like England has, and I quote, ''Congress shall make no law respecting an establishment of religion.'' Yet a Federal judge in my district has recently ruled that the Ten Commandments have to be taken down from the county courthouse wall where they have stood for 82 years.

The first amendment says, ''Congress shall make no law prohibiting the free exercise of religion.'' Yet, despite this, the 9th Circuit court ruled yesterday that in school children are not allowed to recite the Pledge of Allegiance any more, even though they have been doing it since 1892.

Mr. Speaker, the judicial branch of government is out of control. They are making a mockery of our Constitution. The Congress and the President must stand up to the radical activist judges and make things right again.

HOUSE DIVIDED ON PRESCRIPTION DRUG PLAN

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

Mr. CROWLEY. Mr. Speaker, 9 months ago I stood on this floor and talked about the attack upon my great city, the City of New York. Never before in my 4 years in this Congress had I felt this House and this country more united than at that moment.

The pundits began to speak, and they began to ask questions like, how long would it last; how long would this House stay united; and would it be the Democrats or the Republicans who would blink first? Unfortunately, it has been the Republicans.

Today, they offer a prescription drug plan without giving the opportunity for this side of the aisle to present our plan, without having a fair vote up and down on both. They know the Democratic side would win. This bill, our bill, would win the day.

It appears in the middle of the night that there was an election held, that there are now 436 Members of Congress. Robert Ingram, I do not know which State he is from, but he has already proven himself to be a great fund-raiser for the Republican side of the aisle. He has raised $250,000 from GlaxoSmithKline, apparently his former company; from Pfizer, $150,000; from Merck, $150,000. The money is where this bill follows, and the American people are going to know about it.

This House has been brought asunder not by the Democrats but by the Republicans today, by their actions. It is intolerable, and the American people should know about it and know fully what happens today.

PRAISING MANCOR CAROLINA

(Mr. JOE WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I rise to commemorate the 50th anniversary of Mancor Carolina, located in Lugoff, in Kershaw County, South Carolina.

In 1987, Mancor opened a manufacturing business with 45 employees, serving customers such as Dana Corporation and Mack Trucks.

In 1998, Dilip Teppara became Vice President and General Manager of Mancor Carolina. During the last 4 years, under Mr. Teppara's leadership, Mancor has more than doubled its sales; and the company has grown to nearly 175 employees.

Mancor Carolina is now a major supplier to companies such as Dana in Lugoff, Freightliner in Gaffney, John Deere in Augusta, Komatsu in Newberry, Caterpillar, and Mack Trucks in Winnsboro. Mancor is one of the largest private employers in Kershaw County, and the company is undergoing a multimillion dollar expansion which will create new jobs for the community.

I want to commend Mr. Poul Hansen, Mr. Preben Ostberg, and Mr. Art Church for their vision in making Mancor Carolina a world-class manufacturing company. Most importantly, though, the success of Mancor Carolina is due to its employees and their families. Mancor would not be where it is today without their commitment, sacrifice, and dedication.

KEEP MEDICARE PUBLIC

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

Mr. BROWN of Ohio. Mr. Speaker, 37 years ago, the majority Republicans voted against the creation of Medicare, which has turned out to be probably the single best program the U.S. government has ever sponsored.

Republican leader Newt Gingrich said that Medicare should wither on the vine. The Republicans, in the late 1990s, proceeded to cut $250 billion from Medicare. Today, our Republican leader in the Committee on Rules labeled Medicare a Soviet-style program. In my 10 years in Congress, the only people I have found that are hostile to Medicare, that do not like the Medicare program, are my Republican friends on that side of the aisle.

Today, we have a choice. We have a choice between a Medicare prescription drug plan written for America's seniors or a private insurance plan written, the Republican's private insurance plan, written by and for the drug companies, which will privatize Medicare.

Let us keep Medicare public, let us pass a prescription drug benefit that works for seniors, not for the drug companies.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2003

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 461 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 461

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5010) making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. That upon the adoption of this resolution it shall be in order, any rule of the House to the contrary notwithstanding, to consider concurrent resolutions providing for adjournment of the House and Senate during the month of July.

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

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

Yesterday, the Committee on Rules met and granted an open rule for H.R. 5010, the fiscal year 2003 Department of Defense Appropriations Act. The rule provides for 1 hour of general debate equally divided between the chairman and ranking minority member of the Committee on Appropriations.

This is a fair and open rule for a very important bill. It cannot get any better than that. The rule allows any Member to offer any amendment to the bill, as long as their amendment complies with the normal rules of the House.

The defense appropriations bill provides the tools and the resources for our military to wage an aggressive war against terrorism while defending our Nation against an ever-changing military threat. In our global campaign against global terror, our military must have every resource, every tool, every weapon and every advantage they need for the missions to come.

I agree with President Bush when he says that there is no silver bullet, no single event or single action that is going to suddenly make the threat of terrorism disappear. This broad-based and sustained effort will continue until terrorism is routed out. The situation is similar to the Cold War, when continuous pressure from many nations caused communism to collapse from within. We will press the fight as long as it takes, and we will prevail.

I am very pleased that this bill makes significant improvements in the quality of life of the men and women who serve in the Armed Forces. These improvements include a 4.1 percent military personnel pay raise and targeted pay raises to mid-grade non-commissioned officers; generous housing allowances that will significantly decrease service personnel's out-of-pocket housing expenses; and access to quality health care.

We can never pay our men and women in uniform on a scale that matches the magnitude of their sacrifice, but this bill reflects our respect for their selfless service.

Today, more than ever, we also owe those in uniform the resources they need to maintain a very high state of readiness. Our enemies rely upon surprise and deception. They used to rely upon the fact that they thought we were soft, but I do not think they think that way anymore.

Our forces must be ready to deploy to any point on the globe on short notice. This bill increases operation and maintenance by over $9.7 billion. Our Nation must have, and will have, ready forces that can bring victory to our country and safety to our people.

The world's best soldiers, sailors, airmen and Marines also deserve the world's best weaponry. To ensure that, our Nation must invest in procurement. This defense bill contains about $70.3 billion for procurement. The Nation must give our military the weapons it needs to meet the threats of our future. If the war against terror means we must find terror wherever it exists, pull it out by its roots, and bring people to justice, our military must have the means to achieve the objective.

To that end, Mr. Speaker, I urge my colleagues to support this rule and to support the underlying bill. Because now, more than ever, we must improve our national security.

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

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

Over the past several months, Mr. Speaker, the world has seen the skill, courage and professionalism of the United States military. America's men and women in uniform have done everything this country has asked of them, and they have done it well. So I am pleased to report that the defense appropriations bill on the floor today provides them with the resources they need to continue to ensure our national security.

I would like to commend the chairman of the Committee on Appropriations, the gentleman from Florida (Mr. YOUNG); the ranking Democrat, the gentleman from Wisconsin (Mr. OBEY); the subcommittee chairman, the gentleman from California (Mr. LEWIS); and the subcommittee ranking member, the gentleman from Pennsylvania (Mr. MURTHA), for the tremendous job they have done to support America's troops and to protect Americans here at home. The bill represents the bipartisan support this Congress has for our troops and the war on terrorism.

Overall, it provides nearly $34 billion more for national defense than we spent last year. It reflects the homeland security priorities for which Democrats have fought so hard, including $385 million for the chemical and biological defense program, and it funds substantial quality of life improvements for America's men and women in uniform and their families.

In particular, this bill includes a 4.1 percent military pay raise and even larger increases for the mid-grade non-commissioned officers whom the armed services must retain. To improve military health care, it significantly increases funding for the Defense Health Program, some $141 million above the President's request.

I also am pleased that this bill continues to fund the wide range of weapons programs that will ensure America's military superiority throughout the world. For instance, it includes $4.1 billion to procure 23 F–22 Raptor aircraft, the next-generation air dominance fighter for the Air Force. It also provides $882 million for research and development for this aircraft.

Additionally, the bill provides $3.5 billion for continued development of the Joint Strike Fighter, the high-technology multi-role fighter of the future for the Air Force, the Navy and the Marines; and it includes $1 billion for 11 V–22 aircraft.

In sum, Mr. Speaker, this bill does a good job of providing needed resources to our troops for the fiscal year that begins on October 1, but I would be remiss if I did not call attention to the more pressing problem facing America's military right now. Specifically, U.S. troops are fighting the war on terrorism around the world at this very moment. They are winning, but they desperately need additional resources now for the remainder of this fiscal year.

Mr. Speaker, it is no secret that the Armed Forces will have to take drastic steps if they do not get help soon. The Army could have to cancel training exercises, for instance; and the Air Force could have to severely cut flight hours.

That is why both the House and the Senate passed the emergency supplemental appropriations bill with substantial bipartisan support. Unfortunately, that bill is still stuck in a conference committee. Why? Because Republican leaders are playing a high-stakes game of political chicken with our troops.

□ 1130

They are trying to use the wartime spending bill to hide the fact that they have increased America's national debt and are raiding Social Security.

Make no mistake, America's debt is increasing because of the fiscally irresponsible tax plan Republicans passed last year. But House Republican leaders are desperate to disguise that fact from the American people, so they are holding hostage the wartime emergency spending supplemental bill.

Mr. Speaker, House Democrats have repeatedly tried to work with Republicans to ensure the United States does not default on its debt. We have offered to help pass a bipartisan, short-term increase in the debt limit. All we ask is that Republicans join us in an honest, comprehensive budget summit so we can stop the fiscal irresponsibility that is rating the Social Security trust fund.

Unfortunately, Republican leaders are afraid to take responsibility for their actions. They are afraid that a straight up-or-down vote to raise the debt ceiling will highlight the rising tide of red ink Republicans have created.

That sort of budgetary dishonesty is bad enough, but holding up the emergency supplemental spending bill that our troops need is beyond the pale. Simply put, it is a particularly shameful form of war profiteering.

Mr. Speaker, it does not have to be that way. Historically, Democrats and Republicans in Congress have worked together to support America's national defense. On the floor today, we are doing just that with the spending bill for the next fiscal year.

I urge the Republican leadership to stop holding hostage the emergency wartime supplemental spending bill. Have the courage to increase the debt separately and free the supplemental.

How, Mr. Speaker, can the Republican leadership let this body adjourn for the Fourth of July recess, our most patriotic celebration, without tending to the needs of the men and women who are defending our flag and our country in every corner of this globe? To me, it is an abdication of the responsibilities we, the elected Members of the House of Representatives, have to our constituents and to our country.

If the Republican majority wants to govern, now is the time to show the country that they are capable of doing so. Pass a separate debt limit and bring up the supplemental that is so desperately needed right now by every branch of the armed services.

If the Republican leadership will do that, then we can pass the supplemental with an overwhelmingly bipartisan majority and get the troops the assistance that they need today. We are providing the assistance in this legislation that is before us that they need starting October 1, and that is good and we all support that. But what about the months of July, August, and September? Let us move on and provide that help also.

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

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

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member on the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, this is a bipartisan bill. It is a bipartisan rule. Both ought to be supported. The bill itself will pass overwhelmingly after the House is finished disposing of it. I want to congratulate all of those who had anything to do with putting it together, most especially the gentleman from California (Mr. LEWIS) and the gentleman from Pennsylvania (Mr. MURTHA).

Having said that, I cannot help but noting how ironic it is that on the same day that the House will be debating the bill that provides the resources to enable our military to defend this country and to take the battle to terrorists around the world, how ironic it is that this House on another bill coming up later today will not stand up for the very values that we are today buttressing by the funding that we are providing in this bill.

What will happen today, in my view, on the rule on prescription drugs will demonstrate that the biggest threat to this democracy and the biggest threat to the average citizen just trying to get through the day and pay their bills, the biggest threat to them is not from any foreign power. The biggest threat is from some of their own representatives who will refuse to practice democracy here at home.

We are shortly going to be considering a prescription drug bill which is of, by, and for the pharmaceutical industry. It is designed not to solve the problem of seniors who face mounting drug costs. It is designed to block us from being able to provide any comprehensive, meaningful relief by providing a guaranteed benefit under Medicare.

It is apparent to me that those who run this House have determined that the only way they can win with their proposal is to avoid giving the elected representatives of every senior in America an opportunity to choose how we can most effectively solve the problem of runaway prescription drug prices.

It seems to me that a Congress which can produce legislation such as we have before us this morning is a Congress that ought not to be afraid to provide choice in the way we deal with the problems of our senior citizens. We hear the Republican leadership of this Congress prattle on to an almost nauseating degree about the need for us to provide choice programs in schools; but they are apparently afraid to give us the opportunity to choose among alternatives when it comes to dealing with what is probably the biggest financial crisis that our senior citizens have today.

I am going to support this rule, and I will support this bill; but it is a sad day when the elected leadership of this House, who more than any other have a responsibility to defend democratic values, decide instead that the only way they can win is by crushing those same democratic values.

Make no mistake about it, the prescription drug bill which is coming at us today is not designed to solve a problem. It is designed to prevent Members of this House from producing a comprehensive alternative that will solve the problem. It says to America's seniors, you are going to have to accept the fact that we have decided in our infinite wisdom that the only solution we will provide for the problem is a subsidizing of insurance companies.

Mr. Speaker, that is not what the average senior expects. It is not what our constituents, regardless of age, elected us to come here to do. Before this day is over, it will be a shameful day in the history of democracy in this House.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. HAYES).

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

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

The irony today that we stand before this body and ask for the needed resources and assets that our men in uniform need to protect our freedom and our liberty and our heritage, we stand here under the very appropriate words ''In God We Trust,'' but yet a judge in California, with the stroke of a pen, would undo these things that we fight for. I hope that irony is not lost on us today.

Mr. Speaker, I rise in support of the rule that will allow for consideration of H.R. 5010, the defense appropriations bill for fiscal year 2003. The tragic events of September 11, 2001, have thrust our Nation's military into the spotlight and called to duty the brave men and women of the U.S. Armed Forces. Once again, U.S. citizens are rallying behind them in strong support of the harrowing mission they have been called upon to do; and today the United States Congress has a duty to pass this important legislation that will help provide the necessary resources for these brave men and women to do their job.

This legislation first and foremost takes care of our most vital asset in the military, our people. It provides every servicemember with a 4.1 percent pay raise. It approves housing allowances for the buy-down of service personnel's out-of-pocket housing expenses from 11.3 to 7.5 percent in 2003. For the soldiers and airmen in my district at Fort Bragg and Pope Air Force Base, the ability to adequately care for their families and train for the mission for which they are called are the two issues which are second to none. I believe this legislation makes significant progress in these areas.

The defense appropriations bill for fiscal year 2003 builds upon our work from last year and continues to reverse the decline of military readiness by funding key operations, maintenance, and training accounts. This financial support devoted to our national security is long in coming. We must adequately provide the men and women from Fort Bragg and Pope Air Force Base and all of our military personnel who are currently prosecuting the war on terrorism adequate and necessary resources to do their job.

I would like to specifically mention that this bill provides some funding for some key capabilities for our U.S. Special Forces, whose anniversary we celebrated last week. While they, alongside members from all our Armed Forces, serve in Afghanistan and all over the world today, we show our support by providing the funding necessary to effectively and safely do their job. The $354.7 billion we are voting on today will help do that. It is targeted at two of the most critical areas crucial to maintaining a quality of life and readiness. Furthermore, this bill funds the development and testing of an effective ballistic missile defense system.

Mr. Speaker, it is gross injustice and misfortune that it took the tragedy in September to focus the public eye on the need for a more robust defense budget; but I feel the legislation in front of us takes that step, and the rule provides for its consideration. I urge Members to vote strongly in favor of the bill.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, at a time when this country is prepared to spend up to $400 billion for the military and an extra $50 billion for defense, $37 billion for homeland security, I think it is appropriate to ask how we can create peace around the world.

Last summer, I introduced H.R. 2459, legislation to create a Cabinet-level Department of Peace which embodies a broad-based approach to peaceful, nonviolent conflict resolution at domestic and international levels. The mission of the Department is to make nonviolence an organizing principle in our society and to help create conditions for a more peaceful world where someday we can make war itself archaic. Over 43 Members of Congress support this bill.

The Department would be headed by a Secretary of Peace appointed by the President with the advice and consent of the Senate. Domestically, the Department would be responsible for developing policies which address issues, including domestic violence, child abuse, mistreatment of the elderly. Internationally, the Department would analyze foreign policy and make recommendations to the President on matters pertaining to national security, including the protection of human rights and the prevention and de-escalation on armed and unarmed international conflict.

I have received thousands of letters of support and e-mails from all over

the United States and all over the world in support of a Department of Peace. People are demanding an end to violence. They are demanding an end to war, and the Department of Peace can be instrumental in realizing this goal.

We are in a new millennium, and the time has come to review age-old challenges with new thinking, wherein we can conceive of peace as simply not being the absence of violence, but the active presence and the capacity for a higher evolution of human awareness, of respect, trust and integrity; wherein we all may tap the infinite capabilities of humanity to transform consciousness and conditions which impel or compel violence at a personal, group, or national level toward developing a new understanding of, and a commitment to, compassion and love.

We have above the Speaker the words ''In God We Trust.'' Let us place our faith in our capacity to go beyond weapons as instruments of resolving international conflict and believe in our own ability to evolve and to make a difference. The Department of Peace is a path toward just that.

□ 1145

Mr. FROST. Mr. Speaker, I urge adoption of the rule.

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

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to House Resolution 461 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. 5010.

□ 1145

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. 5010) making appropriations for the Department of Defense for the fiscal year ending September 30, 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 California (Mr. LEWIS) and the gentleman from Pennsylvania (Mr. MURTHA) each will control 30 minutes.

