108TH CONGRESS 1st Session } HOUSE OF REPRESENTATIVES { REPORT 108–55

# MAKING SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2003, AND FOR OTHER PURPOSES

APRIL 2, 2003.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. YOUNG of Florida, from the Committee on Appropriations, submitted the following

# R E P O R T

together with

## ADDITIONAL VIEWS

[To accompany H.R. 1559]

The Committee on Appropriations submits the following report in explanation of the accompanying bill making emergency wartime supplemental appropriations for the fiscal year ending September 30, 2003, and for other purposes.

## HONORING THE MEN AND WOMEN OF THE ARMED SERVICES

The Committee would like to recognize the men and women who are serving in our military operations today for their outstanding commitment and valor. The sacrifices they are enduring, the skill at which they are carrying out their duties, and the courage they continuously display, are a source of tremendous pride to all Americans.

## BILL HIGHLIGHTS

The bill recommended by the Committee provides total discretionary supplemental appropriations of $77,936,328,000 for fiscal year 2003. These funds are needed to meet emergency wartime funding requirements. Specifically, the bill includes:

- A total of $62,409,500,000 for the Department of Defense;
- $7,389,400,000 for international assistance, including $2,483,300,000 for an Iraq relief and reconstruction fund;

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$2,342,000,000 for the economic support fund; and $2,059,100,000 for the foreign military financing program;

- $3,521,100,000 for the Department of Homeland Security, including $2,200,000,000 for first responders, of which $700,000,000 is for high-threat, high-density urban areas; $428,000,000 is for customs and borders protection; $390,000,000 for Transportation Security Administration; and $230,000,000 for the Coast Guard (in addition to up to $400,000,000 provided through the Department of Defense);
- $3,178,300,000 for payments to air carriers;
- $398,862,000 for the Federal Bureau of Investigation;
- $319,000,000 for food aid;
- $274,128,000 for diplomatic and consular programs and embassy security activities; and
- $165,000,000 for public health and social service emergency fund and related activities.

The Committee recommendation largely mirrors the budget request submitted by the Administration. However, in lieu of establishing large "funds" to pay the expenses of the war and security enhancements as requested by the President for which little supporting detail or justification was provided to Congress, the bill allocates most of the funding to specific military, foreign operations, and homeland security accounts, programs and activities. This allocation is based on information obtained from the Administration through the Committee's oversight hearings and independent analysis. The Congressional notification and accountability provisions mirror precedents and procedures from the 1991 Desert Storm supplemental. The Administration is give the needed flexibility to allocate funds based on a dynamic combat environment and Congress is given sufficient accountability over the expenditures of taxpayer's dollars.

## TITLE I—WAR-RELATED APPROPRIATIONS

## CHAPTER 1

## DEPARTMENT OF AGRICULTURE

### PUBLIC LAW 480 TITLE II GRANTS

The Committee provides an additional $250,000,000, to remain available until expended, for Public Law 480 Title II Grants. This will allow the restoration of funds to food aid programs as a result of prioritizing food aid funds to respond to the conflict in Iraq. In addition, these funds are available for previously approved Title II food aid programs in such countries as Bangladesh, Uganda, Malawi, Haiti, Mozambique, Ghana, Kenya, Bolivia, Guatemala, Peru and parts of Ethiopia.

### BILL EMERSON HUMANITARIAN TRUST

The Committee provides the authority for the Secretary of Agriculture to replenish the Bill Emerson Humanitarian Trust pursuant to the release of March 20, 2003. In addition, the Committee recommends language to prohibit monetization of stocks to purchase different commodities for humanitarian aid to Iraq. The Congressional Budget Office estimates the cost for this replenishment

with this prohibition to be $69,000,000 for fiscal year 2003. Nothing in this law shall be construed to prevent authorized commodities from being purchased to replenish the Bill Emerson Humanitarian Trust.

## CHAPTER 2

## DEPARTMENT OF JUSTICE

## GENERAL ADMINISTRATION

### SALARIES AND EXPENSES

The Committee recommends $5,000,000 for the Office of Intelligence Policy and Professional Responsibility for increased operational support to the Federal Bureau of Investigation, primarily through the application of warrants under the Foreign Intelligence Surveillance Act. Of the amount provided, $2,000,000 is for additional personnel costs, and $3,000,000 is for information technology enhancements.

In the aftermath of September 11, the Congress has provided significant additional resources and broad new legal authorities to the FBI. Additional resources for oversight are required to ensure the continued effectiveness and efficiency of the FBI's counterterrorism and law enforcement efforts. The Committee directs the Attorney General to submit a proposal to the Committee no later than 30 days from enactment of this Act detailing a coordinated and transparent oversight plan for the FBI. The Committee is aware that the FBI's Ombudsman provides confidential and impartial assistance to FBI employees who are experiencing difficult workplace problems. It is the Committee's expectation that the Attorney General's proposal will include expanded responsibilities and resources for the Ombudsman to work with the Office of Inspector General, the Office of Intelligence Policy and Professional Responsibility, and the Office of Inspection to provide such oversight.

### COUNTERTERRORISM FUND

The Committee recommendation includes $100,274,000 for the Counterterrorism Fund. This amount includes $50,000,000 in new direct appropriations, and $50,274,000 in unobligated balances currently available in the Fund. The Counterterrorism Fund was established in 1995 after the bombing of the Alfred P. Murrah Building in Oklahoma City, and is under control and direction of the Attorney General. These funds may be used to reimburse any Department of Justice organization for the costs incurred from the reestablishment of an office or facility damaged or destroyed as a result of a domestic or international terrorist incident, and to cover extraordinary expenses necessary to counter, investigate, or prosecute domestic or international terrorism activities. The recommendation includes language requiring the Attorney General to notify the Committees on Appropriations in accordance with section 605 of Division B of Public Law 108–7 prior to obligation of any funds from this account.

