green (WI)	Lantos	Pastor	Sawyer	Thomas
Cummings	Greenwood	Larsen (WA)	Paul	Saxton	Thompson (CA)
Cunningham	Gutierrez	Latham	Payne	Schaffer	Thompson (MS)
Davis (CA)	Gutknecht	Leach	Pence	Schiff	Thornberry
Davis (FL)	Hall (TX)	Levin	Peterson (PA)	Schrock	Thune
Davis (IL)	Harman	Lewis (CA)	Petri	Scott	Thurman
Davis, Jo Ann	Hart	Lewis (KY)	Phelps	Sensenbrenner	Tiahrt
Davis, Tom	Hastings (FL)	Linder	Pickering	Serrano	Tiberi
Deal	Hastings (WA)	Lipinski	Pitts	Sessions	Toomey
DeLauro	Hayes	LoBiondo	Platts	Shadegg	Turner
DeLay	Hayworth	LoFgren	Pombo	Shaw	Udall (CO)
DeMint	Hefley	Lowe	Pomeroy	Shays	Udall (NM)
Deutsch	Hergert	Lucas (KY)	Portman	Sherman	Upton
Diaz-Balart	Hilleary	Lucas (OK)	Price (NC)	Sherwood	Velazquez
Dicks	Hilliard	Luther	Putnam	Shimkus	Visclosky
Dingell	Hinojosa	Maloney (CT)	Quinn	Shuster	Vitter
Dooley	Hobson	Maloney (NY)	Radanovich	Simmons	Walden
Doolittle	Hoeffel	Manzullo	Rahall	Skeen	Walsh
Doyle	Hoekstra	Mascara	Ramstad	Skelton	Wamp
Dreier	Holden	Matheson	Rangel	Slaughter	Watkins (OK)
Duncan	Hooley	Matsui	Regula	Smith (MI)	Weiner
Dunn	Horn	McCarthy (MO)	Rehberg	Smith (NJ)	Weldon (FL)
Ehlers	Hostettler	McCarthy (NY)	Reynolds	Smith (TX)	Weldon (PA)
Ehrlich	Houghton	McCollum	Rivers	Smith (WA)	Weller
Emerson	Hulshof	McCreery	Roemer	Snyder	Wexler
Engel	Hunter	McHugh	Rogers (KY)	Souder	Whitfield
English	Hyde	McInnis	Rogers (MI)	Spratt	Wicker
Eshoo	Inslee	McKeon	Rohrabacher	Stearns	Wilson (NM)
Etheridge	Isakson	McKinney	Ros-Lehtinen	Strickland	Wilson (SC)
Evans	Israel	McNulty	Ross	Stump	Wolf
Farr	Issa	Meehan	Rothman	Stupak	Woolsey
Fattah	Istook	Meek (FL)	Roybal-Allard	Sullivan	Wynn
Ferguson	Jackson (IL)	Menendez	Royce	Sununu	Young (AK)
Flake	Jenkins	Mica	Rush	Sweeney	Young (FL)
Fletcher	Johnson (CT)	Miller, Dan			
Foley	Johnson (IL)	Miller, Gary			
Forbes	Johnson, Sam	Miller, Jeff	Ballenger	Gordon	Ose
Fossella	Jones (NC)	Mollohan	Barr	Grucci	Oxley
Frelinghuysen	Jones (OH)	Moore	Boehner	Hall (OH)	Pryce (OH)
Frost	Kanjorski	Moran (KS)	Boucher	Hansen	Reyes
Gallegly	Keller	Moran (VA)	Burton	Hoyer	Riley
Ganske	Kelly	Morella	Cannon	John	Roukema
Gekas	Kennedy (RI)	Murtha	Clay	Kennedy (MN)	Simpson
Gephardt	Kerns	Myrick	Clayton	LaFalce	Stark
Gibbons	Kildee	Nadler	Combest	LaTourette	Trafigant
Gilchrest	Kilpatrick	Neal	Crane	Lewis (GA)	Watson (CA)
Gilman	Kind (WI)	Ney	DeFazio	Millender-	Watts (OK)
Gonzalez	King (NY)	Northup	Edwards	McDonald	Waxman
Goode	Kingston	Nussle	Everett	Nethercutt	
Goodlatte	Kirk	Ortiz	Gillmor	Norwood	

□ 2043

Mr. TIBERI changed his vote from "aye" to "no."

So the motion to rise was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 7 printed in part A of House Report 107-450.

PART A AMENDMENT NO. 7 OFFERED BY MS. SANCHEZ

Ms. SANCHEZ. Mr. Chairman, I offer amendment No. 7.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A Amendment No. 7 offered by Ms. SANCHEZ:

At the end of title VII (page 159, after line 14) insert the following:

**SEC. 7 . LIMITING RESTRICTION OF USE OF DEPARTMENT OF DEFENSE MEDICAL FACILITIES TO PERFORM ABORTIONS TO FACILITIES IN THE UNITED STATES.**

Section 1093(b) of title 10, United States Code, is amended by inserting "in the United States" after "Defense".

The CHAIRMAN. Pursuant to House Resolution 415, the gentlewoman from California (Ms. SANCHEZ) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentlewoman from California (Ms. SANCHEZ).

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

Mr. Chairman, today I offer an amendment about freedom, safety, and choice. Members of the Armed Forces are entitled to a quality of life equal to that of the Nation they are pledged to defend.

NOT VOTING—39

**NOTICE**

*Incomplete record of House proceedings. Except for concluding business which follows, today's House proceedings will be continued in the next issue of the Record.*

**EXECUTIVE COMMUNICATIONS, ETC.**

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6704. A letter from the Secretary, Department of Agriculture, transmitting a draft bill, "To prescribe, adjust, and collect fees to cover the costs incurred by the Secretary to produce national and international reagents and references and make them available to the industry on a fee basis"; to the Committee on Agriculture.

6705. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Lysophosphatidyl- ethanolamine (LPE); Exemption from the Requirement of a Tolerance [OPP-301212; FRL-6821-4] (RIN: 2070-AB78) received April 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6706. A letter from the Deputy Secretary, Department of Defense, transmitting the Department's report describing the policies and procedures for decision-making on issues arising under the Civil False Claims Act, sections 3729 through 3733, of Title 31, United

States Code; to the Committee on Armed Services.

6707. A letter from the Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Amendments to HUD's Civil Money Penalty Regulations [Docket No. FR-4399-F-02] (RIN: 2501-AC56) received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6708. A letter from the Assistant Secretary, Department of Education, transmitting notice of Final Priority—Program of Research on Reading Comprehension, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

6709. A letter from the Secretary, Department of Education, transmitting the Annual Report of the National Advisory Committee on Institutional Quality and Integrity for Fiscal Year 2001, pursuant to 20 U.S.C. 1145(e); to the Committee on Education and the Workforce.

6710. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Significant New Uses of Certain Chemical Substances [OPPTS-50606A; FRL-6805-1] (RIN: 2070-AB27) received April

9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6711. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Department's final rule—Revisions to the California State Implementation Plan, Lake County Air Quality Management District [CA 250-0331a; FRL-7165-4] received April 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6712. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Interim Final Determination that State has Corrected the Rule Deficiencies and Stay of Sanctions in California, San Joaquin Valley Unified Air Pollution Control District [CA 262-0338; FRL-7174-2] received April 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6713. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.