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

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

It is my privilege to rise today and join the gentleman from Pennsylvania (Mr. MURTHA) to take up the defense appropriations bill for the year 2003. We have been allocated adequate time on both sides. This bill involves an expenditure of some $354.7 billion on behalf of our national defense, and at this point, I would like to insert for the RECORD a summary of this bill, by appropriations account.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2002
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2003
(Amounts in Thousands)

	FY 2002 Enacted	FY 2003 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I					
MILITARY PERSONNEL					
Military Personnel, Army	23,752,384	27,079,392	26,832,217	+3,079,833	-247,175
Military Personnel, Navy	19,551,484	22,074,901	21,874,395	+2,322,911	-200,506
Military Personnel, Marine Corps	7,345,340	8,558,887	8,504,172	+1,158,832	-54,715
Military Personnel, Air Force	19,724,014	22,142,585	21,957,757	+2,233,743	-184,828
Reserve Personnel, Army	2,670,197	3,398,555	3,373,455	+703,258	-25,100
Reserve Personnel, Navy	1,654,523	1,927,152	1,897,352	+242,829	-29,800
Reserve Personnel, Marine Corps	471,200	557,883	553,983	+82,783	-3,900
Reserve Personnel, Air Force	1,061,160	1,243,904	1,236,904	+175,744	-7,000
National Guard Personnel, Army	4,041,695	5,128,988	5,070,188	+1,028,493	-58,800
National Guard Personnel, Air Force	1,784,654	2,135,611	2,124,411	+339,757	-11,200
Total, title I, Military Personnel	82,056,651	94,247,858	93,424,834	+11,368,183	-823,024
TITLE II					
OPERATION AND MAINTENANCE					
Operation and Maintenance, Army	22,335,074	23,961,173	23,942,768	+1,607,694	-18,405
Operation and Maintenance, Navy	26,876,636	28,697,235	29,121,836	+2,245,200	+424,601
Operation and Maintenance, Marine Corps	2,931,934	3,310,542	3,579,359	+647,425	+268,817
Operation and Maintenance, Air Force	26,026,789	26,772,768	27,587,959	+1,561,170	+815,191
Operation and Maintenance, Defense-Wide	12,773,270	14,169,258	14,850,377	+2,077,107	+681,119
Operation and Maintenance, Army Reserve	1,771,246	1,880,110	1,976,710	+205,464	+96,600
Operation and Maintenance, Navy Reserve	1,003,690	1,159,734	1,239,309	+235,619	+79,575
Operation and Maintenance, Marine Corps Reserve	144,023	185,532	189,532	+45,509	+4,000
Operation and Maintenance, Air Force Reserve	2,024,866	2,135,452	2,165,604	+140,738	+30,152
Operation and Maintenance, Army National Guard	3,768,058	4,049,567	4,231,967	+463,909	+182,400
Operation and Maintenance, Air National Guard	3,988,961	4,062,445	4,113,010	+124,049	+50,565
Overseas Contingency Operations Transfer Fund 1/	50,000	50,000	---	-50,000	-50,000
United States Court of Appeals for the Armed Forces	9,096	9,614	9,614	+518	---
Environmental Restoration, Army	389,800	395,900	395,900	+6,100	---
Environmental Restoration, Navy	257,517	256,948	256,948	-569	---
Environmental Restoration, Air Force	385,437	389,773	389,773	+4,336	---
Environmental Restoration, Defense-Wide	23,492	23,498	23,498	+6	---
Environmental Restoration, Formerly Used Defense Sites	222,255	212,102	212,102	-10,153	---
Overseas Humanitarian, Disaster, and Civic Aid	49,700	58,400	58,400	+8,700	---
Former Soviet Union Threat Reduction	---	416,700	416,700	+416,700	---
Support for International Sporting Competition,Defense	15,800	19,000	19,000	+3,200	---
Defense emergency response fund 2/	---	19,460,616	---	---	-19,460,616
Total, title II, Operation and maintenance	105,047,644	131,676,367	114,780,366	+9,732,722	-16,896,001
TITLE III					
PROCUREMENT					
Aircraft Procurement, Army	1,984,391	2,061,027	2,214,369	+229,978	+153,342
Missile Procurement, Army	1,079,330	1,642,296	1,112,772	+33,442	-529,524
Procurement of Weapons and Tracked Combat Vehicles, Army	2,193,746	2,248,558	2,248,358	+54,612	-200
Procurement of Ammunition, Army	1,200,465	1,159,426	1,207,560	+7,095	+48,134
Other Procurement, Army	4,183,736	5,168,453	6,017,380	+1,833,644	+848,927
Aircraft Procurement, Navy	7,938,143	8,203,955	8,682,655	+744,512	+478,700
Weapons Procurement, Navy	1,429,592	1,832,617	2,384,617	+955,025	+552,000
Procurement of Ammunition, Navy and Marine Corps	461,399	1,015,152	1,167,130	+705,731	+151,978
Shipbuilding and Conversion, Navy	9,490,039	8,191,194	8,127,694	-1,362,345	-63,500
Other Procurement, Navy	4,270,976	4,347,024	4,631,299	+360,323	+284,275

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2002
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2003
(Amounts in Thousands)

	FY 2002 Enacted	FY 2003 Request	Bill	Bill vs. Enacted	Bill vs. Request
Procurement, Marine Corps	995,442	1,288,383	1,369,383	+373,941	+81,000
Aircraft Procurement, Air Force	10,567,038	12,067,405	12,492,730	+1,925,692	+425,325
Missile Procurement, Air Force	2,989,524	3,575,162	3,185,439	+195,915	-389,723
Procurement of Ammunition, Air Force	866,644	1,133,864	1,290,764	+424,120	+156,900
Other Procurement, Air Force	8,085,863	10,523,946	10,622,660	+2,536,797	+98,714
Procurement, Defense-Wide	2,389,490	2,688,515	3,457,405	+1,067,915	+768,890
National Guard and Reserve Equipment	699,130	---	---	-699,130	---
Defense Production Act Purchases	40,000	73,057	73,057	+33,057	---
Total, title III, Procurement	60,864,948	67,220,034	70,285,272	+9,420,324	+3,065,238
TITLE IV					
RESEARCH, DEVELOPMENT, TEST AND EVALUATION					
Research, Development, Test and Evaluation, Army 3/	7,106,074	6,820,333	7,447,160	+341,086	+626,827
Research, Development, Test and Evaluation, Navy	11,498,506	12,496,065	13,562,218	+2,063,712	+1,066,153
Research, Development, Test and Evaluation, Air Force	14,669,931	17,564,984	18,639,392	+3,969,461	+1,074,408
Research, Development, Test and Evaluation, Defense-Wide	15,415,275	16,598,863	17,863,462	+2,448,187	+1,264,599
Operational Test and Evaluation, Defense	231,855	222,054	242,054	+10,199	+20,000
Total, title IV, Research, Development, Test and Evaluation	48,921,641	53,702,299	57,754,286	+8,832,645	+4,051,987
TITLE V					
REVOLVING AND MANAGEMENT FUNDS					
Defense Working Capital Funds	1,312,986	1,499,656	1,832,956	+519,970	+333,300
National Defense Sealift Fund: Ready Reserve Force	432,408	934,129	944,129	+511,721	+10,000
Total, title V, Revolving and Management Funds	1,745,394	2,433,785	2,777,085	+1,031,691	+343,300
TITLE VI					
OTHER DEPARTMENT OF DEFENSE PROGRAMS					
Defense Health Program:					
Operation and maintenance	17,659,475	14,234,041	13,916,791	-3,742,684	-317,250
Procurement	267,915	278,742	283,743	+15,828	+5,001
Research and development	463,804	67,214	400,214	-63,590	+333,000
Total, Defense Health Program	18,391,194	14,579,997	14,600,748	-3,790,446	+20,751
Chemical Agents & Munitions Destruction, Army:					
Operation and maintenance	739,020	974,238	974,238	+235,218	---
Procurement	164,158	213,278	213,278	+49,120	---
Research, development, test and evaluation	202,379	302,683	302,683	+100,304	---
Total, Chemical Agents	1,105,557	1,490,199	1,490,199	+384,642	---
Drug Interdiction and Counter-Drug Activities, Defense	842,581	848,907	859,907	+17,326	+11,000
Office of the Inspector General	152,021	157,165	157,165	+5,144	---
Total, title VI, Other Department of Defense Programs	20,491,353	17,076,268	17,108,019	-3,383,334	+31,751
TITLE VII					
RELATED AGENCIES					
Central Intelligence Agency Retirement and Disability System Fund	212,000	212,000	212,000	---	---
Intelligence Community Management Account	160,429	147,754	162,254	+1,825	+14,500
Transfer to Department of Justice	(42,752)	(34,100)	(34,100)	(-8,652)	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2002
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2003
(Amounts in Thousands)

	FY 2002 Enacted	FY 2003 Request	Bill	Bill vs. Enacted	Bill vs. Request
Payment to Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund	67,500	25,000	25,000	-42,500	---
National Security Education Trust Fund	8,000	8,000	8,000	---	---
Total, title VII, Related agencies	447,929	392,754	407,254	-40,675	+14,500
TITLE VIII					
GENERAL PROVISIONS					
Additional transfer authority (Sec. 8005)	(2,000,000)	(2,500,000)	(2,500,000)	(+500,000)	---
Indian Financing Act incentives (Sec. 8021)	8,000	---	8,000	---	+8,000
FFRDCs	-40,000	---	---	+40,000	---
Disposal & lease of DOD real property (Sec. 8035)	19,000	29,730	29,730	+10,730	---
Overseas Mil Fac Invest Recovery (Sec. 8038)	3,362	---	1,000	-2,362	+1,000
Rescissions (Sec. 8050)	-531,475	---	-192,932	+338,543	-192,932
Excess Foreign Currency Cash Balance (Sec. 8082)	-240,000	---	-615,000	-375,000	-615,000
Travel Cards (Sec. 8087)	8,000	10,000	10,000	+2,000	---
Defense Cooperation Account (Sec. 8109)	---	5,000	5,000	+5,000	---
United Service Organizations	8,500	---	---	-8,500	---
Transfer within SCN (Sec. 8130)	---	---	---	---	---
Government Purchase Card (Sec. 8103)	-100,000	---	-97,000	+3,000	-97,000
National D-Day Museum	4,250	---	---	-4,250	---
American Red Cross	3,500	---	---	-3,500	---
Newmark	8,500	---	---	-8,500	---
Fisher House (Sec. 8099)	1,700	---	2,000	+300	+2,000
Zero emission steam technology demo	1,700	---	---	-1,700	---
CAAS/Contract Growth (Sec. 8100)	-1,650,000	---	-51,000	+1,599,000	-51,000
Utilities	-105,000	---	---	+105,000	---
Tethered Aerostat Radar System	3,000	---	---	-3,000	---
Fairchild Air Force Base	6,000	---	---	-6,000	---
Army Acquisition Restructuring	-5,000	---	---	+5,000	---
USS Alabama Museum Memorial	4,200	---	---	-4,200	---
Special Needs Learning Center	3,500	---	---	-3,500	---
Eisenhower Commission	2,600	---	---	-2,600	---
Travel cost growth	-262,000	---	---	+262,000	---
Legislative liaison savings	-50,000	---	---	+50,000	---
Reserve Component Incentive and Bonus programs	10,000	---	---	-10,000	---
Fort Des Moines Memorial Grant	4,500	---	---	-4,500	---
Clear Radar Upgrade	8,000	---	---	-8,000	---
Defense Counter-Terrorism Fellowship prog	17,900	---	---	-17,900	---
Padgett Thomas Barracks	15,000	---	---	-15,000	---
USS Intrepid Museum Memorial	4,250	---	---	-4,250	---
Armed Forces Retirement Home	5,200	---	---	-5,200	---
Working Capital Funds Cash Balance (Sec.8112)	---	---	-470,000	-470,000	-470,000
Working Capital Funds Excess Carryover (Sec. 8113)	---	---	-475,000	-475,000	-475,000
Ctr for Mil Recruiting Assessment & Vet Emp(Sec. 8115)	---	---	4,000	+4,000	+4,000
Army Venture Capital Funds (Sec. 8105)	---	---	17,000	+17,000	+17,000
Total, title VIII, General Provisions	-2,832,813	44,730	-1,824,202	+1,008,611	-1,868,932
TITLE IX					
COUNTER-TERRORISM & DEFENSE AGAINST WEAPONS OF MASS DESTRUCTION					
Counter-Terrorism & Operational Response Transfer Fund	478,000	---	---	-478,000	---
Transfer to Department of Justice	(10,000)	---	---	(-10,000)	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2002
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2003
(Amounts in Thousands)

	FY 2002 Enacted	FY 2003 Request	Bill	Bill vs. Enacted	Bill vs. Request
Former Soviet Union Threat Reduction	403,000	---	---	-403,000	---
Total, title IX, Counter-terrorism and Defense Against Weapons of Mass Destruction	881,000	---	---	-881,000	---
Total for the bill (net)	317,623,747	366,794,095	354,712,914	+37,089,167	-12,081,181
OTHER APPROPRIATIONS					
Emergency Response Fund (P.L. 107-117)	3,395,600	---	---	-3,395,600	---
Net grand total (including other appropriations)	321,019,347	366,794,095	354,712,914	+33,693,567	-12,081,181
CONGRESSIONAL BUDGET RECAP					
Scorekeeping adjustments:					
Stockpile collections (unappropriated)	-150,000	---	---	+150,000	---
O&M, Army transfer to National Park Service:					
Defense function	-1,000	---	---	+1,000	---
Nondefense function	1,000	---	---	-1,000	---
Disabled military retiree payments (mandatory)	55,000	55,000	55,000	---	---
Military personnel accounts (discretionary)	-55,000	-55,000	-55,000	---	---
Total adjustments	-150,000	---	---	+150,000	---
Adjusted total (incl scorekeeping adjustments) 4/	320,869,347	366,794,095	354,712,914	+33,843,567	-12,081,181
Appropriations	(321,400,822)	(366,794,095)	354,905,846)	(+33,505,024)	(-11,888,249)
Rescissions	(-531,475)	---	(-192,932)	(+338,543)	(-192,932)
Total (including adjustments)	320,869,347	366,794,095	354,712,914	+33,843,567	-12,081,181
Amount in this bill	(321,019,347)	(366,794,095)	354,712,914)	(+33,693,567)	(-12,081,181)
Scorekeeping adjustments	(-150,000)	---	---	(+150,000)	---
Total mandatory and discretionary	320,869,347	366,794,095	354,712,914	+33,843,567	-12,081,181
Mandatory	267,000	267,000	267,000	---	---
Discretionary	320,602,347	366,527,095	354,445,914	+33,843,567	-12,081,181

Footnotes:

1. Budget amendment (H. Doc. 107-189) reduced Overseas Contingency Operations Transfer Fund by $2,632,000.
2. The FY 2003 budget request for the "Defense Emergency Response Fund" was reduced by $594,384,000 and transferred to Military Construction.
3. Budget Amendment (H. Doc. 107-219) terminated the Army's Crusader artillery program of $475,609,000 and reallocated these funds to other R&D, Army programs.
4. The fiscal year 2003 budget request was adjusted to not include $3,412,561,000, the proposed cost to cover the accrued costs related to retirement benefits of Civil Service Retirement System employees and retiree health benefits for all civilian employees.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2002
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2003
(Amounts in Thousands)

	FY 2002 Enacted	FY 2003 Request	Bill	Bill vs. Enacted	Bill vs. Request
RECAPITULATION					
Title I - Military Personnel	82,056,651	94,247,858	93,424,834	+11,368,183	-823,024
Title II - Operation and Maintenance	105,047,644	131,676,367	114,780,366	+9,732,722	-16,896,001
Title III - Procurement	60,864,948	67,220,034	70,285,272	+9,420,324	+3,065,238
Title IV - Research, Development, Test and Evaluation	48,921,641	53,702,299	57,754,286	+8,832,645	+4,051,987
Title V - Revolving and Management Funds	1,745,394	2,433,785	2,777,085	+1,031,691	+343,300
Title VI - Other Department of Defense Programs	20,491,353	17,076,268	17,108,019	-3,383,334	+31,751
Title VII - Related agencies	447,929	392,754	407,254	-40,675	+14,500
Title VIII - General provisions (net)	-2,832,813	44,730	-1,824,202	+1,008,611	-1,868,932
Title IX - Counter-terrorism & Defense against Weapons of Mass Destruction (net)	881,000	---	---	-881,000	---
Total, Department of Defense (in this bill)	317,623,747	366,794,095	354,712,914	+37,089,167	-12,081,181
Other appropriations	3,395,600	---	---	-3,395,600	---
Total DoD funding available (net)	321,019,347	366,794,095	354,712,914	+33,693,567	-12,081,181
Scorekeeping adjustments	-150,000	---	---	+150,000	---
Total mandatory and discretionary	320,869,347	366,794,095	354,712,914	+33,843,567	-12,081,181

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

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

We did the best we could do with the amount of money we had available. This is a good bill.

Mr. SCOTT. Mr. Chairman, I am pleased to rise in support of this legislation to provide for the FY 2003 Department of Defense appropriations. I extend my appreciation to both Subcommittee Chairman LEWIS and Ranking Member MURTHA for this bipartisan legislation.

I have the pleasure of representing portions of the Hampton Roads area—home to Newport News Shipyard and the world's largest naval base, Norfolk Naval base. The recently released 2000 census figures show that the Hampton Roads area is the military capital of the United States. We have 91,615 men and women in uniform that live in the Hampton Roads metropolitan area, more than anywhere else in the country. For these men and women, I am especially pleased that the appropriations bill funds a 4.1 percent pay increase and increases the basic housing allowance for our hardworking military personnel. Now more than ever, it is important that we show our appreciation for our men and women in uniform.

I would also like to compliment the Committee for appropriating $250 million for the new carrier, CVN–77. Since 9–11, we have overextended the use of our current carriers. Given the new threats we face, it is appropriate that we proceed with the construction of the new carrier. This is also an item for which the entire Virginia Delegation worked very hard to secure appropriations.

In addition to the funding for the new carrier, funding to allow for the construction of the fourth *Virginia* class submarine is vitally important.

Finally, I would like to thank the Subcommittee for funding that would go to science programs at historically black colleges and universities and for institutions serving Hispanic students.

Mr. SHAYS. Mr. Chairman, last year, as it has since 1990, the General Accounting Office (GAO) declared that Department of Defense's financial management systems pose a high risk of fraud, waste and mismanagement.

To get a better understanding of how the acquisition and procurement processes should operate, the House Government Reform Committee, National Security, Veterans Affairs and International Relations Subcommittee asked GAO to follow a defense inventory item from the initial idea through procurement and operation. They reviewed the procurement, accounting, control and payment processes for the Joint Lightweight Integrated Suit Technology (JSLIST), a chemical and biological protection garment for use by military personnel.

The General Accounting Office found DOD's nonintegrated data systems and processes are wasting money and degrading readiness. Despite pledges to the Subcommittee 2 years ago to fix scattered inventory controls, DOD still cannot provide a real-time accounting of the location and condition of critical protective equipment.

As a result, as DOD procures hundreds of thousands of new JSLIST garments annually, some military units have formally declared JSLIST garment surpluses while others cannot get enough suits for training. While DOD is scheduled to procure 2.8 million more JSLIST garments for approximately $100 each, GAO found some had been auctioned on the Internet for less than $3 each.

This form of waste directly affects readiness. When the chemical alarms again sound in the desert, U.S. forces will need those suits. Transformation of DOD's last-century financial management systems into a 21st Century enterprise architecture is a critical element of their ability to survive, and prevail, against tomorrow's threats.

DOD has been bogged down by scores of outdated data information systems that do not allow commanders and managers to make effective management decisions. The Secretary of Defense has stated, ''One of my highest priorities is to have reliable, accurate and timely financial management information upon which to make the most effective business decisions,'' and has tasked the Under Secretary of Defense (Comptroller) to achieve this goal.

The use of chemical and biological weapons is a very real threat. The Comptroller must have the tools to assure military inventory, such as the JSLST and other protective equipment, and medical supplies, is readily available when needed. Except for system changes that are the results of statutory directives, the Department and its components should not allocate any funding to modify any system that is part of DOD's current financial management environment without the approval of the Comptroller. In granting this approval, the Under Secretary of Defense should assure that a valid business case has been made and that the systems modifications or enhancements comply with the new enterprise architecture DOD is attempting to implement.

Mr. CHAMBLISS. Mr. Chairman, I strongly support the FY03 National Defense Appropriations Act, which provides critical resources for our military to ensure that they have the adequate training, modern equipment, and sufficient resources to do their job in protection our nation. I am proud of the work this Congress has done in crafting a bill that will support our troops and their families.

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 are entitled to in return for 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 now is an immediate threat to the people of the United States. 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 to Georgia. We fully funded the president's budget requests for vital modern aircraft for our Air Force, include the F–22 advanced tactical fighter, the C–17, the C–130 and JSTARS and I oppose attempts to decrease funding for these critical weapons systems that our troops need to successfully fight and win a war.

Mr. Chairman, terrorism and our national security are not temporary problems, but perpetual reminders of the uncertainty of the days ahead and the need for our continued support for a strong national defense. I encourage my colleagues to join me in supporting our military and our President by voting for this bill and ensuring that the men and women in uniform who serve our nation valiantly everyday to protect and defend our freedom have the resources which they need to do their job and win the war on terrorism.

Mr. PASTOR. Mr. Chairman, it has come to my attention that the application of precisely controlled heat has shown excellent results in the treatment of benign and malignant skin disease. I am aware of the great potential of the ThermoMed Instrument in this regard and the published results of physicians using it. Impressive benefits including high cure rates, non-invasive and safe treatment, rapid healing and excellent cosmetic results, confirm the applicability of this new technology for the curative treatment of diseased tissue. Accordingly, I encourage the Department of Defense to conduct clinical evaluation of the ThermoMed Instrument and its applications for treating armed forces deployed around the world.

Mr. BENTSEN. Mr. Chairman, today I rise in support of H.R. 5010, important legislation that provides $354.7 billion appropriations to the Department of Defense (DoD), supporting the honorable men and women, at home and abroad, who are in service to the nation at this critical time. As our nation continues to face the most pressing military and defense priorities in its history, we must continue to provide adequate and secure funding for the continuing war on terrorism, and the DoD remains at the forefront of these vigilant efforts.

Mr. Chairman, I do have concerns about placing this measure first in our annual drive to pass appropriations bills, as we run the risk of drying up the well of funds available for the other funding measures. However, I am pleased that the Appropriations Committee has approved appropriate, responsible increases in funding for military personnel and operations and management over the Fiscal Year 2002 budget, as the DoD infrastructure must be capable of handling continuing and unanticipated demands in the global fight against terrorism.

More importantly, I am pleased that H.R. 5010 provides $11 million in federal funds for the Texas Training and Technology for Trauma and Terrorism (T5) program, $9.5 million for the Biology, Education, Screening, Chemoprevention, and Treatment (BESCT) lung cancer program at University of Texas (U.T.) M.D. Anderson Cancer Center, and $500,000 to the 147th Fighter Squadron of the U.S. Air Force's Texas Air National Guard to obtain chiropractic health care services. As the Texas delegation's lead sponsor of these projects, I have worked with the Memorial Hermann Hospital, Texas Heart Institute, and M.D. Anderson Cancer Center in my district, and the House Appropriations Committee, to secure funding as part of H.R. 5010.