### DETENTION TRUSTEE

The Committee recommends $15,000,000 for the detention of prisoners in the custody of the U.S. Marshals Service. The Committee understands that there has been a 16 percent increase in contract jail days in the first five months of fiscal year 2003 compared to the same time period of fiscal year 2002.

### OFFICE OF INSPECTOR GENERAL

The Committee recommends $2,500,000 for the Office of Inspector General to provide additional oversight to expanded Department authorities and activities, including oversight related to the implementation of the USA PATRIOT Act.

## LEGAL ACTIVITIES

### SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

The Committee recommends $26,080,000 for the Marshals Service for the protection of the judicial process. The recommendation includes the following: $14,446,000 to be allocated to the those districts with the highest priority needs for the protection of the judicial process; $4,434,000 for increased security associated with high threat trials including the protection of jurors and witness; $2,200,000 to upgrade secure communications capabilities; and $5,000,000 to address information technology deficiencies in the Marshals Service network capacity and security. The Committee directs that funds provided for information technology be used, in consultation with the Department's Chief Information Officer, to provide immediate enhancements to the capabilities of the Marshals Service booking, warrant and prisoner tracking automated systems. In addition, these funds should be used to address the security concerns outlined in the Inspector General report 03–03.

## FEDERAL BUREAU OF INVESTIGATION

### SALARIES AND EXPENSES

To respond to immediate and ongoing needs associated with preventing terrorist attacks, the Committee recommendation includes a total of $490,862,000 for the Federal Bureau of Investigation (FBI). This amount includes $398,862,000 in new direct appropriations and $92,000,000 in balances currently available from Public Law 107–117. The Committee recommendation provides the resources required for the FBI to collect and analyze information, and to respond to terrorist threats. The Committee recommendation includes $11,573,000 for counterterrorism program management, $12,529,000 to hire additional counterintelligence analysts and reports officers, and $46,612,000 to hire counterterrorism field investigators. The Committee urges the FBI to hire the additional agents, analysts and support personnel as expeditiously as possible to meet challenges associated with the continuing terrorist threats.

The Committee recommendation also includes $10,953,000 for counterterrorism field support and lead management needs; $33,217,000 for response capabilities; $5,575,000 for forensic services; and $70,000,000 for operational field expenses. Of the funds

recommended for operational field expenses, $50,000,000 shall be from unobligated balances available from Public Law 107–117.

The recommendation also includes $13,380,000 for language translation needs; $27,732,000 for surveillance support; $10,000,000 for tactical operations; $3,506,000 for the National Security Law Unit, which provides legal advice on national security investigations; and $10,545,000 to support the efforts of the Foreign Terrorist Tracking Task Force, which works to prevent foreign terrorists from entering the country. To support the ongoing successful efforts of the Joint Terrorism Task Forces, the Committee recommends $12,154,000 for secure voice conferencing capabilities.

For information technology needs, the Committee recommends $79,722,000, including $54,000,000 for information technology upgrades and information sharing activities, $5,000,000 for the Gateway information sharing project, and $20,722,000 for document exploitation. The Committee directs the FBI to use $42,000,000 in unobligated balances from Public Law 107–117 to develop needed redundancies. The FBI is directed to consult with the Committee regarding these requirements. To address cybercrime threats, the Committee recommends $51,892,000 for equipment, software, and Computer Analysis Response Team activities. The Department of Justice Chief Information Officer shall certify to the Committee that these investments are coordinated with other ongoing information technology enhancements underway throughout the Department.

Finally, the Committee recommends $33,410,000 for additional physical security needs, $8,000,000 for costs associated with background investigations, and $8,062,000 for bioterrorism risk assessments. The Committee directs the Attorney General and the FBI to submit a proposal to this Committee no later than 60 days from enactment of this Act to recoup the costs of conducting bioterrorism risk assessments and other background checks mandated in the wake of the terrorist attacks.

## THE JUDICIARY

## SUPREME COURT OF THE UNITED STATES

### SALARIES AND EXPENSES

The Committee recommends $1,535,000 for the Supreme Court for the following security enhancements: $386,000 for police pay increase to maintain pay parity with the Capitol Police; $1,013,000 for additional Supreme Court police officers; and $136,000 for police equipment and training needs.

## UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

### SALARIES AND EXPENSES

The Committee recommends $973,000 for the Court of Appeals for the Federal Circuit for additional court security officers to address the Court's security requirements.

## UNITED STATES COURT OF INTERNATIONAL TRADE

### SALARIES AND EXPENSES

The Committee recommends $50,000 for the United States Court of International Trade for a security system upgrade.

## DEPARTMENT OF STATE AND RELATED AGENCY

## DEPARTMENT OF STATE

### ADMINISTRATION OF FOREIGN AFFAIRS

### DIPLOMATIC AND CONSULAR PROGRAMS

The Committee recommends $106,420,000 for costs related to evacuations, emergency response, increased security, and opening a mission in Iraq. The recommendation includes $35,000,000 for requirements related to the provision of consular services; $30,619,000 for worldwide emergency response costs; $35,801,000 for costs associated with the re-establishment of a diplomatic mission in Iraq; and $5,000,000 for public diplomacy surge activities in Iraq and throughout the Middle East.

The recommendation for worldwide emergency response includes $15,619,000 for medical and vaccination services, and $10,000,000 for increased security measures at United States diplomatic missions worldwide, and $5,000,000 for operational costs of emergency task force activities of the Office of the Secretary, including emergency communications requirements. The amount recommended for re-establishing a diplomatic mission in Iraq includes $17,862,000 for post operations and $17,939,000 for diplomatic security.