Mr. Chairman, the T5 program is a collaborative effort with Memorial Hermann Hospital, the Texas Heart Institute, and M.D. Anderson Cancer Center, that focuses on improving emergency care. The goal of the program is to identify the best ways of protecting Houston, and any other cities, from the mortality and cost of terrorism and other disasters. The T5 program is the successor program to the acclaimed University of Texas-Army collaboration known as DREAMS (Disaster Relief and

Emergency Medical Services). This program will develop cutting-edge digital technology to link ambulances, hospitals, and LifeFlight helicopters to ensure faster diagnosis and treatment for patients; it establishes a Center for Disaster Preparedness that will focus on developing training programs for public health workers, emergency medical technicians, physicians, nurses, and public health programs in bioterrorism and disaster preparedness; and T5 establishes a new Army Training Center at the University of Texas Research Park where Army personnel undergo training in chemical and biological defenses and trauma surgery. The $11 million approved for this program represents the first federal support for the project. In the past, I helped secure $38 million for DREAMS, the previous program that T5 is modeled after. Memorial Hermann Hospital, Texas Heart Institute and M.D. Anderson Cancer Center are to be commended for their leadership in developing the medical technologies and treatments of the 21st Century.

In addition to that funding, the $9.5 million approved in H.R. 5010 for the BESCT lung cancer program at the U.T. M.D. Anderson Center is the fourth installment in a five-year plan to provide comprehensive services for lung cancer patients, including smoking cessation, early diagnosis, inhibition of cancer development in active and former smokers, and improved treatment and survival for patients with active lung cancer. In the past, I helped secure $18 million for this program as part of the Appropriations process. Mr. Speaker, lung cancer is the leading cause of cancer death in the United States today, killing more than 160,000 individuals a year. Research for this disease has not received adequate funding in proportion to the number of lung cancer patients who are suffering from this disease. I am pleased that U.T. M.D. Anderson's ambitious and vital program will have the funds necessary to help save lives and reduce health care costs.

H.R. 5010 also provides $750,000 for the 147th Fighter Squadron of the U.S. Air Force's Texas Air National Guard, which will enhance chiropractic health care services on the campus of Texas Chiropractic College in Pasadena, Texas. This funding will allow the Moody Clinic at the Texas Chiropractic College and the 147th Fighter Squadron to provide the men and women of the Texas Air National Guards with the resources to help provide new diagnostic imaging assets and other tools that will enhance chiropractic, pain management, and related health care services. At a time when many of our military are facing increased stress in service to our nation, I believe that this is a much needed first step in both relieving some of their pain and advancing chiropractic medicine.

Mr. Chairman, as H.R. 5010 provides critical funding for these and other important and timely programs, I urge my colleagues to join me in supporting this measure, to support our Armed Forces in their efforts to fight terrorism at home and abroad, and to provide homeland defense and protection to keep America strong and freedom alive.

Mr. SIMMONS. Mr. Chairman, I rise in support of H.R. 5010, the Department of Defense Appropriations Act for Fiscal Year 2003 and I ask my colleagues to support this important legislation.

This year's annual defense appropriations bill is good for both America and for my home state of Connecticut. This legislation provides the resources needed to fight the war on terrorism and build our nation's military infrastructure and readiness.

This legislation continues our efforts at transforming our military for the threats of the future. The bill contains $4.1 billion for 23, F–22 fighter aircraft, each of which are powered by two F135 engines assembled by Pratt and Whitney in Middletown, Connecticut. The F–22 will ensure that the U.S. maintains air dominance in any conflict in the years ahead.

The bill also continues our efforts at having the Pentagon buy smarter and more efficiently through continued research and development of the Joint Strike Fighter, now designated the F–35 and powered by the Pratt and Whitney award-winning F–135 engine system. Variants of one aircraft, the F–35, will eventually replace four aircraft, the F–16, the A–10, and the AV–8B and F–18 C/D, bringing important cost savings not only in production but in the maintenance and operation over the life of each aircraft.

Building on our transformation to a more mobile force the bill approves $3.7 billion to procure 12, C–17 Globemaster III transport aircraft; each of which are powered by four Pratt and Whitney F117 engines. The C–17 is the workhorse of getting our military to the fight and will be for years to come.

For our Army, this bill contains funds for 4 additional Black Hawk helicopters, built by Sikorsky in Connecticut, for a total of 31 aircraft. Our ground troops greatly benefit from the speed, reliability, and safety of this first-class helicopter.

For our Navy, this bill allocates $1.49 billion for one new Virginia Class attack submarine and over $1.03 billion for Trident Class submarine conversion. The Virginia Class and Trident conversion programs assure America's continual dominance of the seas well into the 21st century. Electric Boat, located in my district, has been manufacturing submarines for over a century. It manufactures the Virginia Class and designs much of the Trident conversion.

For these systems, the bill includes an additional $7 million for research and development of new payloads and sensors for submarines, much of which will be done at Electric Boat, in Groton, Connecticut.

As every regional military commander will attest, our Navy is stretched thin, especially our submarine force. These investments will add significant capability to the commanders in the field at low cost and low risk to the taxpayer. We must do continue to invest more in our submarine force.

Finally, this bill again addresses the needs of our best asset in our military: our troops. The bill funds a 4.1 percent military pay raise and selected targeted pay raises to mid-grade and non-commissioned officers. It approves housing allowances to bring down military personnel's out-of-pocket housing expenses from 11.3 percent to 7.5 percent. For years much of the nation has taken the men and women in the military for granted. This brings needed relief to these gallant personnel.

This is just a partial list of the support this legislation gives our men and women in uniform. When we pass this bill we will be providing for the financial and housing needs of our servicemen and women, who stand ready to go into harm's way anywhere in the world to defend our nation and our interests. It also allocates resources to continue our military's transformation to meet the challenges of tomorrow and it responds to the realities of the war on terrorism and sets us on course to meet the new challenges that unquestionably lie ahead.

When I came to Congress I pledged to do more to help Connecticut's defense industries and the men and women who work so hard 24 hours a day, seven days a week, to defend our nation. Looking at this legislation, I am pleased with what has been provided thus far and I look forward to building on these successes.

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. WATTS of Oklahoma. Mr. Chairman, I rise to explain why the United States Army needed to develop the Crusader Advanced Field Artillery System, and still very much needs the Crusader technologies for near future cannon artillery protection for our combat soldiers.

I stand here as the Congressman representing the U.S. Army Field Artillery Center at Fort Sill, Oklahoma. For decades, Fort Sill has been recognized as the Center for Excellence in field artillery for the United States, for NATO, in fact, for the world over. I champion Crusader because it is a superior weapon system that will equip our combat soldiers with the best field artillery system in the world—not the 9th best, behind China, Iran, North Korea and Russia. Crusader's leap-ahead mobility, lethality, and responsiveness is what our modern battlefield requirements dictate.

Countless news articles, speeches, testimony and letters emphasize that the U.S. Army has needed an advanced field artillery system for over a decade. The need for greater mobility in our self-propelled cannon howitzer became embarrassingly apparent during Desert Storm when our existing howitzers could not keep pace with the maneuver force.

Poor performance in Desert Storm accelerated the Army's planning for a major new artillery system that began in 1985. By mid-1993, the requirements for the advanced field artillery system and armored resupply vehicle were approved, and development commenced. In 1996, a major design change from a liquid propellant to a solid propellant for this system altered the development and deployment schedule.

Then came Governor George Bush's 1999 Citadel speech asserting that our heavy forces must be lighter. Shortly thereafter, Army Chief of Staff General Eric Shinseki directed that the Crusader howitzer become deployable as a system on a single C–17 sortie. That transformational forward-thinking General called it right. The Crusader team put the howitzer on a diet.

Lighter weight, more mobility was the upside of the trade off. The down side was a delay in deployment from FY2005 to FY2008.

Next, then Governor Bush debated Senator JOHN MCCAIN in New Hampshire and uttered the word ''Crusader'' when asked for an example of a weapon system a President Bush might terminate. But Governor Bush was talking about a 60-ton howitzer. By 2001, the Army requirements already incorporated the weight reduction to 40 tons.

Maybe President Bush and his staff zeroed in to kill a platform they thought was still too heavy at 60 tons. Maybe that is why the Defense Acquisition Executive, Undersecretary

Pete Aldridge, penned a memo to Secretary of Defense Rumsfeld urging a Crusader briefing for the President, actually calling it ''Crusader II'' as if to emphasize its transformation. Aldridge's memo stated:

''In response to the President's continued concern over Crusader, I have prepared the attached that could be used as a memorandum for the President or a talking paper for a personal discussion. As we have said before the current Crusader II is not the 60-ton Crusader of the past. . . . The paper is written to return to basics: Why we need artillery; what are the artillery characteristics desired; and, what is the best artillery option (Paladin or Crusader II). A side-by-side comparison of Paladin and Crusader II clearly shows the comparative advantage of Crusader II.''

In the proposed memorandum to the President, the bottom line ''Recommendation'' stated:

''Proceed with the development of Crusader II. It has the firefighting features, to include lethality, deployability and mobility, we need. The alternative is to surrender the technological gains made in this program and defer the qualitative edge we require relative to potential adversaries well into the next decade. Crusader II is a success story well worth sustaining.''

All the way through February, March and April, reports, testimony, and other statements from the Department of Defense, the Department of the Army, the General Accounting Office, etc. reflected support for Crusader.

Out of the blue, by early May, the Defense Department decided to voice opposition to the Crusader. Surprising many in Government, media and even in our military, Pentagon officials undertook a unilateral campaign to reverse years of Army testimony in support for a weapons system which I believe is vital to our combat soldiers in fighting and winning wars.

The Crusader meets the needs of the 21st Century and the mission of transformation of U.S. Army weaponry. As Secretary Aldridge's memo noted, Crusader is deployable as a system anywhere in the world on a single C–17. It is reliable and versatile, prepared to perform in many different climates with many different scenarios. Crusader's characteristics of survivability and lethality make it a weapon to be feared by enemies of freedom—a word dear to president Bush.

I will never know what exactly caused the about-face, change of heart at the Pentagon over Crusader. Earlier this month, some of my colleagues and I sent a letter to Defense Secretary Donald Rumsfeld requesting documentation on, among other issues, an Assessment of Alternatives that would justify the abrupt decision to cancel the Crusader system. I never received a written response to my request. Nor did I ever receive the documents I requested, even in a personal meeting I had with the Deputy Secretary of Defense. Perhaps those documents, which should exist, do not. Perhaps I will never know.

What I do know, however, is that our ground forces need a balance in weaponry. They need fire support that includes missiles, rockets, helicopters, aircraft, gunfire and cannons. No matter how modern the warfare, battles cannot be fought, nor won, using only computers.

With great prescience, our forefathers drafted the United States Constitution giving the Congress the power ''to raise and support armies.'' And, I am proud to say that the Congress, in its wisdom, has taken a different, and more studied approach to its decision-making on the Crusader.

For example, the House Armed Services Committee recommended, and the full House approved, full funding for FY 2003 for the Crusader Advanced Field Artillery System. This action included funding to complete the Assessment of Alternatives (AOA) study by which the Army normally determines how its new weapons system stacks up against predecessor and alternative systems.

The Senate just voted 93–3 to permit the Assessment of Alternatives study to proceed as well.

Today the House will vote on the recommendation of the House Appropriations Committee to take the logical next step. Acknowledging the last eight years of work, Costing roughly $2 billion to develop the Crusader system, the House Appropriations Committee report emphasizes that the major technological advances achieved by the Crusader program must be retained. The report lists as examples of Crusader's technological advances: a liquid cooled cannon; ammunition auto loader mechanism; digital fire control and targeting computers; and a glass cockpit.

The Committee report recommends that Crusader's technical team and facilities be retained to further develop an organic indirect fire cannon artillery system. Accordingly, the House Appropriations Committee has recommended a total of $368.5 million to provide for integrating cannon technologies with a suitable platform, and munitions, and to insure that such a system can be delivered not later than Fiscal Year 2008. Under the circumstances, the House Appropriations Committee has taken a good approach.

Remember, however, our combat soldiers continue to be at risk. We cannot afford any more delay in delivering them an advanced artillery system like Crusader. Therefore, as final action, the Congress must ensure that we provide the army with sufficient funding to deliver an indirect fire cannon and platform no later than FY 2008.

Before I close, I want to quote from a letter written by the former Commanding General of the Field Artillery Center at Fort Sill, Major General Leo J. Baxter (RET). General Baxter wrote:

''I have watched the development and maturity of many Army programs, none of which has matched the performance and capabilities of Crusader. Crusader is the answer for fire support in the future. It provides the close fire support necessary for our troops to maneuver on the battlefield. It also can provide the long-range precision fires enabled by Excalibur. Unlike air power, which certainly is important, Crusader will be available 24/7 and in all weather. The Defense Department has yet to specifically explain what new system will provide this support and then they will be ready. They simply are winging it and putting fighting men at risk.''

In voting on the DOD Appropriations bill, including the provision on Crusader, you can rely on my words, or those of General Baxter. Or you can take your lead from the strong endorsements of over two dozen retired 4-Star Generals who bring to bear some 1,000 years of first-hand experience in the art of warfare. Many of the 4-Star Generals listed have supported Crusader in articles and letters, which I circulated earlier and place in the CONGRESSIONAL RECORD today. Many of these statements express grave concerns about the abrupt decision to cancel Crusader without first consulting with the Army leadership. In fact, the House Appropriations Committee Report expresses the same concern.

To a man, these Generals believe that the Army has waited too long already for robust advanced field artillery with Crusader's capabilities. These Army generals know best the battlefield requirements in any scenarios because they have fought and taken fire in many of them. Many of these Generals have personally witnessed the Crusader prototype, which has successfully fired over 6,500 rounds in Yuma, Arizona. I urge all of you to review these Generals' compelling statements.

Crusader's performance has earned support for full funding in the House-passed DOD Authorization bill, and FY2003 Appropriations for its next iteration deployable by FY2008.

I urge my colleagues to support the House authorization position and continued development of this technology on this critical artillery system.

Mr. GREEN of Texas. Mr. Chairman, I want to express my disappointment that the Appropriations Committee included $94 million to fund the Department of the Navy's Military Sealift Command purchase of T–5 Tankers.

As I have stated to the Chairman and the Ranking Member of the Defense Appropriations Subcommittee, I believe the Military Sealift Command has not determined the actual cost of exercising their buyout option—particularly by underestimating the purchase costs of the ships and by not taking into account lease and other termination costs.

There is no cost penalty for waiting until future fiscal years to purchase these vessels, when the T–5 Tankers will be older and will have a lower residual value.

However, Mr. Chairman, I note that the Committee acknowledged the excellent operating history of the T–5 Tankers by conditioning any changes in operating contracts resulting from this new acquisition strategy on a certification to the Committee that the readiness and efficiency attained in the current operation of these tankers be maintained.

Knowing how the Committee operates, it would be my understanding that such certification to the Committee is not pro forma, but substantive, supported by facts and timely submitted before agreements are executed affecting T–5 Tanker operators or operating personnel responsible for meeting the Defense Energy Support center's military fuel resupply needs.

The current T–5 Tankers operator with this excellent record, Ocean Shipholdings, Inc—a Texas-based company—has long expressed its hope that the Navy will extend the existing leases when they expire. At the time Ocean Shipholdings is willing to renegotiate its operating contract in a fashion which secures these ships under operating rates beneficial to the Navy.

The Congress has been struggling to find additional funding to procure advanced combatant vessels and auxiliary craft for the Navy mission; using current procurement funds to purchase aging vessel already under lease is not the best use of those funds. It will reduce the funds available to the Navy for new vessel construction.

Ocean Shipholdings designed and built these five unique and environmentally compliant double-hulled ocean going oil tankers. These U.S. flag T–5 Tankers were completed in 1985 and 1986, at which time they were purchased and then leased back by private sector leasing companies.

The T–5 Tankers were then Time Chartered to the Military Sealift Command for a term of 20 years to transport petroleum fuels globally to meet the requirements of the Defense Energy Support Center under the Defense Logistics Agency.

Ocean Shipholdings was awarded the prime contract to manage, operate and maintain the T–5 Tankers for the term of the 20-year Time Charters. This included crew, maintenance, insurance, drydocking and logistics support on a turnkey basis.

Under the operation of Ocean Shipholdings, the T–5 Tanker fleet has reliably moved clean petroleum products worldwide for the Navy over the last sixteen years in some of the most hostile ocean environments, including Antarctica and Arctic seaports.

Ocean Shipholdings has a perfect safety and environmental record in the operation of the T–5 fleet, has maintained all five ships in full operating status and continuous deployment for sixteen years, and has established comprehensive in-house protocols and contractual arrangements for oil pollution response.

During Operation Desert Storm, this Texas-based tanker operator ran the T–5s in the war zone effectively and continuously with U.S. citizen officers and crew.

Instead of using scarce resources for the purchase of these T–5 Tankers in this time of increasing burdens on U.S. military global operations, maintaining the current leases will ensure the continued efficient operation of these T–5 Tankers by Ocean Shipholdings—while meeting the Defense Energy Support Center's requirements for global movement of defense fuels.

Extending the ship leases and Ocean Shipholdings operating contract—at rates favorable to the Navy and taxpayers—are the most stable and prudent courses of action to meet the Navy's defense fuels needs over the next decade.

As this bill moves through conference committee, I hope my colleagues will insist that the Navy maintain the same level of readiness and efficiency already experienced in the operation of these tankers by retaining their relationship with Ocean Shipholdings.

Mr. SABO. Mr. Chairman, I rise in support of this bill, and want to thank Mr. LEWIS and Mr. MURTHA for their fine work, particularly on the provisions related to the Army Crusader artillery program.

The gentlemen have been fair and responsive to my concerns that the Administration acted hastily in recommending cancellation of the Crusader program.

I am also grateful for the hard work of the staff—especially Greg Dahlberg, Bill Gnacek, Kevin Roper, Paul Juola and Letitia White—who helped the Subcommittee sort through these complex issues and produce a good bill.

Mr. Chairman, over the past two months, I have become increasingly convinced that the administration is wrong in asking Congress to terminate Crusader. I believe there is too much risk.

No one can argue that U.S. Army artillery is seriously outdated. Crusader was on-track and on budget to give us a fast, accurate, world-class artillery system to support and protect American soldiers in combat—by 2008.

Mr. Chairman, let me stress that date—2008. In military procurement terms, that is practically tomorrow. It puzzles me that we are at this point.

Clearly, we must maintain a robust heavy artillery development program. Therefore, I have pressed hard to ensure that this bill gives very clear direction to the Army regarding our intent for the follow-on artillery program.

For this challenging task, we give the Army a strict deadline and strong guidance to leverage the best elements of the Crusader program, the breakthrough technologies and the intellectual property, including the technical workforce, as they develop and field the next-generation heavy artillery system.

To underscore this point, I want to read from the bill:

> Immediately upon termination of the Crusader Artillery System program, the Secretary of the Army shall enter into a contract to leverage technologies developed with funds invested in fiscal year 2002 and prior years under the Crusader Artillery System program . . . and other Army development programs in order to develop and field, by 2008, a Non-Line of Sight (NLOS) Objective Force artillery system and Resupply Vehicle variants of the Future Combat System.

I think I speak for many when I say that we will be watching their progress closely.

Mr. EDWARDS. Mr. Chairman, I rise today in support of the overall bill, which does a lot of good things for our service men and women and for our nation's defense.

I appreciate the good work of the Subcommittee Chairman, Mr. LEWIS and the Ranking Member, Mr. MURTHA in drafting this bill.

However, I have serious concerns over the Pentagon's cancellation of the Crusader artillery system—a decision that this bill ratifies.

We are blessed as a nation with soldiers who are willing to serve and sacrifice to defend our freedom. Our Army is the envy of the world. Our artillery, however, is not.

The Paladin artillery system, fielded today, is outgunned by at least 12 different countries, including all three countries in the Axis of Evil.

Remember, any war with Iran, Iraq or North Korea is going to be completely unlike Afghanistan. In each of these hypothetical conflicts, we will need heavy ground forces, just like the Gulf War, but we will face artillery systems superior to our own.

One of the Army's top priorities over the last decade has been to give our soldiers artillery support that is second to none, the Crusader, a program that has been on time and under budget.

On February 27, Deputy Secretary of Defense Paul Wolfowitz said:

> I'm not one of those people who think that I can bet the farm on not needing artillery 10 years from now. And I think this [the Crusader] is the best artillery system available.

On February 28, the Army Chief of Staff, General Eric Shinseki, said:

> Crusader's ability to keep up with ground maneuver forces, its longer range, its high rate of fire, its precision, would be a significant increase to the potential shortage of fire we have today.

Suddenly, in direct conflict with the President's Budget, the Pentagon reversed its unwavering support for Crusader and announced its cancellation.

The Administration has said they'll have alternatives in production by 2008. If that does not happen, the delay will put thousands of soldiers at undue risk.

Given the administration's commitment to cancel Crusader, I think the subcommittee leadership did its best to preserve funding for alternatives.

In conclusion, I believe the Pentagon think tank gurus have prematurely canceled Crusader. Canceling Crusader with nothing ready to take its place is putting the cart before the horse. However, I will work with them to get an effective alternative on line.

I hope those who killed the Crusader now feel an enormous responsibility to field a new artillery system by 2008. Delay in doing so could, God forbid, be measured in soldiers' lives lost in combat after 2008.

Mr. Chairman, I would finally like to include in the RECORD a statement by Congressman NORM DICKS and myself.

ADDITIONAL VIEWS OF HON. NORMAN D. DICKS AND HON. CHET EDWARDS

THE GAMBLE ON CRUSADER

The Administration's recent decision to terminate the Crusador artillery system is a decision fraught with risk. Risk that we hope will not end up costing soldier's lives.

The Crusader self-propelled howitzer has been under development for the last eight years. This program is running under budget and on schedule with fielding of the first new howitzer set for 2008. The Crusader has been considered by the Army to be its highest priority acquisition program, because it would rectify the one glaring operational weakness that endangers the Army's battlefield success—heavy artillery support.

Currently, our Army is outgunned in heavy artillery by at least 12 different countries (including all 3 countries in the so-called ''Axis of Evil'')—a situation the Crusader would rectify. It is estimated that as many as 40 countries could soon have artillery systems that out-range the Army's current howitzer—the Paladin—and that 28 countries are developing artillery-delivered high precision munitions to complement these systems. Clearly, most other countries around the world plan on making high performance heavy artillery a mainstay of their military force for some time to come.

Last month, the Administration took the highly unusual step of deciding to cancel the Crusador program in the middle of the budget cycle. This action was taken without consultation with the Army's military leadership, and over their strong substantive objection. This decision will fundamentally alter the role that U.S. heavy artillery will play in future battles, yet we have seen very little evidence of any serious analytical effort to support this radical departure from the Army's accepted doctrine.

The Administration has essentially made a giant strategic bet on behalf of our land forces that the combination of future advances in precision cannon and rocket munitions (as distinguished from precision bombs and missiles) combined with hoped for perfection of real time target identification and selection technology (based on ubiquitous ''24/7'' all weather surveillance capabilities) will supplant the need to replace the Army's outdated Paladin howitzer with a system that shoots farther and faster.

This decision depends upon unproven technology and unproven tactics—betting that more traditional lethality and combat overmatch capabilities can be replaced by precision and speed. It is a decision that—as the Army's vaunted ''Crusader talking points'' said—''could put soldier's lives at risk'' if

the Department's hypothetical assumptions about how and where future wars will be fought turn out to be wrong.

What is somewhat puzzling to us in that the Army's artillery upgrade plan that the Secretary of Defense has now rejected calls for improvements in both areas—lethality and precision. The Army's Crusader plan that was devised in the last Administration and endorsed in the first two Bush Administration budgets called for fielding the new world-class Crusader howitzer by 2008 giving the U.S. Army an artillery system that is operationally and technologically superior to any artillery system in the world. The second part of the Army's plan was to perfect and field the GPS-guided Excalibur projectile to shoot from the Crusader within 3 to 5 years after the Crusader was in the force. The combination of Crusader and Excalibur would give the Army a truly devastating capability to support its soldiers—combining unprecedented accuracy with vastly superior rate of fire and range.

The Army had a prudent and affordable plan that recognized the possibility that developing precision-guided cannon projectiles and rocket systems is a difficult task that may end up falling short of expectations. Contrary to popular wisdom, precision-guided cannon and rocket systems are not perfected yet. Shooting sensitive high-tech precision guidance systems out of cannons exerts several hundred times the G-forces exerted on air-delivered precision-guided bombs and missiles such as JDAM or Tomahawk, and the cost that contractors propose charging to overcome these factors is very high at the current time. For instance, the Army's published plans call for paying $222,000 per round for the first 9,417 Excalibur projectiles when and if they are perfected. This is 7 times greater than the Secretary of Defense' target price of $33,000 per round, and many experts question whether this target price will ever be achieved. It seems the Army had a very prudent plan—both from a warfighting perspective and from a development and cost risk perspective—that the Secretary of Defense summarily and unilaterally rejected.

So what is the Army left with under the Administration's new plan? In essence, the Army will be left with the outdated Paladin howitzer that sits on a 40-year-old chassis design that has already been upgraded six different times. The Paladin of the future will continue to shoot standard 155mm ammunition at low rates of fire and at substandard ranges as well as the new Excalibur precision projectile if it can be perfected, if the Paladin chassis can be shown to withstand the additional forces generated by firing this new round.

Whether Excalibur works or not, the Administration now plans on keeping the Paladin in the force until 2032 when the Future Combat System will finally phase it out.

The Administration explains that the risk of keeping the Paladin is acceptable because the greater precision and range of Excalibur rounds and the projected availability of fire support systems such as Guided MLRS and air-delivered precision munitions can cover the existing indirect fire support shortfall. Aside from the issues of bad weather, responsiveness, and ability to support the close fight, this new plan discounts many of the traditional roles of artillery that depend upon volume of fire over accuracy—such as fire to suppress enemy attacks, and cover fire to protect friendly troop movements or to protect sectors of a battlefield. Rate of fire is completely discounted as a priority under the new plan.

It does not overstate the case to say that Army military leaders do not support this plan—they see too much risk. While the Administration points to skirmishes in Afghanistan to support its bet on precision, many of our military leaders worry about the potential major battles that could erupt in Korea or other theaters where mechanized forces will determine the outcome. A high level Defense Department official echoed these exact concerns just 3 months ago when discussing the Crusader:

''Unless we want to have no new artillery facing North Korea's artillery, we need something. We have to remember, it's not just a matter of fighting on horseback with satellites and B–52s as we did in Afghanistan. We still face Kim Jung-Il in North Korea. We still face Saddam Hussein in Iraq. We face others who use conventional weapons and the question then becomes do you want to modernize those or do you not.—Dov Zakheim, Comptroller, Department of Defense. Comments on The News House With Jim Lehrer March 18, 2002.''

The Crusader decision also signals a troubling change of direction about how we will equip and fight our future force. Over the last several decades there has been a consensus that we should take maximum advantage of America's Scientific and technological strength to field military systems and devise military strategy and tactics to achieve decisive ''combat overmatch'' capabilities against any potential opponent. General Michael E. Ryan, former Air Force Chief of Staff, succinctly summed up the combat overmatch philosophy as follows: ''I'm not interested in fair fights. What I'm interested in is a 100 to nothing score, not 51–49.''

This philosophy has proven its worth—not only does it save American lives on the battlefield, but it is an effective way to win the peace. Our vastly superior military capabilities cause potential adversaries to think twice before confronting us or our allies militarily, which contributes significantly to world peace and stability. This was not always the case, and we must continue to work at keeping this edge.

Of all the military services, it is perhaps most important for the Army to continue with the philosophy of ''combat overmatch'' through superior technology. Unlike the Air Force and the Navy, we have a small Army compared to other countries. Currently, eight other armies in the world outnumber our Army. We make up for this with superior people, superior leadership, and superior technology, but numbers still matter if we let our technological edge slip.

It is disturbing that the Defense Department seems willing to rest on the laurels of past administrations and go back to a philosophy of ''just enough,'' The Crusader would provide US military personnel with the best technology in the world that meets a know deficiency of a military service that American industry has shown it can deliver on time and on budget. The Crusader system is a state-of-the-art heavy artillery system that has already produced 7 new patents from its new technology. Over 6,000 test rounds have already been fired and the system is meeting or exceeding range, rate-of-fire, and reliability requirements by all accounts.

It is simply hard to understand why a system that meets the biggest Army warfighting deficiency is being scrapped.

If the President persists in demanding the termination of the Crusader, the weaknesses of the outdated Paladin (with or without the Excalibur projectile) make it imperative that we expedite the development and fielding of the Objective Force next generation artillery system. American soldiers do not deserve to continue to endure the risks of substandard artillery support. This deficiency must be eliminated as quickly as possible.

We therefore support the Committee position of adding $173 million to the $195 million budget request for development of the Objective Force artillery system in order to field a new system by 2008. This would accelerate the Army's old schedule by four to six years. This acceleration is possible only if the Army uses the existing Crusader engineering team and leverages the technology advances garnered with the Army's $2 billion investment that has already been spent on Crusader development.

Following are some of the detailed answers received from DOD to our specific questions on the Crusader that have been raised in the course of this debate.

1. How does the Crusader compare to other top foreign systems? Why don't we simply buy one of those systems?

A comparison of the most advanced artillery systems in the global marketplace available to our allies shows why the Army believes the Crusader is a superior artillery system. The Crusader delivers more firepower, is more mobile, protects its crew better, weighs less, uses fewer crewmembers, and is the only system that can be fully networked on the battlefield.

COMPARISON OF MODERN SELF-PROPELLED HOWITZERS

	Crusader (U.S.)*	Paladin (U.S.)	G6 (S. Africa)	AS90 (U.K.)	PzH2000 (Germany)
Max Range (km)*	40	30	30	37.4	37.4
Max Rate of Fire*	10 to 12/Minute. Indefinitely.	4/minute for 3	3/minute	6/minute for 3	6-8 minute for 3
Crew Size (howitzer + resupply veh).	3 + 3	4 + 4	6+resupply crew	5+resupply crew	5+resupply crew
Curb Wt. (ton)	40	27	52	46.3	54+
Combat Wt. (ton)	50	32	55.6	50.7	60.3
Horsepower	1500	440	520	660	991
Projectile Qty.	48	39	45	58	60
Accuracy	96m @ 30km	232m@30km	Unknown	246m@30km	200m@km
Simultaneous rounds on target (MRSI Capability)	4–10 rounds	N/A	Unknown	Unknown	2–6 rounds
Highway speed (km/hr)*	67	60	85	52	62.5
X-Country Speed (km/hr)*	48	27	30	25	45
NBC Macro Protection	Yes	No	No	No	No
Resupply Vehicle	Yes/Automated	Yes/Manual	No	No	No
U.S. Command & Control	Yes	Yes/Not All	No	No	No

Notes:
[1] G6 is a South African howitzer, AS90 is from the United Kingdom, and PzH2000 is German.
[2] * indicates a key performance parameter (KPP). An additional KPP is the ability to automatically transfer 48 rounds from the resupply vehicle to the howitzer within 10.4 minutes, including maneuver time to link the vehicles—no other system can meet this requirement.
[3] CEP is circular error probability.
[4] MRSI is multiple round simultaneous impact capability.
[5] NBC is nuclear (radiological) biological 1 warfare, and chemical warfare crew protection.
Maximum Rate of Fire is at all deflections and quadrants using all projectile and fuse combinations.

2. How Much Does Crusader Cost?

A two-vehicle Crusader system (howitzer and resupply vehicle) could be procured for about $10.01 million (recurring production costs, FY 01 constant dollars) which is about 70% of the cost of one Army Blackhawk helicopter. In budget terms, the total procurement cost of $7 billion for 480 systems (another $4 billion is for development) is substantial in and of itself, but in terms of the total Defense budget the Army's planned average appropriation level of about $1 billion per year represents about one percent of the Army's annual budget, and about 3 tenths of one percent of the annual Defense Department budget. The total cost of the entire Crusader procurement is less than one year's worth of research for the missile defense program.

3. How much are the new Excalibur and guided MLRS munitions expected to cost, and how does that compare to standard 155mm ammunition?

Excalibur. The latest February 12, 2002 Army estimate pegged the future Excalibur program acquisition cost for the first 9,417 unitary projectiles at $222,000 per round, or a total cost of $2.1 billion. The Army could purchase nearly half of the entire Crusader fleet (209 out of 480 systems) for the cost of the first 10,000 rounds of Excalibur ammunition. The Administration's target unit cost for Excalibur unitary is $33,000 per round for 200,000 rounds, a seven-fold decrease compared to the current price, for a total cost of $6.6 billion. In addition, the Administration plans on buying an additional 40,264 Excalibur senior-fused (infra-red sensing skeet bomblets) projectiles at $96,000 per round, for a total cost of $3.9 billion. The past Army track record in precision/smart munitions programs (SADARM, MSTAR, BAT, WAM, Copperhead) does not support this cost reduction assumption. But assuming the Army can attain these ''best cost'' estimates the cost of the first 200,000 rounds of Excalibur unitary and 40,000 rounds of Excalibur sensor-fused projectiles would cost $10.5 billion, more than one and half times the total cost of the Crusader procurement ($7 billion). If the $33,000 ''best cost'' estimate for Excalibur unitary cannot be reached and the price can be reduced by only 50% to say, $100,000 per round, the total cost for Excalibur unitary projectiles sky-rockets to over $20 billion in order to attain the Army's initial 200,000-unit inventory objective. In any case, it would require annual appropriations of well over $1 billion per year in order to finance the Excalibur production rate efficiencies used as the basis for the target cost estimate—something that is unprecedented for one type of round of Army ammunition. It is also expected that the Army Excalibur inventory objective over time would increase well above 200,000 units.

Guided MLRS. The latest Army estimates peg the expected cost of Guided MLRS unitary rockets at $65,000 per unit. Assuming that the Army would fire a minimum of two rockets per target, the cheapest ''kill'' cost for a truck or a tank using guided MLRS would be $130,000. Each salvo of 12 MLRS rockets would cost $780,000 for unitary warheads (equivalent to the cost of 3,250 155mm projectiles).

Non-precision 155mm HE ammunition. The Army's most recent purchase of M107 HE 155mm projectiles was $240 per round for 155,000 rounds. M795 HE rounds are estimated to cost between $500 and $770 per round.

Inventory. The Army has an inventory of over 4.2 million 155mm HE rounds already paid for. There are no Excalibur projectiles or Guided MLRS rockets in the current inventory.

4. The Army has the best tank, the best infantry fighting vehicle, and the best attack helicopter in the world. Why has the Army operated so long with an inferior heavy artillery system?

During the late 1970's and 1980's the Army introduced new families of fighting systems that included the Abrams tank, Bradley fighting vehicle, air defense systems and helicopters such as Apache and Blackhawk. Due to fiscal constraints and diverging priorities in the mid 80's, the field artillery was forced to skip a generation of cannon modernization.

During that time period, the Army developed the Multiple Launch Rocket System (MLRS) to satisfy its deficiency in deep attack and Paladin was developed as an interim solution for its cannon deficiencies. Consequently, Paladin was a simple product improvement to the old M 109 that lacked mobility, lethality, and survivability. Because if the limitations of the chassis, Paladin lacks the potential or significant product improvement.

5. Can indirect cannon fire support missions be accomplished by greater investment in other systems—aircraft, missiles, and rockets?

U.S. ground forces have traditionally required a mix of rocket, missile and cannon systems to meet their fire support requirements. Cannons have historically provided close support to the maneuver arms on a 24-hour all weather basis. Although the unique characteristics that made cannon systems ideal for this mission are becoming less distinct as the capabilities of precision and smart munitions are improved, several distinct characteristics are likely to remain.

Flexibility and responsiveness. Flexibility and responsiveness are probably the cannon's hallmark. The close combat environment demands the ability to rapidly accommodate change. Cannon systems are more responsive to rapidly changing battle conditions because they carry a readily available quantity and variety of munitions and can rapidly change from one type of munition to another as required. Cannons reload by individual rounds vice pods for rockets/missiles. Rocket/missile pods can only accommodate one type of munition at a time. Often, the type of rocket/missile pod loaded may not be the optimum munition required for the specific target. Fires and effects coordinators then face what can be a dilemma. They must either search for launchers loaded with the correct munition, fire the launcher loaded with the less than optimum munition, or direct reload. Launcher reload operations can take approximately 7–20 minutes, making them less than ideal in a time critical situation. Aircraft carry limited amounts and types of munitions and must land to reconfigure or replenish their load. Aircraft reload cycles are generally much longer than missile and rocket systems. Army data indicated that a Crusader battalion could provide 130 tons of munitions in one hour, and 900 rounds in close support before the first aircraft sorties arrives on station.

Continuous Fires. Cannon systems are more capable of providing continuous fires (fires without gaps over a period of time) than are rocket/missile launchers and aircraft. With an actively cooled cannon, and fully automated rearm and resupply provided by Crusader resupply vehicles, the capability to provide continuous fires is greatly enhanced. Cannons have the capability to shift from target to target quickly—a matter of seconds in many cases. While launches do well in providing massed fires, there can often experience unacceptable gaps for reloading operation in sustaining fires.

Employment in Proximity to Friendly Forces. Providing fires in close proximity to friendly forces is an essential fire support task in the close fight. The minimum safe distance as measured by bursting radius is considerably smaller for cannons compared to existing rocket/missile systems. Final protective fires and ''danger close'' missions end up placing fires extremely close to friendly forces. The smaller bursting radius of cannon munitions enables the ''echelonment of fires'' whereby the infantry uses a succession of cannon and mortar systems interchangeably to maximize the coverage of fires until they must be shifted or lifted. Close fires require accuracy, responsiveness, timely delivery, and ''controlled'' (or limited) effects (burst radius), to reduce risk to supported forces. Cannon artillery can be employed much closer to our forces and is an absolute necessity in the close support role since it can be employed in all weather, in all terrain, day or night. Weather can severely hamper close air support. For instance, during the Kosovo air campaign, 56% of sorties were aborted due to weather. Of those sorties executed, 33% were adversely affected by weather, resulting in less than half of the targets being effectively engaged.

Sustainability. According to the Army, the logistical footprint for cannons is generally smaller than for rocket/missile launchers based on ammunition weight and cube size.

Cost of Munitions. Cannon munitions have historically been less expensive than rockets or missiles on a per-unit cost basis, and they provide a larger family of munitions to select from to deal with battlefield dynamics. Compared to the expected range of cost for new precision guided cannon and rocket munitions, the cost per round of non-precision 15mm cannon projectiles is cheaper on the order of 140–925 to one (see #3 above).

6. Will there be a void in indirect fire support without Crusader?

Possibly. According to the requirement that was developed by the Army and approved by the Joint Requirements Council of the Joint Chiefs of Staff, the Paladin was judged to be not mobile enough to keep up with our mechanized force in a maneuver-dominated fight. The Army is also concerned that the Paladin's range and rate-of-fire limitations prevent it from providing the required counter-fire ''umbrella'' for our forces. In addition to the significant increase in mobility, range, and rate-of-fire, Crusader provides the responsive, continuous fires and mobility required for fast moving close combat operations. Its automated ammunition handling and resupply system combined with an actively cooled cannon provide accurate sustained fires where needed in the required volume. Crusader interoperability with Joint and all Army command and control networks assures that effects are delivered when needed; providing direct link capability to any platform on the battlefield.

7. How old is Paladin and how much longer would it need to be in the force if Crusader is canceled? Can Paladin be upgraded to meet many of the Crusader requirements?

The M109 series howitzer design began in the mid-1950s and entered service in 1961. Paladin is the sixth modification to the M109 design—no Paladins are new howitzers.

While maintaining virtually the same chassis, engine, transmission, and basic suspension, the Paladin's weight has grown by one third from 24 tons to 32 tons. The armament system has grown from a 24 caliber cannon with a range of 14 kilometers to a 39 caliber cannon with a range of 30 kilometers.

The Crusader was planned to remain in the force beyond 2032. If Crusader is not available and the M109 series howitzer must be continued in its place, it is probable that it too would be in the field in 2032. This would mean that the M109 series howitzer would be in the field 70 years after it initially entered service. The soldiers in 2030 could be fighting with the same howitzer used by their great grandfathers.

The Army evaluated the prospect of improving Paladin during the Cost and Operational Effectiveness Analysis completed for Crusader's Milestone 1 decision and the Congressional report delivered in December 2000. The analysis shows that to attain Crusader's rate-of-fire (10–12 RPM), cross country mobility (39–48 KPH) and firing range (40–50 KM), Paladin would require an automated ammunition handling system, increased horsepower, improved suspension, and a cooled 56 caliber cannon. Paladin lacks sufficient growth capacity in the chassis to allow these improvements. To strengthen the chassis to withstand these stresses would require replacing or significant design changes in the hull structure, hydraulics, engine, transmission and suspension sub-systems.

8. Is Crusader rate of fire oversold because it can't be resupplied at high enough rates? What is the logistical plan to resupply Crusader during maximum rates of fire?