The Committee recommendation will allow the Department to intensify public diplomacy activities in the Middle East, including the establishment of an Information Center in the Gulf region. The Committee expects the Department to engage the creative talents of the private sector to the maximum extent possible to develop new public diplomacy approaches and initiatives. In this regard, the Committee expects the Department to establish an advisory group on public diplomacy for the Arab and Muslim world to recommend new approaches, initiatives and program models to improve public diplomacy program results. This advisory group should include individuals with extensive expertise in public diplomacy, media, public relations, and the region. The advisory group shall submit its recommendations to the Committee on Appropriations no later than 90 days after the enactment of this Act.

### EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

The Committee recommends $71,500,000 for the costs of establishing an interim diplomatic facility in Iraq. This funding will allow the Department to acquire, secure, and renovate facilities, as necessary, to provide functional temporary facilities in Iraq. The Committee expects the Department to submit to the Committee, as soon as possible, a plan for a permanent facility in Iraq. The proposed plan should adhere to right-sizing principles and rigorous security standards.

### EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

The Committee recommends $65,708,000 under this heading for costs associated with evacuating United States Government employees, their families, and private American citizens as a result of the conflict with Iraq.

## RELATED AGENCY

## BROADCASTING BOARD OF GOVERNORS

### INTERNATIONAL BROADCASTING OPERATIONS

The Committee recommends $30,500,000 to expand broadcasting efforts to the Middle East. Of the amount provided, $26,000,000 is for start-up costs to initiate a Middle East Television Network; and $4,500,000 is for increased radio programming to Iraq. The Committee urges the Broadcasting Board of Governors to engage the creative talents of the private sector to the maximum extent possible in developing high-quality Arabic language entertainment and news programming.

## GENERAL PROVISIONS—THIS CHAPTER

The Committee recommendation includes language waiving provisions of existing legislation that require authorizations to be in place prior to the expenditure of any appropriated funds.

## CHAPTER 3

## DEPARTMENT OF DEFENSE—MILITARY

### INTRODUCTION

In his supplemental budget request, the President requested $62,409,500,000 for programs and activities funded through defense appropriations acts. According to the justifications submitted by the Office of Management and Budget as well as the Department of Defense, these funds are required at this time in order to—

> Reimburse the Department of Defense and other agencies for costs already incurred as a result of preparatory activity and other actions associated with operations in and around Iraq (which has since been named "Operation Iraqi Freedom"), as well as a portion of those costs associated with ongoing military operations in and around Afghanistan, the global war on terrorism generally, and related activities, including the Department of Defense's involvement in homeland security; and
>
> Provide, to the extent such ongoing and prospective requirements may be estimated at this time, the additional appropriations required for the remainder of fiscal year 2003 to support further military operations in and around Iraq (to include combat costs, post-combat stability operations, and force reconstitution requirements, as well as other potential needs).

Following receipt of the President's request on March 25, 2003, the Subcommittee on Defense held a series of private briefings with senior DoD and Administration officials, and also sought background information from the Office of the Secretary of Defense, the military services and defense agencies, and the intelligence commu-

nity. In addition, on March 27, 2003, the Subcommittee held an open hearing with the Secretary of Defense, the Deputy Secretary of Defense, the Chairman, Joint Chiefs of Staff, and other senior civilian and military officials. The purpose of this hearing was to review the requirements for the supplemental funding requested by the President, as well as the rationale behind the specific proposals made by the President on behalf of the Department of Defense and other agencies affected by the supplemental request. In that hearing, the Department's witnesses agreed with Members of the Committee that all parties have an interest in providing the requisite amount of flexibility to the President, the Secretary of Defense, the Director of Central Intelligence, the military services, and the combatant commanders, to deal with a dynamic and fluid situation. The participants also expressed their views that Congress too has its prerogatives—and that both Congress and the Executive must be committed to providing both fiscal accountability and oversight, while providing enough flexibility to manage the exigencies of current and prospective military operations.

## SUPPLEMENTAL REQUEST

The request of $62,409,500,000 included funding for six discrete activities, in either traditional appropriations accounts or general provisions, totaling $2,546,300,000. Further, the President proposed funding the remainder—$59,863,200,000—through one central transfer account, the Defense Emergency Response Fund (DERF). That amount includes nearly all of the funding requested for military operations, intelligence activities, equipment replacement, and personnel support. More specifically, within the DERF the Administration's justification material provided the following breakouts, by broad category:

$15,634,700,000 for personnel and personnel support;

$37,760,300,000 for military operations support;

$4,750,200,000 for procurement, and research, development, test, and evaluation; and

$1,717,000,000 for classified purposes.

The Defense Emergency Response Fund has been used by the Department of Defense to allocate appropriations to the military services in its various responses to the September 11th attacks, broadly defined as the global war on terrorism and other homeland defense activities. Given the evolving nature of the program and funding requirements associated with these operations during the latter part of 2001 and through 2002, the flexible character and broad authority of the DERF account arguably made it a useful vehicle for meeting the military services' financial needs in a reasonable and timely manner.

The Committee, however, has previously expressed its concern that, owing to its very flexibility, appropriations made to the DERF pose considerable challenges to both the Congress and the DoD's financial planners, as well as senior field managers at all levels. The ability to make and then execute discrete fiscal plans, aided by a time-honored and largely specifics-oriented appropriations process is largely undermined through use of the DERF. And while the Department is to be commended for having attempted, under difficult circumstances, to provide "after-the-fact" execution data to the Congress, there should be no question that use of the DERF was only

assented to by the Committee in the immediate post "9–11" period owing to the wide scope, and dynamism, of activities to be addressed during that time. The Committee remains concerned that continued use of the DERF—especially at the level sought by the Administration in this instance—creates an unwieldy, financial behemoth that frustrates both Congressional and Departmental oversight.