Ammunition resupply has been an issue that has plagued artilerymen for years. Because Crusader has a fully automated resupply system, it allows a 300% improvement in resupply operations. The key to successfully achieving this new resupply requirement will be the fielding of fully automated resupply vehicles (RSVs) that can rearm a Crusader howitzer with 48 rounds and refuel it in 10 minutes—a 50% improvement. One technique employs two resupply vehicles (RSV's) per howitzer battery in the vicinity of the firing area to conduct rearming and refueling, two RSVs in hide areas with full loads of ammunition, and two RSVs uploading at the Logistics Resupply Point. Other methods may be employed, depending on the individual tactical situation, and considerations of distances that have to be traveled between the locations. The introduction of the wheeled RSV gives the commander enhanced flexibility to conduct resupply operations depending on the threat. For example, when facing a high counter fire threat, the commander could deploy the tracked resupply vehicles forward providing maximum protection for the crew while using the wheeled vehicles to upload and transport ammunition in the less vulnerable rear positions and transfer the ammunition to the tracked carriers. In a law counter fire threat, the commander could also deploy the wheeled vehicles forward maximizing through put of ammunition. The automatic resupply and cannon autoloader capability is a major technological leap forward for the Army, which has never had this capability before.

9. What force structure was sacrificed in anticipation of fielding Crusader? Will structure be added back if Crusader is terminated? What will that cost?

In anticipation of the increased firepower and productivity of the Crusader system, the Army reduced force structure in both maneuver and fire support units by 25 percent in the mid-1990s. The Army reduced Paladin and all other cannon battalions from three batteries of eight howitzers (3x8) to three batteries of six howitzers (3x6). MLRS battalions were also reduced to 3 batteries of 6 launchers each (down from 8 or 9 launchers each), at the same time, Army tactics were changed to take full advantage of the speed of its tanks, Bradley fighting vehicles the Crusader, and other situation awareness capabilities, increasing the planned battle space for Army forces by over 200 percent. Termination of the Crusader will necessitate a reexamination of Army force structure, tactics, techniques, and procedures.

10. What are remaining development and cost risks of the Crusader?

The Army has testified that it rates the Crusader program a moderate to low risk for technical performance, cost, and schedule. The software build for Crusader is on schedule and within cost estimates. The range and rate-of-fire key performance parameters are being demonstrated with the first prototype vehicle at Yuma Proving Grounds and the resupply and mobility are on schedule for demonstration in 2002. Over 6,000 test firings have shown the Crusader to be 142% more accurate to date than Paladin. Accuracy improvements come from: A new projectile tracking system that removes meteorological errors; Precision pointing with electric drives; thermal management; Muzzle velocity management; On-board projectile weighting; and Inertial reference unit coupled to GPS to null out position errors.

The program has been focusing significant effort on building the reliability of the system in order to remove soldiers from the technical and manual operational aspect of fighting a weapon system.

11. How much does the Crusader weigh and what can carry it?

The Crusader howitzer was redesigned several years ago to reduce its weight from 60 tons to 40 tons. Under the Army's current plan, Crusader artillery would be either prepositioned or moved by sea as part of a counterattack corps. If needed, Crusader systems could be airlifted on C–17 or C–5B aircraft. Deployments by airlift would most likely entail a battery of 3 Crusader systems to meet special contingencies. Crusader airlift ranges would be:

	Nautical Miles
C–17:	
2 howitzers (84 tons)	2,276
1 howitzer and 1 resupply vehicle (w) (73 tons)	2,782
C–5B:	
2 howitzers (84 tons)	3,200
1 howitzer and 1 resupply vehicle (w) (73 tons)	3,500

Mr. NUSSLE. Mr. Chairman, I rise today in support of H.R. 5010, the Defense Appropriations Act for Fiscal Year 2003. This piece of legislation is perhaps the most important component of our wartime budget for America. It is the first bill we are considering pursuant to the 302(b) allocations filed by the Appropriations Committee on June 24. I am happy to report that it is consistent with the levels established in H. Con. Res. 353, the House concurrent resolution on the budget for fiscal year 2003, which we subsequently deemed as having the effect of a conference report on the resolution. The budget resolution provided $393.8 billion in budget authority for national defense, including $10 billion for a war reserve fund. This bill funds the bulk of that commitment. The rest is funded in separate military construction and energy and water appropriations bills.

H.R. 5010 provides $354.446 billion in new discretionary budget authority, which is $1 million less than the 302(b) allocation to the House Appropriations Subcommittee on Defense. Outlays of $345.328 billion are $782 million below the subcommittee's allocation. The bill contains no emergency-designated new budget authority, but does include $1.9 billion worth of BA savings including $945 million in Working Capital Revolving Fund reductions, $615 million in foreign currency savings and $195 million worth of rescissions of previously enacted BA.

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

This bill represents the House's unwavering commitment to win the war against terrorism. But in addition to combating terrorism, H.R. 5010 follows the blueprint set forth in the resolution to give every service member a 4.1-percent pay raise, increased housing allowances, and incentive pay.

Finally, section 201 of the budget resolution provided for a $10-billion reserve fund to continue military operations in fiscal year 2003. The Appropriations Committee has advised that it will deal with the war reserve fund when the Pentagon provides more budgetary detail about how it plans to spend the $10 billion.

In conclusion, I express my support for H.R. 5010 and yield back the balance of my time.

Mr. BEREUTER. Mr. Chairman, this Member rises in strong support for H.R. 5010, the Defense appropriations bill for FY 2003. This Member would like to offer particular thanks to the Chairman of the Subcommittee on Department of Defense Appropriations, the distinguished gentleman from California (Mr. LEWIS) and the Ranking Minority Member on the Subcommittee on Department of Defense Appropriations, the distinguished gentleman from Pennsylvania (Mr. MURTHA) for their work on this important bill.

This Member sincerely thanks the Committee on Appropriations for including $2.75 million in fiscal year 2003 for the Air National Guard's Project ALERT. Currently, Project ALERT serves as an on-line training tool developed and used by the Nebraska National Guard in collaboration with the Department of Defense, the National Guard Bureau, the University of Nebraska, and Nebraska Educational Television. The $2.75 million appropriated in H.R. 5010 will assist with the development of the new courses and the modification of existing courses.

Indeed, the implications of Project ALERT extend nationwide and to components of both the active and reserve military forces. Allowing military forces to complete some training courses on their own time, as Project ALERT does, provides an opportunity to cut on-site training costs and time and to maximize exercise time. For the U.S. military to meet the challenges it will face during the current war on terrorism and throughout the 21st Century, it is crucial that Congress invest in innovative and flexible training tools such as Project ALERT.

Furthermore, this Member is very appreciative that the Committee has approved the appropriation of $4 million for a bioprocessing facility at the University of Nebraska-Lincoln, giving (UNL).

These funds will be used for the third phase of the project to establish and validate a current Good Manufacturing Practices (cGMP) processing facility with the capability to make vaccines as therapeutic countermeasures against biological warfare agents. Two cGMP

pilot plants, one dedicated to yeast/bacterial culture and the other dedicated to mammalian cell culture will be built within the new Chemical Engineering building on the UNL campus. The funds will be used to build and equip the laboratories.

This will be a commercial-grade facility, giving UNL the capability, if required by the Department of Defense (DoD), to make vaccines against biological warfare agents and products that can be used as therapeutic countermeasures to treat people who have been exposed to biological agents. UNL is currently doing this on a smaller level and is well suited to pursue this expansion. These facilities certainly will enhance our nation's ability to respond to biological warfare.

In closing, Mr. Chairman, this Member urges his colleagues to support H.R. 5010.

Mr. CALVERT. Mr. Chairman, I rise today in strong support of the Defense Appropriations Act for Fiscal Year 2003. This bill provides our armed forces with the resources to fight terrorism and strengthens military quality of life, readiness, infrastructure and modernization programs. I would like to commend Chairman LEWIS, Ranking Member MURTHA and their staffs for their bipartisan work in putting this bill together.

The bill also includes funding for 12 new C–17 airlifters along with other acquisitions and improvements for our cargo and tanker fleet. Combat forces cannot fight, peacekeepers cannot keep the peace and humanitarian aid cannot be distributed without an effective, rapid global mobility force. Continuing to build up our cargo and tanker fleet will help ensure that the United States military can continue to effectively deliver both guns and butter anytime, anyplace.

Mr. GARY G. MILLER of California. Mr. Chairman, I wish to thank the distinguished Chairman of the Defense Appropriations Subcommittee, Congressman LEWIS, and Full Committee Chairman YOUNG for the incredible amount of work they and their Committees have put into this bill. The American people deserve a bill that provides for the defense of our nation and this bill puts us well on the way to a fully restored and invigorated military.

Earlier this year it came to my attention that across the Armed Services, Tuition Assistance funds had been exhausted for Fiscal Year 2002. As many Members know, the Tuition Assistance Program, commonly referred to as TA, provides soldiers, sailors, airmen, and marines the opportunity to construct an educational plan and have up to 75 percent of their tuition paid by their branch of service for amounts up to $3,500 per year. It's an extremely popular program and a great opportunity for our men and women in uniform to pursue a degree while serving their country. Unfortunately, instead of having this educational benefit available to them, our service members are confronted with a budget shortfall for 2002.

These men and women have put their lives on hold to serve their country; our nation should never put their educational plans on hold because of the exhaustion of TA dollars. That's why I am especially thankful to Chairman YOUNG, Chairman LEWIS, and their staffs for taking a close look at this program, which seeks to give our men and women in uniform greater access to higher education and eventually the dream of obtaining a college degree.

This bill includes a substantial increase in Tuition Assistance dollars—over $90 million in all. That's a twenty-five percent increase for this important program. So again, I thank the gentleman from California for bringing a bill to the floor that fully funds the President's request for Tuition Assistance and allows our service members the full measure of their educational benefits.

Mr. STARK. Mr. Chairman, I rise in opposition to the Defense Appropriation Act for FY 2003. This bill is full of all the usual pork.

On September 11, we were tragically shown how easy it is to defeat conventional defenses and deliver a weapon of mass destruction anywhere in the United States. This bill calls for spending billions on programs that don't directly respond to this basic security concern. In fact, most of this money will do nothing to help defend our country from terrorism or stop terrorist elements overseas.

We have now wasted over $100 billion on several different versions of a national missile defense system. If we continue to spend at this level for the next ten years, we will spend more than $200 billion. Why would anyone spend billions developing ICBMs when it would be far more cost effective and technologically feasible to put it on a boat, a plane, or in a cargo container?

We also are going to spend $7.6 billion on two advanced strike fighters designed to combat advanced tactical aircraft and penetrate enemy countries with integrated air defense systems. Yet, we are more threatened by those with the capability of building bombs in their basements than our most sophisticated adversaries, all of whom don't even possess these specialized air defenses. Will these multi-million dollar fighter planes help us? No. But, we are going to throw billions of dollars after these defense contractors anyway.

Finally, when the Administration decided to cancel the $11 billion Crusader mobile howitzer, the Republican Leadership refused to consider my amendment supporting the Administration's decision. Later when they saw the wisdom of cutting this program to put toward current homeland security needs, they still left a few hundred million in an account to continue to fund an identical artillery system. Why? To give more pork to our poor defense contractors.

It is time this Congress realizes: more money for unneeded and outdated programs will not improve our national security. We need to be wise in our defense spending. That is why I oppose this bill and urge my colleagues to vote against it.

Mr. BLUMENAUER. Mr. Chairman, I intend to support this bill before us today, but I have grave reservations about several of its provisions.

This bill spends $354.7 billion, $33.7 billion more than the current level. $7.4 billion of that is for the misguided missile defense system, which costs too much and is not in the best interest of the country. At this critical time in our nation's struggle against terrorism, we must spend our resources wisely on America's most immediate defense needs. Missile defense is not among them.

There are a few broader dimensions in this bill that are encouraging to me. The bill provides no funds for the outmoded Crusader mobile howitzer, a weapons system designed for a war from an age long past. I was pleased to see that the bill fully funds the President's request for the Defense Environmental Restoration Account.

I especially appreciate the emerging recognition by the Subcommittee of the importance of addressing the problem of unexploded ordnance (UXO), the bombs and shells that did not go off as intended and subsequently litter the landscape. I am pleased to be working with the Subcommittee leadership on this issue. We have made a step in the right direction toward getting the federal government to clean up after itself and be a good steward of the land. As we continue to consider defense appropriations funding as the year progresses, I hope that we will be able to address the critical needs for UXO research & development and cleanup.

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

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

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 5010

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2003, for military functions administered by the Department of Defense, and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

Mr. LEWIS of California (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 115, line 16, be considered as read, printed in the RECORD, and open to amendment at any point.

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

Mr. KUCINICH. Mr. Chairman, I reserve the right to object. Mr. Chairman, if I can have an inquiry of the gentleman from Pennsylvania.

Mr. MURTHA. This just opens the bill up.

Mr. KUCINICH. A number of Members have amendments that might be relevant earlier in the bill. I just wondered, Will this open the process up to amendments at any point?

Mr. MURTHA. That is right.

Mr. KUCINICH. So all of our amendments, then, would have a chance to be brought forward. I thank the gentleman.

Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

The text of the remainder of the bill through page 115, line 16, is as follows:

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $26,832,217,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $21,874,395,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $8,504,172,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $21,957,757,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $3,373,455,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,897,352,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $553,983,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Air Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,236,904,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $5,070,188,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $2,124,411,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $10,818,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, $23,942,768,000: *Provided*, That of the funds appropriated in this paragraph, not less than $355,000,000 shall be made available only for conventional ammunition care and maintenance.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $4,415,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, $29,121,836,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, $3,579,359,000.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $7,902,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, $27,587,959,000: *Provided*, That notwithstanding any other provision of law, that of the funds available under this heading, $750,000 shall only be available to the Secretary of the Air Force for a grant to Florida Memorial College for the purpose of funding minority aviation training: *Provided further*, That of the amount provided under this heading, not less than $2,000,000 shall be obligated for the deployment of Air Force active and Reserve aircrews that perform combat search and rescue operations to operate and evaluate the United Kingdom's Royal Air Force EH–101 helicopter, to receive training using that helicopter, and to exchange operational techniques and procedures regarding that helicopter.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, $14,850,377,000, of which not to exceed $25,000,000 may be available for the CINC initiative fund account; and of which not to exceed $34,500,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: *Provided*, That notwithstanding any other provision of law, of the funds provided in this Act for Civil Military programs under this heading, $750,000 shall be available for a grant for Outdoor Odyssey, Roaring Run, Pennsylvania, to support the Youth Development and Leadership program and Department of Defense STARBASE program: *Provided further*, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: *Provided further*, That $4,675,000, to remain available until expended, is available

only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: *Provided further*, That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,976,710,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,239,309,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $189,532,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $2,165,604,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), $4,231,967,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things, hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, $4,113,010,000.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, $9,614,000, of which not to exceed $2,500 can be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $395,900,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, $256,948,000, to remain available until transferred: *Provided*, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, $389,773,000, to remain available until transferred: *Provided*, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, $23,498,000, to remain available until transferred: *Provided*, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $212,102,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 2547, and 2551 of title 10, United States Code), $58,400,000, to remain available until September 30, 2004.

FORMER SOVIET UNION THREAT REDUCTION

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, $416,700,000, to remain available until September 30, 2005.

SUPPORT FOR INTERNATIONAL SPORTING COMPETITIONS, DEFENSE

For logistical and security support for international sporting competitions (including pay and non-travel related allowances

only for members of the Reserve Components of the Armed Forces of the United States called or ordered to active duty in connection with providing such support), $19,000,000, to remain available until expended.

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $2,214,369,000, to remain available for obligation until September 30, 2005, of which not less than $225,675,000 shall be available for the Army National Guard and Army Reserve: *Provided,* That of the funds made available under this heading, $45,000,000 shall be available only to support a restructured CH–47F helicopter upgrade program that increases the production rate to 48 helicopters per fiscal year by fiscal year 2005: *Provided further*, That funds in the immediately preceding proviso shall not be made available until the Secretary of the Army has certified to the congressional defense committees that the Army intends to budget for the upgrade of the entire CH–47 fleet that is planned to be part of the Objective Force.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,112,772,000, to remain available for obligation until September 30, 2005, of which not less than $168,580,000 shall be available for the Army National Guard and Army Reserve.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $2,248,358,000, to remain available for obligation until September 30, 2005, of which not less than $40,849,000 shall be available for the Army National Guard and Army Reserve.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,207,560,000, to remain available for obligation until September 30, 2005, of which not less than $124,716,000 shall be available for the Army National Guard and Army Reserve.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of not to exceed 40 passenger motor vehicles for replacement only; and the purchase of 6 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $180,000 per vehicle; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $6,017,380,000, to remain available for obligation until September 30, 2005, of which not less than $1,129,578,000 shall be available for the Army National Guard and Army Reserve.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $8,682,655,000, to remain available for obligation until September 30, 2005, of which not less than $19,644,000 shall be available for the Navy Reserve and Marine Corps Reserve.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $2,384,617,000, to remain available for obligation until September 30, 2005.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,167,130,000, to remain available for obligation until September 30, 2005, of which not less than $18,162,000 shall be for the Navy Reserve and Marine Corps Reserve.

SHIPBUILDING AND CONVERSION, NAVY

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

Carrier Replacement Program (CY), $250,000,000;

Carrier Replacement Program (AP–CY), $243,703,000;

Virginia Class Submarine, $1,490,652,000;

Virginia Class Submarine (AP–CY), $706,309,000;

SSGN Conversion, $404,305,000;

SSGN Conversion (AP–CY), $421,000,000;

CVN Refueling Overhauls (AP–CY), $296,781,000;

Submarine Refueling Overhauls, $231,292,000;

Submarine Refueling Overhauls (AP–CY), $88,257,000;

DDG–51, $2,273,002,000;

DDG–51 (AP–CY), $74,000,000;

LPD–17, $596,492,000;

LPD–17 (AP–CY), $8,000,000;

LCU (X), $9,756,000;

Outfitting, $300,608,000;

LCAC SLEP, $81,638,000;

Mine Hunter SWATH, $7,000,000; and

Completion of Prior Year Shipbuilding Programs, $644,899,000;

In all: $8,127,694,000, to remain available for obligation until September 30, 2007: *Provided*, That additional obligations may be incurred after September 30, 2007, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: *Provided further*, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion);

the purchase of not to exceed 141 passenger motor vehicles for replacement only, and the purchase of 3 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $240,000 per unit for one unit and not to exceed $125,000 per unit for the remaining two units; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $4,631,299,000, to remain available for obligation until September 30, 2005, of which not less than $19,869,000 shall be for the Naval Reserve.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of not to exceed 28 passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, $1,369,383,000, to remain available for obligation until September 30, 2005, of which not less than $253,724,000 shall be available for the Marine Corps Reserve.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, lease, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $12,492,730,000, to remain available for obligation until September 30, 2005, of which not less than $312,700,000 shall be available for the Air National Guard and Air Force Reserve: *Provided,* That of the amount provided under this heading, not less than $207,000,000 shall be used only for the producability improvement program directly related to the F–22 aircraft program: *Provided further,* That amounts provided under this heading shall be used for the advance procurement of 15 C–17 aircraft.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $3,185,439,000, to remain available for obligation until September 30, 2005.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,290,764,000, to remain available for obligation until September 30, 2005, of which not less than $120,200,000 shall be available for the Air National Guard and Air Force Reserve.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 263 passenger motor vehicles for replacement only, and the purchase of 2 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $232,000 per vehicle; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $10,622,660,000, to remain available for obligation until September 30, 2005, of which not less than $167,600,000 shall be available for the Air National Guard and Air Force Reserve.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 99 passenger motor vehicles for replacement only; the purchase of 4 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $250,000 per vehicle; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $3,457,405,000, to remain available for obligation until September 30, 2005: *Provided*, That funds provided under this heading for Patriot Advanced Capability-3 (PAC–3) missiles may be used for procurement of critical parts for PAC–3 missiles to support production of such missiles in future fiscal years.

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), $73,057,000 to remain available until expended.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $7,447,160,000, to remain available for obligation until September 30, 2004.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $13,562,218,000, to remain available for obligation until September 30, 2004: *Provided,* That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique operational requirements of the Special Operations Forces.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $18,639,392,000, to remain available for obligation until September 30, 2004.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, $17,863,462,000, to remain available for obligation until September 30, 2004.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, $242,054,000, to remain available for obligation until September 30, 2004.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, $1,832,956,000: *Provided*, That during fiscal year 2003, funds in the Defense Working Capital Funds may be used for the purchase of not to exceed 315 passenger carrying motor vehicles for replacement only for the Defense Security Service, and the purchase of not to exceed 7 vehicles for replacement only for the Defense Logistics Agency.