Moreover, the Committee believes that a need for flexibility at this time does not obviate the need for Congress to be fully involved in both establishing the terms and conditions under which appropriated funds are to be used, while also setting up a collaborative framework for continued oversight of funding. The Committee believes that any such framework must hold both the executive branch and the legislative branch accountable for funding decisions, as well as proper execution of those decisions following the enactment of appropriations bills and other legislation.

In light of these concerns, following submission of the supplemental request, the Committee requested, and has been provided, information from the DoD and affected agencies which has allowed the Committee to gain more insights into the precise activities, and likely funding allocations, for nearly all of the so-called "sunk costs" relating to these operations.

In addition, the Committee has closely reviewed the recent history of Congressional action in providing supplemental appropriations for major, large-scale military operations. One such instance, and one which the Committee believes offers a useful guide for both Congress and the Executive at this time, is the series of appropriations bills enacted during the 1990–1992 timeframe in connection with the Persian Gulf War, also referred to as Operations Desert Shield and Desert Storm. That process also involved Presidential requests for broad authorities in the allocation of funds. What emerged—then, as now, while in the midst of continued combat operations—was an appropriations framework and structure that provided the President and the Secretary of Defense some degree of flexibility in dealing with unknown and unpredictable costs, but also ensured that Congress would establish specific parameters in terms of both appropriations allocations and notification requirements.

## COMMITTEE RECOMMENDATIONS

The Committee recommends total new appropriations of $62,409,500,000, the total amount requested by the President. In so doing, it also recommends establishing a new account—the "Operation Iraqi Freedom Response Fund"—that balances both the need for flexibility to address uncertainty as well as accountability to the Congress and the American taxpayer. Similar to the accounting structure established for the Persian Gulf War in the early 1990's, the Operation Iraqi Freedom Response Fund allocates funds to traditional Defense Department accounts for military personnel pay, operation and maintenance, and so on, to specifically address costs already incurred and clearly anticipated by the Department.

The following table summarizes, by appropriations account or general provision, the Committee's recommendations compared to the President's request.

[In thousands of dollars]

| Budget request: | | Committee recommendation: | |
|---|---|---|---|
| Operation and Maintenance, Defense-Wide. | $1,400,000 | Operation and Maintenance, Defense-Wide. | 1,400,000 |
| Defense Emergency Response Fund. | 59,863,200 | Operation Iraqi Freedom Response Fund. | 59,682,500 |
| | | To be derived by transfer, as follows: | |
| | | Military Personnel | (12,094,500) |
| | | Operation and Maintenance | (20,735,700) |
| | | Procurement | (1,314,400) |
| | | Research, Development, Test and Evaluation. | (101,500) |
| | | Combat, Stability Operations, and Force Reconstitution Costs. | (25,436,400) |
| Defense Working Capital Fund (fuel costs). | 430,000 | Defense Working Capital Fund (fuel costs). | 1,100,000 |
| Drug Interdiction and Counter-Drug Activities, Defense. | 34,000 | Drug Interdiction and Counter-Drug Activities, Defense. | 34,000 |
| Natural Resources Risk Remediation Fund. | 489,300 | Natural Resources Risk Remediation Fund. | (1) |
| General Provision: Reimburse O&M for Drawdowns. | 165,000 | Reimburse O&M for Drawdowns. | 165,000 |
| General Provision: Defense Cooperation Account. | 28,000 | Defense Cooperation Account | 28,000 |
| Total | 62,409,500 | | 62,409,500 |

[1] May receive transfers not to exceed $489,300.

As indicated above, the Committee recommends $59,682,500,000 in new budget authority be appropriated to the Operation Iraqi Freedom Response Fund. The Committee bill then provides, by transfer, an allocation of funds in this new account to a number of appropriation accounts, as opposed to the approach of unallocated funding in a general transfer account as proposed in the budget submission. This method assures faster distribution of critical funding to the military services to cover costs already incurred while enhancing accountability for the use of funds.

Of this total amount, $34,246,100,000 has been allocated to address the estimated, specific costs already incurred to prepare for military operations to disarm Iraq and for certain costs already incurred for Operations Noble Eagle and Enduring Freedom (respectively, Defense homeland defense activities, and the operations in Afghanistan and the global war on terrorism). Funds also are provided for reconstitution of equipment used in those operations, regional coalition support, theater enhancements to infrastructure, and communications. The Committee notes that within the Operation Iraqi Freedom Response Fund, the bill specifically allocates $12,094,000,000 for military pay and related costs, an increase of approximately $1.7 billion over preliminary estimates provided the Committee by the Office of the Secretary of Defense. This level is more in line with estimates provided by the military services, and also, is intended to provide a hedge against the uncertainty over possible manpower-related funding requirements facing the services throughout the rest of this fiscal year.

By broad category, the funding levels addressed through the Operation Iraqi Freedom Response Fund are as follows:

[In thousands of dollars]

| | |
|---|---|
| Personnel and Personnel Support | $17,446,000 |
| Transportation | 7,100,000 |
| Preparatory Tasks | 2,548,200 |
| Inventory Consumed | 1,872,500 |
| Operating Support | 3,928,000 |
| Theater Enhancements and Special Support Costs | 712,700 |
| ONE and OEF Reconstitution | 522,100 |
| Additional Costs of Operations and Humanitarian Asst. | 116,600 |

In addition, to address the Department's need for financial flexibility, this new fund also includes an additional allocation of $25,436,400,000 to a "Combat, Stability Operations, and Force Reconstitution Costs" account to cover costs that will become more clearly defined as the war effort progresses to its ultimate conclusion. The Department would be required to notify the Committee seven days prior to obligating funds from this more flexibly designed, and less designated account.