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $944,129,000, to remain

available until expended: *Provided*, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (that is; engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: *Provided further*, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: *Provided further*, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That, notwithstanding any other provision of law, $10,000,000 of the funds available under this heading shall be available in addition to other amounts otherwise available, only to finance the cost of constructing additional sealift capacity.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law, $14,600,748,000, of which $13,916,791,000 shall be for Operation and maintenance, of which not to exceed 2 percent shall remain available until September 30, 2004; of which $283,743,000, to remain available for obligation until September 30, 2005, shall be for Procurement; of which $400,214,000, to remain available for obligation until September 30, 2004, shall be for Research, development, test and evaluation, and of which not less than $10,000,000 shall be available for HIV prevention educational activities undertaken in connection with U.S. military training, exercises, and humanitarian assistance activities conducted primarily in African nations.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, ARMY

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $1,490,199,000, of which $974,238,000 shall be for Operation and maintenance to remain available until September 30, 2004, $213,278,000 shall be for Procurement to remain available until September 30, 2005, and $302,683,000 shall be for Research, development, test and evaluation to remain available until September 30, 2004.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation, $859,907,000: *Provided*, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $157,165,000, of which $155,165,000 shall be for Operation and maintenance, of which not to exceed $700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; and of which $2,000,000 to remain available until September 30, 2005, shall be for Procurement.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, $212,000,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Intelligence Community Management Account, $162,254,000, of which $24,252,000 for the Advanced Research and Development Committee shall remain available until September 30, 2004: *Provided*, That of the funds appropriated under this heading, $34,100,000 shall be transferred to the Department of Justice for the National Drug Intelligence Center to support the Department of Defense's counter-drug intelligence responsibilities, and of the said amount, $1,500,000 for Procurement shall remain available until September 30, 2005 and $1,000,000 for Research, development, test and evaluation shall remain available until September 30, 2004: *Provided further*, That the National Drug Intelligence Center shall maintain the personnel and technical resources to provide timely support to law enforcement authorities and the intelligence community by conducting document and computer exploitation of materials collected in Federal, State, and local law enforcement activity associated with counter-drug, counter-terrorism, and national security investigations and operations.

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

For payment to Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund, as authorized by law, $25,000,000, to remain available until expended.

NATIONAL SECURITY EDUCATION TRUST FUND

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

TITLE VIII

GENERAL PROVISIONS

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

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

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

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

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $2,500,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: *Provided further*, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: *Provided further*, That a request for multiple reprogrammings of funds using authority provided in this section must be made prior to May 1, 2003.

(TRANSFER OF FUNDS)

SEC. 8006. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for

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

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

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

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

C–130 aircraft; and

F/A–18E and F engine.

SEC. 8009. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported to the Congress as of September 30 of each year: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99–239: *Provided further*, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8010. (a) During fiscal year 2003, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2004 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2004 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2004.

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

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

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

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

SEC. 8014. None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by more than 10 Department of Defense civilian employees until a most efficient and cost-effective organization analysis is completed on such activity or function and certification of the analysis is made to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That this section and subsections (a), (b), and (c) of 10 U.S.C. 2461 shall not apply to a commercial or industrial type function of the Department of Defense that: (1) is included on the procurement list established pursuant to section 2 of the Act of June 25, 1938 (41 U.S.C. 47), popularly referred to as the Javits-Wagner-O'Day Act; (2) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or (3) is planned to be converted to performance by a qualified firm under 51 percent ownership by an Indian tribe, as defined in section 450b(e) of title 25, United States Code, or a Native Hawaiian organization, as defined in section 637(a)(15) of title 15, United States Code.

(TRANSFER OF FUNDS)

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

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

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

SEC. 8018. Notwithstanding any other provision of law, during the current fiscal year, the Secretary of Defense may, by executive agreement, establish with host nation governments in NATO member states a separate account into which such residual value amounts negotiated in the return of United States military installations in NATO member states may be deposited, in the currency of the host nation, in lieu of direct monetary transfers to the United States Treasury: *Provided*, That such credits may be utilized only

for the construction of facilities to support United States military forces in that host nation, or such real property maintenance and base operating costs that are currently executed through monetary transfers to such host nations: *Provided further*, That the Department of Defense's budget submission for fiscal year 2004 shall identify such sums anticipated in residual value settlements, and identify such construction, real property maintenance or base operating costs that shall be funded by the host nation through such credits: *Provided further*, That all military construction projects to be executed from such accounts must be previously approved in a prior Act of Congress: *Provided further*, That each such executive agreement with a NATO member host nation shall be reported to the congressional defense committees, the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate 30 days prior to the conclusion and endorsement of any such agreement established under this provision.

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

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

SEC. 8021. In addition to the funds provided elsewhere in this Act, $8,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That a subcontractor at any tier shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544).

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

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

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

SEC. 8025. (a) Of the funds for the procurement of supplies or services appropriated by this Act, qualified nonprofit agencies for the blind or other severely handicapped shall be afforded the maximum practicable opportunity to participate as subcontractors and suppliers in the performance of contracts let by the Department of Defense.

(b) During the current fiscal year, a business concern which has negotiated with a military service or defense agency a subcontracting plan for the participation by small business concerns pursuant to section 8(d) of the Small Business Act (15 U.S.C. 637(d)) shall be given credit toward meeting that subcontracting goal for any purchases made from qualified nonprofit agencies for the blind or other severely handicapped.

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

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

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

SEC. 8028. Of the funds made available in this Act, not less than $23,003,000 shall be available for the Civil Air Patrol Corporation, of which $21,503,000 shall be available for Civil Air Patrol Corporation operation and maintenance to support readiness activities which includes $1,500,000 for the Civil Air Patrol counterdrug program: *Provided*, That funds identified for ''Civil Air Patrol'' under this section are intended for and shall be for the exclusive use of the Civil Air Patrol Corporation and not for the Air Force or any unit thereof.

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

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

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 2003 may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2003, not more than 6,277 staff years of technical effort (staff years) may be funded for defense FFRDCs: *Provided*, That of the specific amount referred to previously in this subsection, not more than 1,029 staff years may be funded for the defense studies and analysis FFRDCs.

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2004 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year.

SEC. 8030. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided*, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

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

SEC. 8032. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided*, That the Senior Acquisition Executive of the military department or defense agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further*, That Office of Management and Budget Circular A–76 shall not apply to competitions conducted under this section.

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

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

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2002. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement

Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term ''Buy American Act'' means title III of the Act entitled ''An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes'', approved March 3, 1933 (41 U.S.C. 10a et seq.).

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

(INCLUDING TRANSFER OF FUNDS)

SEC. 8035. Amounts deposited during the current fiscal year to the special account established under 40 U.S.C. 485(h)(2) and to the special account established under 10 U.S.C. 2667(d)(1) are appropriated and shall be available until transferred by the Secretary of Defense to current applicable appropriations or funds of the Department of Defense under the terms and conditions specified by 40 U.S.C. 485(h)(2)(A) and (B) and 10 U.S.C. 2667(d)(1)(B), to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred.

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

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

(INCLUDING TRANSFER OF FUNDS)

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

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

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

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

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

SEC. 8040. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $100,000.

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

(b) The fiscal year 2004 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2004 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2004 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8042. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2004: *Provided*, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: *Provided further*, That any funds appropriated or transferred to the Central Intelligence Agency for agent operations and for covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2004.

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

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

SEC. 8045. Amounts collected for the use of the facilities of the National Science Center for Communications and Electronics during the current fiscal year and hereafter pursuant to section 1459(g) of the Department of Defense Authorization Act, 1986, and deposited to the special account established under subsection 1459(g)(2) of that Act are appropriated and shall be available until expended for the operation and maintenance of the Center as provided for in subsection 1459(g)(2).

SEC. 8046. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term ''Buy American Act'' means title III of the Act entitled ''An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes'', approved March 3, 1933 (41 U.S.C. 10a et seq.).

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

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

SEC. 8047. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

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

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

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support:

Provided, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8048. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

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

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

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

SEC. 8049. Notwithstanding section 303 of Public Law 96–487 or any other provision of law, the Secretary of the Navy is authorized to lease real and personal property at Naval Air Facility, Adak, Alaska, pursuant to 10 U.S.C. 2667(f), for commercial, industrial or other purposes: *Provided*, That notwithstanding any other provision of law, the Secretary of the Navy may remove hazardous materials from facilities, buildings, and structures at Adak, Alaska, and may demolish or otherwise dispose of such facilities, buildings, and structures.

(RESCISSIONS)

SEC. 8050. Of the funds provided in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

''Aircraft Procurement, Army, 2002/2004'', $3,000,000;

''Missile Procurement, Army, 2002/2004'', $28,350,000;

''Procurement of Weapons and Tracked Combat Vehicles, Army, 2002/2004'', $9,500,000;

''Procurement of Ammunition, Army, 2002/2004'', $25,500,000;

''Procurement, Marine Corps, 2002/2004'', $4,682,000;

''Aircraft Procurement, Air Force, 2002/2004'', $23,500,000;

''Missile Procurement, Air Force, 2002/2004'', $26,900,000;

''Research, Development, Test and Evaluation, Army, 2002/2003'', $2,500,000;

''Research, Development, Test and Evaluation, Navy, 2002/2003'', $2,000,000; and

''Research, Development, Test and Evaluation, Air Force, 2002/2003'', $67,000,000.

SEC. 8051. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, the Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

SEC. 8052. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of North Korea unless specifically appropriated for that purpose.

SEC. 8053. During the current fiscal year, funds appropriated in this Act are available to compensate members of the National Guard for duty performed pursuant to a plan submitted by a Governor of a State and approved by the Secretary of Defense under section 112 of title 32, United States Code: *Provided*, That during the performance of such duty, the members of the National Guard shall be under State command and control: *Provided further*, That such duty shall be treated as full-time National Guard duty for purposes of sections 12602(a)(2) and (b)(2) of title 10, United States Code.

SEC. 8054. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Foreign Intelligence Program (NFIP), the Joint Military Intelligence Program (JMIP), and the Tactical Intelligence and Related Activities (TIARA) aggregate: *Provided*, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8055. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 2002 level: *Provided*, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

SEC. 8056. (a) LIMITATION ON PENTAGON RENOVATION COSTS.—Not later than the date each year on which the President submits to Congress the budget under section 1105 of title 31, United States Code, the Secretary of Defense shall submit to Congress a certification that the total cost for the planning, design, construction, and installation of equipment for the renovation of wedges 2 through 5 of the Pentagon Reservation, cumulatively, will not exceed four times the total cost for the planning, design, construction, and installation of equipment for the renovation of wedge 1.

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

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

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

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

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

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

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

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

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

SEC. 8057. Notwithstanding any other provision of law, that not more than 35 percent of funds provided in this Act for environmental remediation may be obligated under indefinite delivery/indefinite quantity contracts with a total contract value of $130,000,000 or higher.

SEC. 8058. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

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

(TRANSFER OF FUNDS)

SEC. 8059. Appropriations available in this Act under the heading ''Operation and Maintenance, Defense-Wide'' for increasing energy and water efficiency in Federal buildings may, during their period of availability, be transferred to other appropriations or funds of the Department of Defense for projects related to increasing energy and water efficiency, to be merged with and to be available for the same general purposes, and for the same time period, as the appropriation or fund to which transferred.

SEC. 8060. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: *Provided*, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That this restriction shall not apply to the purchase of ''commercial items'', as defined by section 4(12) of the Office of Federal Procurement Policy Act, except that the restriction shall apply to ball or roller bearings purchased as end items.

SEC. 8061. Notwithstanding any other provision of law, funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to American Samoa, and funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to the Indian Health Service when it is in conjunction with a civil-military project.

SEC. 8062. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8063. Notwithstanding any other provision of law, the Naval shipyards of the United States shall be eligible to participate in any manufacturing extension program financed by funds appropriated in this or any other Act.

SEC. 8064. Notwithstanding any other provision of law, each contract awarded by the Department of Defense during the current fiscal year for construction or service performed in whole or in part in a State (as defined in section 381(d) of title 10, United States Code) which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor, shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the

contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills: *Provided*, That the Secretary of Defense may waive the requirements of this section, on a case-by-case basis, in the interest of national security.

SEC. 8065. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of the Department of Defense who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: *Provided*, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8066. (a) LIMITATION ON TRANSFER OF DEFENSE ARTICLES AND SERVICES.—Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

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

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

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

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

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

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

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

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

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

SEC. 8067. To the extent authorized by subchapter VI of chapter 148 of title 10, United States Code, the Secretary of Defense may issue loan guarantees in support of United States defense exports not otherwise provided for: *Provided*, That the total contingent liability of the United States for guarantees issued under the authority of this section may not exceed $15,000,000,000: *Provided further*, That the exposure fees charged and collected by the Secretary for each guarantee shall be paid by the country involved and shall not be financed as part of a loan guaranteed by the United States: *Provided further*, That the Secretary shall provide quarterly reports to the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate and the Committees on Appropriations, Armed Services, and International Relations in the House of Representatives on the implementation of this program: *Provided further*, That amounts charged for administrative fees and deposited to the special account provided for under section 2540c(d) of title 10, shall be available for paying the costs of administrative expenses of the Department of Defense that are attributable to the loan guarantee program under subchapter VI of chapter 148 of title 10, United States Code.

SEC. 8068. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

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

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

SEC. 8069. (a) None of the funds appropriated or otherwise made available in this Act may be used to transport or provide for the transportation of chemical munitions or agents to the Johnston Atoll for the purpose of storing or demilitarizing such munitions or agents.

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

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

(INCLUDING TRANSFER OF FUNDS)

SEC. 8070. During the current fiscal year, no more than $30,000,000 of appropriations made in this Act under the heading ''Operation and Maintenance, Defense-Wide'' may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8071. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

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

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

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

SEC. 8072. Funds appropriated in title II of this Act and for the Defense Health Program in title VI of this Act for supervision and administration costs for facilities maintenance and repair, minor construction, or design projects may be obligated at the time the reimbursable order is accepted by the performing activity: *Provided*, That for the purpose of this section, supervision and administration costs includes all in-house Government cost.

SEC. 8073. During the current fiscal year, the Secretary of Defense may waive reimbursement of the cost of conferences, seminars, courses of instruction, or similar educational activities of the Asia-Pacific Center for Security Studies for military officers and civilian officials of foreign nations if the Secretary determines that attendance by such personnel, without reimbursement, is in the national security interest of the United States: *Provided*, That costs for which reimbursement is waived pursuant to this section shall be paid from appropriations available for the Asia-Pacific Center.

SEC. 8074. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8075. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: *Provided*, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: *Provided further*, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8076. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: *Provided*, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: *Provided further*, That this restriction does not apply to programs funded within the National Foreign Intelligence Program: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8077. None of the funds made available in this Act may be used to approve or license the sale of the F–22 advanced tactical fighter to any foreign government.

SEC. 8078. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary

determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

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

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

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

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

SEC. 8079. Funds made available to the Civil Air Patrol in this Act under the heading ''Drug Interdiction and Counter-Drug Activities, Defense'' may be used for the Civil Air Patrol Corporation's counterdrug program, including its demand reduction program involving youth programs, as well as operational and training drug reconnaissance missions for Federal, State, and local government agencies; and for equipment needed for mission support or performance: *Provided*, That the Department of the Air Force should waive reimbursement from the Federal, State, and local government agencies for the use of these funds.

SEC. 8080. (a) PROHIBITION.—None of the funds made available by this Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

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

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

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

SEC. 8081. The Secretary of Defense, in coordination with the Secretary of Health and Human Services, may carry out a program to distribute surplus dental equipment of the Department of Defense, at no cost to the Department of Defense, to Indian health service facilities and to federally-qualified health centers (within the meaning of section 1905(1)(2)(B) of the Social Security Act (42 U.S.C. 1396d(1)(2)(B))).

SEC. 8082. The total amount appropriated in this Act is hereby reduced by $615,000,000 to reflect savings from favorable foreign currency fluctuations, to be derived as follows:

''Military Personnel, Army'', $154,000,000;

''Military Personnel, Navy'', $11,000,000;

''Military Personnel, Marine Corps'', $21,000,000;

''Military Personnel, Air Force'', $49,000,000;

''Operation and Maintenance, Army'', $189,000,000;

''Operation and Maintenance, Navy'', $40,000,000;

''Operation and Maintenance, Marine Corps'', $3,000,000;

''Operation and Maintenance, Air Force'', $80,000,000; and

''Operation and Maintenance, Defense-Wide'', $68,000,000.

SEC. 8083. None of the funds appropriated or made available in this Act to the Department of the Navy shall be used to develop, lease or procure the T–AKE class of ships unless the main propulsion diesel engines and propulsors are manufactured in the United States by a domestically operated entity: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes or there exists a significant cost or quality difference.

SEC. 8084. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8085. Notwithstanding any other provision of law, funds appropriated in this Act under the heading ''Research, Development, Test and Evaluation, Defense-Wide'' for any advanced concept technology demonstration project may only be obligated 30 days after a report, including a description of the project and its estimated annual and total cost, has been provided in writing to the congressional defense committees: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8086. Notwithstanding any other provision of law, for the purpose of establishing all Department of Defense policies governing the provision of care provided by and financed under the military health care system's case management program under 10 U.S.C. 1079(a)(17), the term ''custodial care'' shall be defined as care designed essentially to assist an individual in meeting the activities of daily living and which does not require the supervision of trained medical, nursing, paramedical or other specially trained individuals: *Provided*, That the case management program shall provide that members and retired members of the military services, and their dependents and survivors, have access to all medically necessary health care through the health care delivery system of the military services regardless of the health care status of the person seeking the health care: *Provided further*, That the case management program shall be the primary obligor for payment of medically necessary services and shall not be considered as secondarily liable to title XIX of the Social Security Act, other welfare programs or charity based care.

SEC. 8087. During the current fiscal year, refunds attributable to the use of the Government travel card, refunds attributable to the use of the Government Purchase Card and refunds attributable to official Government travel arranged by Government Contracted Travel Management Centers may be credited to operation and maintenance accounts of the Department of Defense which are current when the refunds are received.

SEC. 8088. (a) REGISTERING FINANCIAL MANAGEMENT INFORMATION TECHNOLOGY SYSTEMS WITH DOD CHIEF INFORMATION OFFICER.—None of the funds appropriated in this Act may be used for a mission critical or mission essential financial management information technology system (including a system funded by the defense working capital fund) that is not registered with the Chief Information Officer of the Department of Defense. A system shall be considered to be registered with that officer upon the furnishing to that officer of notice of the system, together with such information concerning the system as the Secretary of Defense may prescribe. A financial management information technology system shall be considered a mission critical or mission essential information technology system as defined by the Under Secretary of Defense (Comptroller).

(b) CERTIFICATIONS AS TO COMPLIANCE WITH FINANCIAL MANAGEMENT MODERNIZATION PLAN.—(1) During the current fiscal year, a financial management major automated information system may not receive Milestone A approval, Milestone B approval, or full rate production, or their equivalent, within the Department of Defense until the Under Secretary of Defense (Comptroller) certifies, with respect to that milestone, that the system is being developed and managed in accordance with the Department's Financial Management Modernization Plan. The Under Secretary of Defense (Comptroller) may require additional certifications, as appropriate, with respect to any such system.

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

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

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

(A) Business process reengineering.

(B) An analysis of alternatives.

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

(D) Performance measures.

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

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

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

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

(3) The term ''major automated information system'' has the meaning given that term in Department of Defense Directive 5000.1.

SEC. 8089. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: *Provided*, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8090. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a centerfire cartridge and a United States military nomenclature designation of ''armor penetrator'', ''armor piercing (AP)'', ''armor piercing incendiary (API)'', or ''armor-piercing incendiary-tracer (API–T)'', except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8091. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under 10 U.S.C. 2667, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in 32 U.S.C. 508(d), or any other youth, social, or fraternal non-profit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

SEC. 8092. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: *Provided*, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: *Provided further*, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: *Provided further*, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

SEC. 8093. During the current fiscal year, under regulations prescribed by the Secretary of Defense, the Center of Excellence for Disaster Management and Humanitarian Assistance may also pay, or authorize payment for, the expenses of providing or facilitating education and training for appropriate military and civilian personnel of foreign countries in disaster management, peace operations, and humanitarian assistance.