In summary, the Committee believes that establishing the Operation Iraqi Freedom Response Fund provides adequate flexibility to the Department to meet evolving financial requirements yet preserves a level of fiscal accountability not inherent in the Defense Emergency Response Fund.

## OTHER ITEMS OF COMMITTEE CONCERN

### GUARD AND RESERVE COMPENSATION

In the aftermath of the terrorist attacks on America, there has been a dramatic increase in both military personnel deployment and operations tempo. This includes a sustained period during which large numbers of Reservists have been mobilized—many of whom have deployed overseas—and many others being called to active duty for extended periods well in excess of that contemplated when the "Total Force" policy of the post-Vietnam era was conceived and implemented.

On March 27, 2003, the Committee received testimony on the President's fiscal year 2003 Supplemental request to fund Operation Iraqi Freedom. In response to questions concerning potential losses of pay and health care benefits by Guard and Reserve troops mobilized on active duty compared to levels of salary and benefits provided by their civilian employers, the Secretary of Defense responded as follows:

"The Guard and Reserves are volunteers. They are people who made a conscious decision that that's something they want to do. And what we have to do is manage their pay, their health care, the frequency with which they're called up, in a way that we are able to continue to attract and retain the number of people we need.

And I worry a little bit about isolating out a single aspect of compensation or circumstance for the Guard and Reserve just as I do for active service. But it's the totality of their circumstance that determines the extent to which we are or are not successful in attracting and retaining them. And that mix is something that needs to be looked at together as opposed to pulling one piece out and worrying about it."

The Committee commends the Secretary for his statement and, as such, believes that more comprehensive study of the effects of current mobilization policies on the Guard and Reserve is war-

ranted. Items of concern include the effects of lengthy mobilization periods and repeated call-ups; ensuring access to compensation and benefits while under mobilization; and the outlook for Guard and Reserve recruitment and retention. In addition, the Committee encourages the Department to continue its efforts to ensure Guard and Reserve members and their dependents are fully aware of the entitlements and benefits due them, how to access them, and any eligibility requirements associated with them.

The Committee directs the Secretary of Defense to provide a report, not later than 60 days after enactment of this Act, which describes how the Department intends to address these issues, including milestones for a comprehensive study of Guard and Reserve benefits.

### UNITED STATES SPECIAL OPERATIONS COMMAND

The Committee has provided funds throughout this bill, consistent with the amounts requested by the President, for Special Operations forces to conduct military operations associated with Iraq, Operation Enduring Freedom and other activities in the global war on terrorism. In keeping with those allocations, the Committee recommendation provides over $1.2 billion to the Special Operations Command, to support its current operations and near-term requirements, which all agree constitute a series of difficult and challenging missions.

### SALUTE TO THE FORCES

The Committee notes that among the members of the Armed Forces serving in Operation Iraqi Freedom are a number of service members from the Commonwealth of Puerto Rico, Guam, the U.S. Virgin Islands and American Samoa, and extends its thanks and commendations to those service members.

### NEW START NOTIFICATION

The Committee directs that established new start notification procedures apply to funds provided in this bill. Accordingly, the Committee has included bill language prohibiting initiation of new start programs without prior congressional notification.

### APPROPRIATE USE OF FUNDS FOR ACQUISITION

The President's request is intended to address funding requirements associated with military operations in Iraq and the global war on terrorism (GWOT). The Committee believes that funds intended for acquisition should only be used for items or capabilities that can be operationally fielded in the near term. Accordingly, the Committee provides the following direction for Research, Development, Test and Evaluation and Procurement funds:

1. Items or capabilities that can be operationally fielded in less than 12 months (from the date of obligation) require no additional notification other than that required for all transfers out of the Operation Iraqi Freedom Response Fund.

2. Items or capabilities requiring greater than 12 months (from the date of obligation) to operationally field require submission of a prior approval reprogramming.

3. Under no circumstances may funds in this bill be used to acquire any item or capability that requires greater than 4 years to operationally field. These items are properly addressed as part of the normal annual budgeting process. The Committee has included bill language prohibiting such acquisitions. The Committee believes that 4 years provides adequate time to deliver the munitions, aircraft, and other assets required to replenish military inventories.

The Committee believes that this direction provides the Department of Defense and the Intelligence Community with appropriate flexibility to acquire quick reaction capabilities while ensuring reasonable congressional oversight over longer term acquisitions. The direction provided above does not apply to acquisition programs specifically named and funded in either the bill or report.

### ITEMS SPECIFICALLY DENIED BY CONGRESS

The Committee directs that none of the funds in this bill may be used to finance activities specifically denied by Congress in this bill, or in previous fiscal year 2003 appropriations Acts without submission of a prior approval reprogramming to the congressional defense committees.

### SPECIAL INTEREST ITEMS

Items for which additional funds have been provided as shown in project tables or items identified in the paragraphs using the phrase "only for" or "only to" in this report are congressional interest items for the purposes of reprogramming. These items remain special interest items whether or not they are repeated in a subsequent conference report or Statement.

### CLASSIFIED PROGRAMS

Recommended adjustments to classified programs are addressed in a classified annex accompanying this report.

## OPERATION AND MAINTENANCE

### OPERATION AND MAINTENANCE, DEFENSE-WIDE

The Committee is recommending $1,400,000,000, as requested by the President, for "Operation and Maintenance, Defense-Wide" for payments to Pakistan, Jordan, and other key cooperating nations for logistical and military-related support provided, or to be provided, to United States military operations in connection with military action in Iraq and the global war on terrorism. Such funds shall be available in such amounts as the Secretary of Defense, with concurrence of the Secretary of State and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, and such determination is final and conclusive upon the accounting officers of the United States.

In exercising its oversight role in the use of these funds, the Committee is recommending language providing for notifications in writing at least 7 days prior to the obligation of funds for payments to Pakistan, Jordan, or other key cooperating nations. In addition, language is recommended that provides, that beginning not later than June 30, 2003 and ending on September 30, 2004, the Secretary of Defense shall submit quarterly reports to the Committees

on Appropriations of the House and Senate on the uses of these funds. In addition a financial plan is required not later than 30 days following enactment of this Act. Both the financial plan and the quarterly reports should include a description of the support provided by the applicable nation, as well as the process by which expenses are verified.

The Committee is concerned that the Department of Defense has, in the past, not provided adequate notice and information regarding the proposed obligation of funds for these purposes. Therefore, the Committee is recommending language that returns to the Treasury all unobligated funds appropriated for this purpose, should the Department fail to provide the financial plan in a timely manner.

In addition, unless expressly provided for in an appropriations Act enacted after the date of enactment of this Act, and notwithstanding any other provision of law, no funds other than the additional amounts provided herein shall be made available, for any payments intended to fulfill the purposes specified in this paragraph and similar reimbursement authorities in Public Law 107–117 and within the "Operation and Maintenance, Defense-Wide" appropriation account enacted in Public Law 107–206.

## OPERATION IRAQI FREEDOM RESPONSE FUND

The Committee recommends an appropriation of $59,682,500,000 for a new Operation Iraqi Freedom Response Fund, as discussed earlier in this report. From within this appropriation, the Committee bill provides for the transfer of funds to 23 appropriations accounts, as follows:

[In thousands of dollars]

| Budget request: | | Committee recommendations: | |
|---|---|---|---|
| Defense Emergency Response Fund. | $59,863,200 | Operation Iraqi Freedom Response Fund. | $59,682,500 |
| | | Amounts to be derived by transfer, as follows: | |
| | | Military Personnel ..... | ($12,094,500) |
| | | Military Personnel, Army. | 6,974,500 |
| | | Military Personnel, Navy. | 1,984,300 |
| | | Military Personnel, Marine Corps. | 1,204,900 |
| | | Military Personnel, Air Force. | 1,834,800 |
| | | Reserve Personnel, Army. | 3,000 |
| | | National Guard Personnel, Army. | 93,000 |
| | | Operation and Maintenance. | ($20,735,700) |
| | | Operation and Maintenance, Army. | 10,481,500 |
| | | Operation and Maintenance, Navy. | 3,940,300 |
| | | Operation and Maintenance, Marine Corps. | 1,383,700 |
| | | Operation and Maintenance, Air Force. | 3,668,200 |

[In thousands of dollars]

| | | | |
|---|---|---|---|
| | | Operation and Maintenance, Defense-Wide. | 901,900 |
| | | Operation and Maintenance, Army National Guard. | 58,400 |
| | | Defense Health Program. | 301,700 |
| | | Procurement ..... | ($1,314,400) |
| | | Aircraft Procurement, Army. | 4,100 |
| | | Missile Procurement, Army. | 3,100 |
| | | Procurement of Weapons and Tracked Combat Vehicles, Army. | 53,300 |
| | | Procurement of Ammunition, Army. | 447,500 |
| | | Other Procurement, Army. | 241,800 |
| | | Other Procurement, Air Force. | 113,600 |
| | | Procurement, Defense-Wide. | 451,000 |
| | | Research, Development, Test and Evaluation. | ($101,500) |
| | | Research, Development, Test and Evaluation, Army. | 11,500 |
| | | Research, Development, Test and Evaluation, Defense-Wide. | 90,000 |
| | | Combat, Stability Operations, and Force Reconstitution Costs. | ($25,436,400) |
| | | Operation and Maintenance. | [1] $20,214,300 |
| | | Procurement ..... | [1] $4,242,000 |
| | | Research, Development, Test and Evaluation. | [1] $57,600 |
| | | Reimbursement for Coast Guard support to military operations. | [1] $400,000 |
| Classified activities ..... | ($1,717,000) | Classified Activities ..... | [1] $1,817,000 |

[1] Amounts designated in bill.

The following sections provide details about the recommendations summarized above.

## MILITARY PERSONNEL

The Committee recommends a total of $12,094,500,000, to be derived by transfer from the Operation Iraqi Freedom Response Fund and allocated by the Committee bill to specific appropriations. This represents an increase of $1,700,000,000 above the President's request for the incremental costs of pay and allowances of the active duty and Reserve personnel deployed overseas, retained on active duty to support military operations in Iraq, or participating in or supporting the global war on terrorism. These include Imminent Danger Pay, Family Separation Allowance, Foreign Duty Pay, Subsistence, and additional costs related to the stop loss program that was implemented to retain military personnel in critical skill specialties. The Committee believes the Services will require addi-

tional resources to cover their personnel and mobilization costs through the end of fiscal year 2003, and therefore recommends the following:

[In thousands of dollars]

| | |
|---|---|
| Military Personnel, Army | $6,974,500 |
| (Pay and Allowances | 6,974,500) |
| Military Personnel, Navy | 1,984,300 |
| (Pay and Allowances | 1,984,300) |
| Military Personnel, Marine Corps | 1,204,900 |
| (Pay and Allowances | 1,204,900) |
| Military Personnel, Air Force | 1,834,800 |
| (Pay and Allowances | 1,834,800) |
| Reserve Personnel, Army | 3,000 |
| (Pay and Allowances | 3,000) |
| National Guard Personnel, Army | 93,000 |
| (Pay and Allowances | 93,000) |

## OPERATION AND MAINTENANCE

The Committee recommends $20,735,700,000, to be derived by transfer from the Operation Iraqi Freedom Response Fund and allocated by the Committee bill to specific appropriations. This amount includes operating costs incurred during the build-up and preparation for combat operations in Iraq, from January 2003 through the beginning of combat in mid March 2003. These include personnel support costs (temporary duty allowances, clothing, personnel equipment and supplies, and subsistence), transportation of personnel and major items of equipment, special preparatory tasks including establishment of the logistical support infrastructure, training support items (depot level reparables, consumables, and fuel), and theater enhancements (combatant theater communications, logistical and other infrastructure improvements), and improvements to detainee facilities at Guantanamo Bay, Cuba. Funds are also provided for the incremental costs of providing medical support to United States Guard and Reserve component members that have been called to active duty, and their family members.