SEC. 8094. (a) The Department of Defense is authorized to enter into agreements with the Veterans Administration and federally-funded health agencies providing services to Native Hawaiians for the purpose of establishing a partnership similar to the Alaska Federal Health Care Partnership, in order to maximize Federal resources in the provision of health care services by federally-funded health agencies, applying telemedicine technologies. For the purpose of this partnership, Native Hawaiians shall have the same status as other Native Americans who are eligible for the health care services provided by the Indian Health Service.

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

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

SEC. 8095. Of the amounts appropriated in this Act for the Arrow missile defense program under the heading ''Research, Development, Test and Evaluation, Defense-Wide'', $131,700,000 shall be made available for the purpose of continuing the Arrow System Improvement Program (ASIP), continuing ballistic missile defense interoperability with Israel, and continuing development of an Arrow production capability in the United States.

SEC. 8096. Funds available to the Department of Defense for the Global Positioning System during the current fiscal year may be used to fund civil requirements associated with the satellite and ground control segments of such system's modernization program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8097. Of the amounts appropriated in this Act under the heading, ''Operation and Maintenance, Defense-Wide'', $68,000,000 shall remain available until expended: *Provided*, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government.

SEC. 8098. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104–208; 110 Stat. 3009–111; 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2003.

SEC. 8099. In addition to amounts provided in this Act, $2,000,000 is hereby appropriated for ''Defense Health Program'', to remain available for obligation until expended: *Provided*, That notwithstanding any other provision of law, these funds shall be available only for a grant to the Fisher House Foundation, Inc., only for the construction and furnishing of additional Fisher Houses to meet the needs of military family members when confronted with the illness or hospitalization of an eligible military beneficiary.

SEC. 8100. The total amount appropriated in Title II of this Act is hereby reduced by $51,000,000, to reflect savings attributable to improvements in the management of advisory and assistance services contracted by the military departments, to be derived as follows:

''Operation and Maintenance, Army'', $11,000,000;

''Operation and Maintenance, Navy'', $10,000,000; and

''Operation and Maintenance, Air Force'', $30,000,000.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8101. Of the amounts appropriated in this Act under the heading ''Shipbuilding and Conversion, Navy,'' $644,899,000 shall be available until September 30, 2003, to fund prior year shipbuilding cost increases: *Provided*, That upon enactment of this Act, the Secretary of Defense shall transfer such funds to the following appropriations in the amount specified: *Provided further*, That the amounts transferred shall be merged with and shall be available for the same purposes as the appropriations to which transferred:

To:

Under the heading, ''Shipbuilding and Conversion, Navy, 1996/2003'':

LPD–17 Amphibious Transport Dock Ship Program, $232,681,000;

Under the heading, ''Shipbuilding and Conversion, Navy, 1998/2003'':

DDG–51 Destroyer Program, $47,400,000;

New SSN, $156,682,000;

Under the heading, ''Shipbuilding and Conversion, Navy, 1999/2003'':

LPD–17 Amphibious Transport Dock Ship Program, $10,000,000;

DDG–51 Destroyer Program, $56,736,000;

New SSN, $120,000,000;

Under the heading, ''Shipbuilding and Conversion, Navy, 2000/2003'':

DDG–51 Destroyer Program, $21,200,000;

Under the heading, ''Shipbuilding and Conversion, Navy, 2001/2008'':

DDG–51 Destroyer Program, $200,000.

SEC. 8102. The Secretary of the Navy may settle, or compromise, and pay any and all admiralty claims under 10 U.S.C. 7622 arising out of the collision involving the U.S.S. GREENEVILLE and the EHIME MARU, in any amount and without regard to the monetary limitations in subsections (a) and (b) of that section: *Provided*, That such payments shall be made from funds available to the Department of the Navy for operation and maintenance.

SEC. 8103. The total amount appropriated in Title II of this Act is hereby reduced by $97,000,000, to reflect savings attributable to improved supervision in determining appropriate purchases to be made using the Government purchase card, to be derived as follows:

''Operation and Maintenance, Army'', $24,000,000;

''Operation and Maintenance, Navy'', $29,000,000;

''Operation and Maintenance, Marine Corps'', $3,000,000;

''Operation and Maintenance, Air Force'', $27,000,000; and

''Operation and Maintenance, Defense-Wide'', $14,000,000.

SEC. 8104. Funds provided for the current fiscal year or hereafter for Operation and Maintenance for the Armed Forces may be used, notwithstanding any other provision of law, for the purchase of ultralightweight camouflage net systems as unit spares.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8105. During the current fiscal year and hereafter, notwithstanding any other provision of law, the Secretary of Defense may transfer not more than $20,000,000 of unobligated balances remaining in a Research, Development, Test and Evaluation, Army appropriation account during the last fiscal year before the account closes under section 1552 of title 31 United States Code, to a current Research, Development, Test and Evaluation, Army appropriation account to be used only for the continuation of the Venture Capital Fund demonstration, as originally approved in Section 8150 of Public Law 107–117, to pursue high payoff technology and innovations in science and technology: *Provided,* That any such transfer shall be made not later than July 31 of each year: *Provided further,* That funds so transferred shall be merged with and shall be available for the same purposes and for the same time period as the appropriation to which transferred: *Provided further,* That the transfer authority provided in this section is in addition to any other transfer authority available to the Department of Defense: *Provided further,* That, no funds for programs, projects, or activities designated as special congressional interest items in DD Form 1414 shall be eligible for transfer under the authority of this section: *Provided further,* That any unobligated balances transferred under this authority may be restored to the original appropriation if required to cover unexpected upward adjustments: *Provided further,* That the Secretary of the Army shall provide an annual report to the House and Senate Appropriations Committees no later than 15 days prior to the annual transfer of funds under authority of this section describing the sources and amounts of funds proposed to be transfered, summarizing the projects funded under this demonstration program (including the name and location of project sponsors) to date, a description of the major program accomplishments to date, and an overall assessment of the benefits of this demonstration program compared to the goals expressed in the legislative history accompanying Section 8150 of Public Law 107–117.

SEC. 8106. Notwithstanding any other provision of law or regulation, the Secretary of Defense may exercise the provisions of 38 U.S.C. 7403(g) for occupations listed in 38 U.S.C. 7403(a)(2) as well as the following:

Pharmacists, Audiologists, and Dental Hygienists.

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

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

SEC. 8107. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2003 until the enactment of the Intelligence Authorization Act for fiscal year 2003.

SEC. 8108. Section 1111(c) of title 10 is amended in the first sentence by striking ''may'' after the Secretary of Defense and inserting ''shall'' after the Secretary of Defense.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8109. During the current fiscal year, amounts in or credited to the Defense Cooperation Account under 10 U.S.C. 2608(b) are hereby appropriated and shall be available for obligation and expenditure consistent with the purposes for which such amounts were contributed and accepted for transfer by the Secretary of Defense to such appropriations or funds of the Department of Defense as the Secretary shall determine, to be merged with and to be available for the same purposes and for the same time period as the appropriation or fund to which transferred: *Provided,* That the Secretary shall provide written notification to the congressional defense committees 30 days prior to such transfer: *Provided further,* That the Secretary of Defense shall report to the Congress quarterly all transfers made pursuant to this authority: *Provided further,* That this transfer authority is in addition to any other transfer authority available to the Department of Defense.

SEC. 8110. Notwithstanding section 1116(c) of title 10, United States Code, payments into the Department of Defense Medicare-Eligible Retiree Health Care Fund for fiscal year 2003 under section 1116(a) of such title shall be made from funds available in this Act for the pay of military personnel.

SEC. 8111. None of the funds in this Act may be used to initiate a new start program without prior notification to the Office of Secretary of Defense and the congressional defense committees.

SEC. 8112. The amount appropriated in title II of this Act is hereby reduced by $470,000,000 to reflect Working Capital Fund cash balance and rate stabilization adjustments, to be derived as follows:

''Operation and Maintenance, Navy'', $440,000,000; and

''Operation and Maintenance, Air Force'', $30,000,000.

SEC. 8113. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by $475,000,000, to reduce excess funded carryover, to be derived as follows:

''Operation and Maintenance, Army'', $48,000,000;

''Operation and Maintenance, Navy'', $285,000,000;

''Operation and Maintenance, Marine Corps'', $8,000,000; and

''Operation and Maintenance, Air Force'', $134,000,000.

SEC. 8114. Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this or any other appropriations Acts may be obligated for the purpose of transferring the Medical Free Electron Laser (MFEL) Program from the Department of Defense to any other Government agency.

SEC. 8115. (a) In addition to the amounts provided elsewhere in this Act, the amount of $4,000,000 is hereby appropriated to the Department of Defense for ''Operation and Maintenance, Army National Guard''. Such amount shall be made available to the Secretary of the Army only to make a grant in the amount of $4,000,000 to the entity specified in subsection (b) to facilitate access by veterans to opportunities for skilled employment in the construction industry.

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

SEC. 8116. (a) During the current fiscal year, funds available to the Secretary of a military department for Operation and Maintenance may be used for the purposes stated in subsection (b) to support chaplain-led programs to assist members of the Armed Forces and their immediate family members in building and maintaining a strong family structure.

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

SEC. 8117. (a) COMMISSION ON ADEQUACY OF ARMED FORCES TRAINING FACILITIES.—The Secretary of Defense shall establish an advisory committee under section 173 of title 10, United States Code, to assess the availability of adequate training facilities for the Armed Forces in the United States and overseas and the adverse impact of residential and industrial encroachment, requirements of environmental laws, and other factors on military training and the coordination of military training among the United States and its allies.

(b) MEMBERS.—The advisory committee shall be composed of persons who are not active-duty members of the Armed Forces or officers or employees of the Department of Defense.

(c) REPORT.—Not later than July 31, 2003, the advisory committee shall submit to the Secretary of Defense and the congressional defense committees a report containing the results of the assessment and such recommendations as the committee considers necessary.

(d) FUNDING.—Funds for the activities of the advisory committee shall be provided from amounts appropriated for operation and maintenance for Defense-Wide activities for fiscal year 2003.

SEC. 8118. (a) LIMITATION ON ADDITIONAL NMCI CONTRACT WORK STATIONS.—Notwithstanding 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) or any other provision of law, the total number of work stations provided under the Navy-Marine Corps Intranet contract (as defined in subsection (i) of such section 814) may not exceed 160,000 work stations until the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Chief Information Officer of the Department of Defense certify to the congressional defense committees that all of the conditions specified in subsection (b) have been satisfied.

(b) CONDITIONS.—The conditions referred to in subsection (a) are the following:

(1) There is a full transition of not less than 20,000 work stations to the Navy-Marine Corps Intranet.

(2) Those work stations undergo operational test and evaluation—

(A) to evaluate and demonstrate the ability of the infrastructure and services of the Navy-Marine Corps Intranet to support Department of the Navy operational, office, and business functionality and processes; and

(B) to evaluate the effectiveness and suitability of the Navy-Marine Corps Intranet to support accomplishment of Navy and Marine Corps missions.

(3) The Director of Operational Test and Evaluation of the Department of Defense completes an assessment of the operational test and evaluation and provides the results of the assessment and recommendations to the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Chief Information Officer of the Department of Defense.

(4) The Under Secretary of Defense for Acquisition, Technology, and Logistics and the Chief Information Officer of the Department of Defense determine that the results of the test and evaluation are acceptable.

SEC. 8119. None of the funds in this Act, excluding funds provided for advance procurement of fiscal year 2004 aircraft, may be obligated for acquisition of more than 16 F–22 aircraft until the Under Secretary of Defense for Acquisition, Technology, and Logistics has provided to the congressional defense committees:

(a) A formal risk assessment which identifies and characterizes the potential cost, technical, schedule or other significant risks resulting from increasing the F–22 procurement quantities prior to the conclusion of Dedicated Initial Operational Test and Evaluation (DIOT&E) of the aircraft: *Provided,* That such risk assessment shall evaluate based on the best available current information (1) the range of potential additional program costs (compared to the program costs assumed in the President's fiscal year 2003 budget) that could result from retrofit modifications to F–22 production aircraft that are placed under contract or delivered to the government prior to the conclusion of DIOT&E and (2) a cost-benefit analysis comparing, in terms of unit cost and total program cost, the cost advantages of increasing aircraft production at this time to the potential cost of retrofitting production aircraft once DIOT&E has been completed;

(b) Certification that any future retrofit costs to F–22 production aircraft, ordered or delivered prior to the conclusion of DIOT&E, that result from changes required from developmental or operational test and evaluation will not increase the total F–22 program cost as estimated in the President's fiscal year 2003 budget; and

(c) Certification that increasing the F–22 production quantity for fiscal year 2003 beyond 16 airplanes involves lower risk and lower total program cost than staying at that quantity, or he submits a revised production plan, funding plan and test schedule.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8120. Section 305(a) of the Emergency Supplemental Act, 2002 (division B of Public Law 107–117; 115 Stat. 2300), is amended by adding at the end the following new sentences: ''From amounts transferred to the Pentagon Reservation Maintenance Revolving Fund pursuant to the preceding sentence, not to exceed $305,000,000 may be transferred to the Defense Emergency Response Fund, but only in amounts necessary to reimburse that fund (and the category of that fund designated as 'Pentagon Repair/Upgrade') for expenses charged to that fund (and that category) between September 11, 2001, and January 10, 2002, for reconstruction costs of the Pentagon Reservation. Funds transferred to the Defense Emergency Response Fund pursuant to this section shall be available only for reconstruction, recovery, force protection, or security enhancements for the Pentagon Reservation.''.

SEC. 8121. (a) TERMINATION OF CRUSADER ARTILLERY SYSTEM.—Consistent with the budget amendment to the fiscal year 2003 President's Budget submitted to Congress on May 29, 2002, for termination of the Crusader Artillery System, the Department of Defense is authorized to terminate the Crusader program. Such termination shall be carried out in a prudent and deliberate manner in order to provide for the orderly termination of the program.

(b) ACCELERATION OF OTHER INDIRECT FIRE SYSTEMS.—Of the funds appropriated or otherwise made available in this Act, under the heading ''Research, Development, Test, and Evaluation, Army'', $305,109,000 shall be available only to accelerate the development, demonstration, and fielding of indirect fire platforms, precision munitions, and related technology.

(c) ACCELERATION OF OBJECTIVE FORCE ARTILLERY AND RESUPPLY SYSTEMS.—(1) Immediately upon termination of the Crusader Artillery System program, the Department of the Army shall enter into a contract to leverage technologies developed with funds invested in fiscal year 2002 and prior years under the Crusader Artillery System program, the Future Scout and Cavalry System program, the Composite Armored Vehicle program, and other Army development programs in order to develop and field, by 2008, a Non-Line of Sight (NLOS) Objective Force artillery system and Resupply Vehicle variants of the Future Combat System.

(2) Of the funds appropriated or otherwise made available in this Act under the heading ''Research, Development, Test, and Evaluation, Army'', $368,500,000 is available only for the Objective Force Indirect Fire Systems for the Army to implement this subsection: *Provided,* That none of the funds in this or any other Act shall be available for research, development, test, or evaluation of any Objective Force or Future Combat System indirect fire system until the Secretary of the Army has submitted a written certification to the congressional defense committees that a contract has been awarded pursuant to subsection (c)(1) containing a program plan and schedule for production and fielding a Future Combat System Non-Line of Sight Objective Force artillery system and Resupply Vehicle variants by 2008.

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

AMENDMENT OFFERED BY MR. TIERNEY

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

The Clerk read as follows:

Amendment offered by Mr. TIERNEY:

In the item relating to ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE'', after the dollar amount, insert the following: ''(reduced by $44,393,000)''.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order on the amendment. We have not seen it.

The CHAIRMAN. The point of order is reserved.

Mr. TIERNEY. Mr. Chairman, this defense appropriations bill allocates some $44.4 million for space-based boost interceptors, the so-called kinetic interceptors. According to Philip Coyle, who was the Pentagon's chief testing evaluator last year in testimony before our Committee on Government Reform, he indicated that this particular test program has been pushed back indefinitely and that it is nowhere near ready to be moved forward in terms of construction. It has not been tested adequately.

Mr. LEWIS of California. Point of order, Mr. Chairman. Could the gentleman provide me a copy of the amendment, please? I have not seen it.

Mr. TIERNEY. We can. If we had had more time of when this was going to happen, we would have been happy to do it ahead of time. Somebody is going to have to help you out on the floor with that.

The CHAIRMAN. The gentleman may proceed.

Mr. TIERNEY. Again, I go to the point of Philip Coyle, who was the director of the operations and testing evaluation program for the Pentagon, who came out clearly and has testified before committees in this House and has made it quite known publicly on the record both while he was in office and since his retirement from the last administration that the testing regime for this national missile defense is nowhere near adequate for us to have any level of confidence that it will be workable, particularly within the time frame that this administration has now set forth, which they claim they are going to have a system workable by 2004. Certainly moving forward and looking at their proposed space-based matters, they are nowhere near that date, or any date within a decade or more beyond that, for deployment.

However, within this budget they have some $44.4 million for space-based boost interceptors or the so-called kinetic interceptors and it makes no common sense at all to move forward on this until there has been a formalized plan that lays out specifically how the system can demonstrate its effectiveness and establish some reasonable time frame for accomplishing the goals that the administration has in mind.

I simply put forth for this body's deliberation and consideration the fact that we are spending money here well before it is appropriate to do so, that the general practice had been in this House and should be in this House that first we test and evaluate matters for their ability to work so that we can have some confidence in their reliability before we move forward.

It has been the experience of programs in the past that when we fail to test first before we deploy and construct, we get burned. We end up spending a considerable amount of money and losing a lot of time going back to the beginning to start construction over again in accordance with the tests and the evaluation. We have done that time after time. In fact, that is why this House passed a law setting up the Department of Operational Testing and Evaluation. Now we seem intent on ignoring the advice of that body and the comments of its director and moving forward and funding things well before their time, well before they have been adequately tested and well before, certainly, they have met the kind of evaluation that would give us any reasonable confidence that this would be a reliable system.

We have many other things, Mr. Chairman, that we could be spending money on within the defense budget. Homeland security is only one of those that certainly has a higher priority than space-based laser systems that so far have proved well beyond our grasp and have not been adequately tested.

I ask that we have some consideration for that, that we strike this 44.4 million from the budget, find a better use for it next time around, and move forward with reasonable testing and reasonable assumptions that we are not going to build something with this Congress' assent until it has been shown to have been adequately tested and shown to be able to work.

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

Mr. Chairman, I rise in support of the Tierney amendment. The bill before us

today provides $121.8 million for the initial construction of an inadequately tested mid-course missile defense system based in Fort Greely, Alaska. The Tierney amendment would cut these funds from Fort Greely construction.

To start Fort Greely construction is premature, it is technologically infeasible, and it is unrealistic. Fort Greely construction is the first step in what would become a larger system whose final price tag would be $238 billion by the year 2025. And no one knows if it even can work. Do the taxpayers not deserve some amount of confidence? Do the taxpayers not deserve to know that a $238 billion initiative is being started with the knowledge that it is at least possible? Because right now no one knows if it is possible or not. No problem here. Just go right ahead and spend the money, and we will figure out later on if it is possible.

According to the Pentagon's former chief investigator, Philip Coyle, testing on a national missile defense program is unrealistic and it is behind schedule. At a recent congressional briefing, Philip Coyle and missile defense expert Dr. Lisbeth Gronlund of the Union of Concerned Scientists testified that 15 of 17 critical components needed for interceptor deployment at Fort Greely will not be completed by the year 2004. Why? The technology simply is not at the required level. No problem here. Just spend the money, regardless.

Up to the present time, missile tests have failed to distinguish the target from a decoy except when the decoy has been made unrealistically easy to detect and smash, kind of like putting up a ''hit me'' sign electronically. There is even reason to question the success of the decoy hits. A General Accounting Office investigation found that defense contractors who conducted decoy tests found serious flaws in a 1997 test that the contractors had claimed was successful. I think America is learning about corruption involving corporations.

The administration has promised to have this site at least partially operational by 2004. However, the Defense Department has moved to put these accelerated plans under greater secrecy from Congress and the public by exempting missile defense projects from planning and reporting requirements, ending reports to Congress with detailed cost estimates and timetables and pulling the plug on disclosing the results of missile defense tests to the public. Can there be any greater example of why there is an urgent need to get a handle on this program?

The taxpayers are being asked to give this program a blank check, and no one even knows that it works. As a matter of fact, we have got plenty of evidence that it does not work, and it is all going to be hush-hush, a secret. With evidence of testing flaws in the past, it is a little bit too much to go along with the military contractors who are saying, Just trust us. How is Congress or the public expected to take military contractors' word or the Pentagon's word on the success of missile defense tests? And think of what it means to the American people if we rely on this to protect us and the results of tests have been phonied up. Yet all this money is being spent, instead of putting money where it really ought to be, developing technologies for peaceful resolution of our conflicts.