[In thousands of dollars]

| | |
|---|---|
| Operation and Maintenance, Army | $10,481,500 |
| (Personnel Support | 2,812,800) |
| (Transportation | 4,204,700) |
| (Preparatory Tasks | 1,806,300) |
| (Depot Level Reparables, Consumables and Fuel | 612,500) |
| (Operating Support | 874,000) |
| (Theater Enhancements and Special Support Costs | 50,000) |
| (ONE and OEF Reconstitution | 121,200) |
| Operation and Maintenance, Navy | 3,940,300 |
| (Personnel Support | 727,400) |
| (Transportation | 764,400) |
| (Preparatory Tasks | 21,900) |
| (Depot Level Reparables, Consumables and Fuel | 177,000) |
| (Operating Support | 1,909,000) |
| (Guantanamo Bay Cuba Operations | 9,700) |
| (ONE and OEF Reconstitution | 330,900) |
| Operation and Maintenance, Marine Corps | 1,383,700 |
| (Personnel Support | 222,300) |
| (Transportation | 247,500) |
| (Preparatory Tasks | 2,000) |
| (Depot Level Reparables, Consumables and Fuel | 125,900) |
| (Operating Support | 786,000) |
| Operation and Maintenance, Air Force | 3,668,200 |
| (Personnel Support | 1,024,400) |
| (Transportation | 1,411,300) |
| (Preparatory Tasks | 385,100) |

| | |
|---|---|
| (Depot Level Reparables, Consumables and Fuel | 418,400) |
| (Operating Support | 359,000) |
| (ONE and OEF Reconstitution | 70,000) |
| Operation and Maintenance, Defense-Wide | 901,900 |
| (Personnel Support | 262,900) |
| (Transportation | 472,100) |
| (Preparatory Tasks | 17,000) |
| (Depot Level Reparables, Consumables and Fuel | 33,300) |
| (Humanitarian Assistance | 106,900) |
| (Theater Enhancements and Special Support Costs | 9,700) |
| Operation and Maintenance, Army National Guard | 58,400 |
| (Depot Level Reparables, Consumables and Fuel | 58,400) |

## DEPOT MAINTENANCE

Of the funds made available in Operation and Maintenance, the Committee directs that $3,928,000,000 be made available for depot level maintenance and repair parts due to increased ground vehicle miles, flying hours and ship steaming days in support of current military operations, as displayed in the chart below. This includes increased operational tempo for Operation Enduring Freedom, in and around Afghanistan ($938,000,000) and for combat preparation, and initial combat operations for Operation Iraqi Freedom ($2,990,000,000).

(In thousands of dollars)

| | |
|---|---|
| Operation and Maintenance, Army | $874,000 |
| Operation and Maintenance, Navy | 1,909,000 |
| Operation and Maintenance, Marine Corps | 786,000 |
| Operation and Maintenance, Air Force | 359,000 |

## DEFENSE HEALTH PROGRAM

The Committee recommends $301,700,000 in additional funding for Defense Health Program operation and maintenance costs, to provide medical care for Reserve and Guard component soldiers that have been called to active duty, and their families, in support of Operations Noble Eagle, Enduring Freedom, and Iraqi Freedom. The additional funding is intended to ensure that the Reservists and Guardsmen and their families have access to the same high quality health care that is provided to active duty service members and their families.

[In thousands of dollars]

| | |
|---|---|
| Defense Health Program | $301,700 |
| (Operation and maintenance, Army Reserve | 86,600) |
| (Operation and maintenance, Navy Reserve | 31,360) |
| (Operation and maintenance, Marine Corps Reserve | 33,790) |
| (Operation and maintenance, Air Force Reserve | 17,270) |
| (Operation and maintenance, Army National Guard | 92,930) |
| (Operation and maintenance, Air National Guard | 39,750) |

## PROCUREMENT

The Committee recommends $1,314,400,000 for procurement activities to be derived by transfer from the Operation Iraqi Freedom Response Fund and allocated by the Committee bill to specific appropriations. (In addition, the Committee recommends $4,242,000,000 for procurement within the Combat, Stability Operations, and Force Reconstitution Costs account as described elsewhere in this report).

Within the amount recommended for the Operation Iraqi Freedom Fund, the Committee recommends $450,600,000 for munitions

consumed, as well as related preparatory tasks, in support of Operation Enduring Freedom and Operation Iraqi Freedom. Such munitions may include conventional munitions such as bomb bodies, small and medium caliber ammunition, tank ammunition, mortars, artillery, rockets, grenades, fuzes, anti-tank mines, signals, demolition munitions, flares, cartridges, and others as necessary.

[In thousands of dollars]

| | |
|---|---|
| Aircraft Procurement, Army | $4,100 |
| (Preparatory Tasks | 4,100) |
| Missile Procurement, Army | 3,100 |
| (Preparatory Tasks | 3,100) |
| Procurement of Weapons and Tracked Combat Vehicles, Army | 53,300 |
| (Preparatory Tasks | 53,300) |
| Procurement of Ammunition, Army | 447,500 |
| (Preparatory Tasks | 500) |
| (Inventory of Items Consumed | 447,000) |
| Other Procurement, Army | 241,800 |
| (Preparatory Tasks | 241,800) |
| Other Procurement, Air Force | 113,600 |
| (Preparatory Tasks | 1,600) |
| (Theater Enhancements and Special Support Costs | 112,000) |
| Procurement, Defense-Wide | 451,000 |
| (Theater Enhancements and Special Support Costs | 451,100) |

## RESEARCH, DEVELOPMENT, TEST AND EVALUATION

The Committee recommends $101,500,000 to be derived by transfer from the Operation Iraqi Freedom Response Fund and allocated by the Committee bill to specific appropriations. These are to provide funding for costs incurred to date for Research and Development activities, such as improving targeting capabilities, testing chemical/biological efforts, and classified activities.