The missile defense system is being built when the Defense Department does not have the tools to make it work. Construction is being rushed ahead on false premises and false promises. The Department of Defense has failed to successfully test the main components of the missile defense program. Now, as more money is being sought for this boondoggle, the Department of Defense refuses to show where the money is going or how it is being used. The American taxpayers have a right to demand how their hard-earned tax dollars are being spent on programs in every place in government. And here it becomes even more important when the defense of our country is on the line.

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If Congress appropriates these funds, it will be impossible to hold the Department of Defense accountable. Congress should not continue to throw good money after bad. Vote ''yes'' on the Tierney amendment.

The CHAIRMAN. Does the gentleman from California (Mr. LEWIS) still reserve his point of order?

Mr. LEWIS of California. Mr. Chairman, I do not believe a point of order applies to this amendment. So let me say, I was going to rise and suggest that we oppose the amendment.

The gentleman who is speaking to the amendment, however, talked about a program that was going to spend X number of tens of millions of dollars, and claiming we do not know if it will work or not. But the amendment he is speaking to essentially, Mr. Chairman, would eliminate research on that very program to determine its feasibility, and whether it will work.

The CHAIRMAN. So the gentleman withdraws his point of order.

Is there anyone else who wishes to be heard on the amendment?

Mr. DOGGETT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this month, like thousands of proud parents from around the country, I attended the graduation ceremonies for my two daughters, one an educator, one a physician. As I watched my oldest prepare to return to our hometown with her physician husband, both of them to care for people there, I was mindful of the guidance given to doctors from as far back as we can remember: ''First, do no harm.''

I think that the Administration and supporters of this bill would do well to heed this cornerstone of medicine as they continue to pursue an insular defense policy—without the agreement of many of our allies, and without truly the consent of this Congress. This misguided policy emphasizes nuclear missile defense from space and abandons the Antiballistic Missile Treaty, which has played such an important role in keeping nuclear Armageddon at bay.

The Administration has also abandoned the wisdom, extensive writing, and testimony of Dr. Steven Weinberg, a Nobel-Prize-winning physicist at the University of Texas at Austin, who concludes that this system will ''harm our security,'' not strengthen it.

There is no shortage of reasons why a space-based ''Star Wars'' sequel is undesirable. It targets too many of our resources toward the least likely threat. We all know and are reminded each evening on the nightly news that terrorists have many other ways to deliver destruction to our country and threaten the security of our families. Perhaps the least likely way is some type of missile that would be clearly identified as to its source and which could be the target of a space-based missile defense system.

The Star Wars plan diverts billions of dollars that we need to meet the obligation to our children, to our seniors, to our families, and to address other more immediate homeland security needs. Of course, NMD also requires the technology to hit a bullet with a bullet, to distinguish the bullet from the decoys, and to target bullets that come in a wobbly fashion and a nonwobbly fashion. Doing all of this requires what I suggest is truly a ''faith-based initiative,'' because it takes immense faith to believe that such a space-based system will even work.

But chief among the reasons to oppose this plan and to support the Tierney amendment is that admonition to our physicians: ''First, do no harm.''

In working to build a world worthy of our children, the false security of space-based missile defense is far outweighed by the warning of former defense Secretary William Perry, that ''even a relatively small deployment of defensive weapons could trigger a considerable nuclear arms race.'' With all of the recent loose talk in Washington about first strikes, about increased reliance on nuclear weapons and new ways with new weapons, this is not talk and this is not a system that adds to the security of our families; it jeopardizes that security.

Intercontinental ballistic missiles are hardly America's greatest threat. The most serious nuclear threat we have is that there are so many weapons here and abroad that remain on hair-trigger alert and the risk that some nuclear device will be smuggled into our country on a truck, in a boat, or by some other means that could expose us to danger.

Now, the Administration and this bill seek over $44 million for space-based boost interceptors. The sky is the limit. This is part of a broader package

where we spent billions of dollars already and billions more are being requested over time. I think we need to draw a line at the heavens.

If wisdom's price is suffering, we cannot afford to belatedly learn that proceeding unilaterally with Star Wars is going to get the job done. It is not enough to learn by and by if the system works. It is not enough to let ''by and by'' be the words to spend more and more taxpayer resources on a system that does not work.

The modern version of the Hippocratic oath states, ''A prevention is preferable to a cure.'' Instead of spending billions to try to build a shield to blunt the sword, our focus should be on the resources, on the diplomacy, to keep that sword from ever being forged or drawn in the first place.

Mr. Chairman, I urge support of the Tierney amendment. I believe it will add to the security of American families.

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.

Mr. TIERNEY. 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 Massachusetts (Mr. TIERNEY) will be postponed.

The CHAIRMAN. Are there further amendments?

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

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

Mr. LINDER. Mr. Chairman, I rise in strong support of this legislation.

Mr. Chairman, I rise in support of both this rule and the underlying legislation, H.R. 5010, the Fiscal Year 2003 Defense Appropriations bill. This is an open and fair rule that will allow the House to work its will on the Defense Appropriations bill.

Over the past decade, the Armed Forces of this country have excelled beyond our expections. Since 1991, the U.S. military has been involved in over 40 different conflicts around the globe—nearly four times the number of engagements than the previous four and a half decades! Yet this government, more specifically the previous Administration, has asked our men and women to perform more of these duties with increasingly less support. I believe that time has come to put an end to this policy, and to provide the support our men and women in uniform deserve.

That is why I rise in support of H.R. 5010. This legislation represents the largest increase in defense spending in two decades, and provides a 4.1 percent increase in pay for our military personnel, adequate funding to maintain our current defense systems, and provides support for new, innovative systems, including full funding for the F–22. The F–22, built primarily by the dedicated men and women of Lockheed Martin in my home state of Georgia, will revolutionize our nation's Air Force, save the lives of American pilots, and ensure that the United States retains its dominance over the skies.

In addition to the best possible equipment, this legislation also ensures our support for the best possible training for our increasingly called-upon military reservists, such as funding for flight training devices for the 94th Airlift Wing at Dobbins Air Reserve Base in Marietta, Georgia.

As an individual who has served in U.S. Air Force myself, I am pleased to see this Administration and this Congress realize the significance of our military to freedom and democracy. I have worked closely with my good friend, Subcommittee Chairman JERRY LEWIS, to provide the best for our nation's military, and I thank him not only for his leadership on this legislation, but also for his commitment to defending the citizens of this country.

This past January, President Bush stood before this House and announced his intention to rebuild our military, to lead this nation against the scourge of international terrorism, and to root out those who seek to harm the citizens of this country. He has delivered on his promise, Mr. Chairman, and it is now time for us to deliver on ours. That is why I urge my colleagues to vote for this rule, vote for the underlying legislation, and give our men and women in uniform the support, dedication, and commitment that they have given to us.

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

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

Mr. DICKS. Mr. Chairman, I rise in strong support of this bill.

Mr. Chairman, I rise in strong support of the FY03 Defense Appropriations Act, and I want to thank Chairman LEWIS and Ranking Member MURTHA for putting together a great defense bill. This bill will substantially improve the lives of the soldiers, sailors, and airmen of the U.S. armed services as they carry on the nation's defense. I particularly want to make note of the Committee's work to fully fund the conversion of the Trident submarine into an SSGN conventional strike platform. Last year, Chairman LEWIS, Mr. MURTHA and our entire subcommittee added over $300 million to the FY02 Defense bill to get this program started. Today's bill includes $907 million to refuel and convert two Tridents into SSGNs. This bill also takes the first step in realizing the Air Force's vision for a common Widebody Aircraft to use for Intelligence Surveillance and Reconnaissance. It includes $596 million to purchase and outfit one 767 aircraft as the first Air Force Multimission Command and Control Aircraft (MC2A). I also want to commend the Committee for including $10 million to fund a new medical technology, Remote Acoustic Hemostatis, which can be used by field medics to stop traumatic bleeding on the battlefield. In my home district, we lost a fine soldier, Sgt. 1st Class Nathan Chapman of Ft. Lewis, in Afghanistan due to catastrophic bleeding. I believe this technology will let us prevent this kind of death in a few years.

As good as this bill is, Mr. Chairman, it does include one glaring weakness. The committee struck the best balance for meeting our defense obligations that it could given the top line constraints imposed by the Budget Committee and the Republican leadership. However, it barely begins to address what I call the Crisis in Procurement. The committee's recommendation of $70,285,272,000 for defense procurement is an increase of $9,420,324,000 over the amount approved for fiscal year 2002, and it is an increase of $3,065,238,000 over the President's budget request. However, despite the committee's best efforts, it has not changed the fundamental fact that the Defense Department procurement budget is in crisis.

Numerous reputable studies performed in the last several years have affirmed this growing crisis. Even the most conservative analysis conducted by the Congressional Budget Office has found that the procurement budget needs to be increased to at least $94 billion in order to sustain the military force structure that has now been ratified in the Quadrennial Defense Review. Other credible outside studies have reached estimates of over $120 billion. DOD's own studies on procurement needs, performed by the individual Services and the Joint Chiefs of Staff, show a requirement for $100–110 billion. The Navy has testified to Congress that it faces a procurement shortfall of $10 billion a year, and CBO estimates that including the Marine Corps this shortfall is $12 billion. The Air Force has told Congress of a shortfall of $14 billion, and the Army has a shortfall estimated by CBO at $5 billion a year.

The effects of this crisis are all too visible in the procurement programs and in the condition of military equipment and service maintenance budget. The cost and length of individual procurement programs have reached absurdity as buy quantities are reduced to minimum levels driving up unit costs. Drawn out procurement programs mean that average equipment ages are increasing rapidly. The average age of Air Force aircraft has increased by 24 percent in the last decade. Navy aircraft average age has increased 21 percent since 1990. The average age of Army helicopters has increased 12 percent since 1990. These increases have occurred even as force structure is reduced and the oldest equipment is retired. Furthermore, the current rate of procurement of Navy ships will lead to a fleet of only 230 ships by 2030.

The impact on operation and maintenance budgets is severe. The number of maintenance hours required for each aircraft flying hour is skyrocketing. For example, the Air Force had a 293 percent increase in the number of maintenance hours per flying hour on the F–15E from 1992 to 1999. The Navy experienced a 227 percent increase in the number of maintenance hours per flying hour on the F–14 in the same period. The direct effect is a dramatic increase in the Air Force budget for flying hours, more than 45 percent above inflation in the last five years. And the Navy's cost of Aviation Depot Level Repairables increased 68 percent between 1996 and 1999.

The President's proposed $48 billion increase for defense spending contained only a $7.6 billion increase for procurement. That means that despite the crisis in procurement spending, if the committee had accepted the President's budget recommendation, growth in procurement funds for fiscal year 2003 would have been slower than the growth in the overall defense budget. The fiscal year 2003 budget request follows the first Bush defense budget in which procurement was actually lower than the last defense budget of the Clinton Administration. More important, the size of the shortfall in procurement funding is more than

4 times the increase proposed for procurement in the President's FY03 budget.

The credibility of studies by the Joint Chiefs of Staff, CBO and the other higher estimates are strongly reinforced by a consideration of the historical patterns of defense spending. The current budget for procurement is less than half what it was at the peak of the Reagan years in 1985 when considered in constant dollars. Operations and maintenance spending, on the other hand, now exceeds the peak of the Reagan years even though our military force structure is about one third smaller. As a result, procurement, which was 25 percent of the defense budget in 1980 under President Carter, and 34 percent in 1985, is now only 19 percent of the budget. This historically low level is inadequate for sustaining our current force structure, let alone for transforming the military into a 21st Century fighting force.

There remains one more chance this year to begin addressing the crisis in procurement when the Department of Defense requests and the committee considers the $10 billion contingency fund for FY03. This fund must begin the process of modernizing our oldest military equipment. The longer we delay in facing up to this problem, the greater the cost of the solution and the more severe the crisis in both condition and quantity of the systems that we ask our military to use in our nation's defense. We owe it to our men and women in uniform and to the entire nation to step up to this crisis in procurement and commit ourselves to provide the sustained level of resources that will solve it.

AMENDMENT OFFERED BY MR. KUCINICH

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

The CHAIRMAN. Will the gentleman transmit the amendment to the Chair.

Mr. LEWIS of California. Mr. Chairman, we have not seen the amendment.

The Clerk read as follows:

Amendment offered by Mr. KUCINICH:

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

SEC. . Of the total amount appropriated pursuant to this Act for any component of the Department of Defense that the Director of the Office of Management and Budget has identified (as of the date of the enactment of this Act) under subsection (c) of section 3515 of title 31, United States Code, as being required to have audited financial statements meeting the requirements of subsection (b) of that section, not more than 99 percent may be obligated until the Inspector General of the Department of Defense expresses an opinion on the audited financial statements of that component pursuant to section 3521(e) of title 31, United States Code.

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

Mr. KUCINICH. Mr. Chairman, today I am offering an amendment to the Defense Appropriations bill that will withhold 1 percent of the budget of any component of the Department of Defense from being obligated if that component has not passed the test of the Department of Defense Inspector General audit.

This extraordinary measure is required to protect the taxpayer, since no major part of the Pentagon has ever passed the test of an independent audit since audits were mandated by the CFO Act in 1990.

The GAO found in its 2001 High-Risk Series Report that, of 22 high-risk operations listed in the GAO report, six are Department of Defense programs, more than any other agency.

According to the report, DOD could not match $22 billion worth of expenditures to the items they purchased. The Navy wrote off as lost over $3 billion worth of in-transit inventory. The Department of Defense also purchases material it does not need. Based on current requirements, over $1.6 billion of inventory should not have been ordered. Nor are these problems recent phenomena.

In March, 2000, the Pentagon Inspector General found that, of $7.6 trillion in accounting entries, $2.3 trillion were not supported, and this is a quote, ''were not supported by adequate audit trails or is sufficient evidence to determine their validity.''

At a March, 2001, hearing of the Committee on Government Reform Subcommittee on National Security, Veterans' Affairs, and International Relations, of which I am the ranking member, United States Comptroller General David Walker gave the Department of Defense an F on financial management. When asked, he admitted that it is probably the worst of any Federal agency in this respect.

Bad accounting practices have left troops vulnerable to biological and chemical weapon attacks, and I want every Member of the House to follow this. At a hearing last week of the same Committee on Government Reform subcommittee, the GAO reported on the results of their effort to track a single procurement item through the maze of different accounting, inventory and financial management systems at the Department of Defense.

The GAO chose one item, a suit worn by service members to protect themselves in the event of a chemical or biological weapon attack. Obviously, in light of the anthrax attacks and our military's deployment and prospective deployment to various parts of the world, these suits are extremely sought after. The Department is spending over a billion dollars to buy these suits at $200 apiece. The Pentagon has plans to buy 4.4 million of these suits, but to date they have issued only a quarter of these.

According to the official in charge of this program, service members have been clamoring for these suits to protect them from biological and chemical weapon attacks. Despite the intense demand within the military, the GAO found that the Pentagon is simultaneously selling the same suits at a deep discount on the Internet for $3 apiece. That is a 99 percent discount from what it cost the U.S. taxpayers. The Pentagon's accounting systems are so bad that several military units actually thought they had an excess of the protective suits. As a result, they went ahead and resold their suits to the public through actions and on the Internet. Our troops have been left unprotected from biological and chemical attacks by bad accounting practices in the Department of Defense, and the taxpayer continues to have their money mistreated.

Mr. Chairman, we even had testimony in committee this week that says that of 1.6 million protective suits that have been requisitioned, the Pentagon cannot even locate 1.2 million. I want to say that again. Of 1.6 million protective suits that have been requisitioned, the Pentagon cannot locate 1.2 million suits that would be used to put on our troops so they would be able to be protected against any chemical or biological weapons attack.

We have an obligation to the men and women who serve to say that the Department of Defense has to be accountable. My amendment withholds only 1 percent of defense funding to encourage the Department of Defense to follow the law to ensure taxpayer money is accounted for, to ensure that the men and women who serve will get the equipment that they need, to make sure that our national defense will be the highest priority; and we cannot do that if we do not have any ability to control the spending and if we do not have any ability to monitor where all of these materials are.

They cannot locate 1.2 million protective suits. Can the Members imagine that on the eve of the difficulties we have with Iraq?

The CHAIRMAN. The time of the gentleman from Ohio (Mr. KUCINICH) has expired.

(On request of Mr. DOGGETT, and by unanimous consent, Mr. KUCINICH was allowed to proceed for 1 additional minute.)

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

Mr. KUCINICH. I yield to the gentleman from Texas.

Mr. DOGGETT. Mr. Chairman, is the gentleman aware that the President's budget, a new feature of it, was to give a performance grade on all the different agencies in government and that on the very issues that the gentleman from Ohio is talking about, the Office of Management and Budget itself gave an F, a failing grade, to the Department of Defense? If the gentleman could answer on that and if you could tell us how the security of our men and women in arms, in harm's way, is advanced by the kind of accounting failures that would test even the talents of Arthur Andersen to justify.

Mr. KUCINICH. Mr. Chairman, obviously, the gentleman from Texas's (Mr. DOGGETT) question is well taken because the Pentagon cannot pass a test of an audit. Not only that, but they do not know where their equipment is. Here is a case where 1.2 million protective suits cannot be located. That is incomprehensible. That ought to cause people at the high levels in the Army to shake in their boots.

Mr. DOGGETT. Mr. Chairman, does the gentleman from Ohio (Mr.

KUCINICH) think it would be better if we gave them more money to manage?

Mr. KUCINICH. Mr. Chairman, think about that. Of course they should not have more money. The point of this amendment is that we take away 1 percent until they could pass an independent audit.

□ 1215

POINT OF ORDER

Mr. LEWIS of California. Mr. Chairman, because this is legislation on an appropriations bill, and just as importantly, because we did not have the courtesy of seeing it before the case, I must object to the amendment.

The CHAIRMAN. The gentleman insists on his point of order?

Mr. LEWIS of California. I insist on my point of order, Mr. Chairman.

Mr. KUCINICH. Mr. Chairman, would the gentleman please restate his point of order?

Mr. LEWIS of California. I object on the ground that this is legislation on an appropriations bill; and because of that, it is subject to a point of order, I believe, and I place that point of order and I object.

The CHAIRMAN. Does the gentleman from Ohio (Mr. KUCINICH) wish to be heard on the point of order?

Mr. KUCINICH. I certainly do.

The CHAIRMAN. The gentleman from Ohio is recognized.

Mr. KUCINICH. Mr. Chairman, I want to state that as a matter of law, this amendment complies with the rules of the House. The Department of Defense Inspector General is required by the Chief Financial Officers Act of 1990 to perform audits. There can be no dispute about that.

This law requires the Inspector General to report its findings to Congress. It cannot be disputed. The Comptroller General of the United States sets accounting standards for the United States Government, absolutely true. These standards are required to be followed by the Inspector General in the Chief Financial Officers Act of 1990.

Mr. Chairman, I have just stated chapter and verse why this amendment is in order. It is not legislating on an appropriation bill. Anyone familiar with these laws, with the Inspector General act, with the Chief Financial Officers Act, with the comptroller general's responsibilities for setting accounting standards, and with the standards required to be followed by the IG and the chief financial officer knows that we certainly are in a position of being able to offer this amendment and to call on a vote on it.

The CHAIRMAN. Does the gentleman from California (Mr. LEWIS) wish to be heard further on this point of order?

Mr. LEWIS of California. Mr. Speaker, I have made a point of order because this is legislation on an appropriations bill, and it violates clause 2, rule XXI. I understand the rule is that an amendment to a general appropriation bill shall not be in order if it changes existing law.

Further, Mr. Chairman, it is my understanding that expressing an opinion is not required under the CFO act.

I ask for a ruling of the Chair.

The CHAIRMAN. The Chair is prepared to rule on the point of order.

The gentleman from California (Mr. LEWIS) makes a point of order that the amendment changes existing law in violation of clause 2 of rule XXI. The gentleman from Ohio (Mr. KUCINICH) has the burden to show that the amendment does not change existing law.

In the opinion of the Chair, the gentleman has failed to meet his burden as to showing that, under law, the Inspector General is required to express an opinion on the financial statements, beyond the general auditing requirement in 31 U.S.C. 3521(e).

The point of order is sustained.

Are there any further amendments?

NOTICE

Incomplete record of House proceedings.

Today's House proceedings will be continued in the next issue of the Record.