[In thousands of dollars]

| | |
|---|---|
| Research, Development, Test and Evaluation, Army | $11,500 |
| (Preparatory Tasks | 11,500) |
| Research, Development, Test and Evaluation, Defense-Wide | 90,000 |
| (Classified Programs (USD(P)) | 90,000) |

## COMBAT, STABILITY OPERATIONS AND FORCE RECONSTITUTION COSTS

The Committee recommends $25,436,400,000, to be derived by transfer from the Operation Iraqi Freedom Response Fund, for a new appropriation called the Combat, Stability Operations and Force Reconstitution Costs account. These funds have been provided in this manner by the Committee to grant some degree of flexibility to the President and the Secretary of Defense in meeting wartime requirements. These funds would be available to the Secretary of Defense for transfer to accounts seven days after notification to the congressional defense committees of the proposed plan for use of the funds. The Committee bill, and the discussion below, provide a framework within which these funds are to be allocated. The Committee also notes, that, within these amounts, is not to exceed $400,000,000 for the ongoing support to military operations provided by the United States Coast Guard.

The Committee also strongly recommends that the Department of Defense use a portion of these funds to alleviate shortfalls in the Defense Health Program; the Services' medical operation and maintenance and procurement accounts; and to provide our service-

men and women returning from theater with combat casualty comprehensive treatment and rehabilitation.

## OPERATION AND MAINTENANCE

The Committee recommends up to $20,214,300,000 for operating and support costs associated with ongoing combat operations, transition to the post-combat and stability operations phase, reconstitution and redeployment of combat forces, and rotation of follow-one forces. The Department's budget estimate assumes that the forces in theater should decline significantly and rapidly, following the combat phase of Operation Iraqi Freedom. The recommended funding will support transportation and other costs for phased replacement of combat forces by military police, civil-military relations, medical, construction and civil support units, and will ensure that forces returning to home station are resourced to promptly accomplish repair and refurbishment of equipment, including depot level maintenance.

## PROCUREMENT

The President's supplemental request includes procurement funding to replace some of the equipment losses due to combat, as well as munitions and other equipment. The Committee has reviewed possible allocations of funding requested by the President, and recommends $4,242,000,000 for procurement of items to meet anticipated requirements for weapons, and equipment such as munitions, unmanned aerial vehicles, communications equipment, and other items required for military operations in Iraq, Afghanistan, and the global war on terrorism.

The Committee notes that, in addition to equipment lost in Operation Iraqi Freedom, the Department also has sustained losses in Afghanistan as well as losses due to mishaps. Among the losses sustained by the Department of Defense in connection with these operations are high-demand low-density items such as Special Operations MH–47 helicopters and Marine Corps CH–46 helicopters. While the Committee is supportive of those recommendations made in the President's request, the Committee believes that accelerating the replacement of or seeking safety improvements, to high value assets such as those described above should also be considered. While the Committee believes that the Department of Defense should take appropriate measures to replace both combat losses and mishaps, the Committee directs that the Secretary of Defense provide written notice to the House and Senate Committees on Appropriations 30 days prior to initiating the procurement actions required to replace lost equipment.

Within the $4,242,000,000 recommended, $3,249,400,000 is to potentially restock munitions expended in combat or in training, as described below. The remaining $992,600,000 is for command, control, communications, computer and intelligence equipment; unmanned aerial vehicles; combat soldier equipment; base support equipment; laser targeting; night vision devices; and biological agent detectors.

The Committee recommends $3,249,400,000 to restock munitions, including precision-guided weapons, expended in combat or training. Precision guided weapons may include Tactical Toma-

hawk missiles, Laser Guided Bombs, Wind Corrected Munitions Dispenser (WCMD), Joint Standoff Weapon (JSOW), Affordable Weapons System, Javelin, Tube-launched Optically-tracked Wire-guided (TOW) Anti-tank Missile, Laser and Longbow Hellfire, Army Tactical Missile System (ATACMS), Multiple Launch Rocket System (MLRS) Rockets, Patriot, and Stinger. In some cases, this is not intended to be a one-for-one replacement of expended munitions and precision-guided weapons, but may instead be used to acquire upgraded versions of these munitions.

Precision-guided weapons are integral to the war-fighting strategy employed by the Department of Defense. Success of almost any military operation now depends on both the effectiveness and availability of these weapons, making capability and inventory levels critical components of planning. The Committee directs that the Department of Defense provide a report in classified form to the House and Senate Committees on Appropriations within 60 days of the cessation of hostilities in Iraq that details the types and quantities of precision munitions consumed in support of operations and an in-depth analysis of the combat effectiveness, by type, of the munitions.

## RESEARCH, DEVELOPMENT, TEST AND EVALUATION

The Committee recommends $57,600,000 for various research, development, test and evaluation (RDT&E) requirements such as improving targeting capabilities, testing chemical and biological efforts, and classified programs.

## OPERATION AND MAINTENANCE

### NATURAL RESOURCES RISK REMEDIATION FUND

The President requested $489,300,000 to create a Natural Resources Risk Remediation Fund in the Treasury of the United States. The Fund is to provide resources to address the emergency fire fighting, repair of damages to oil facilities in Iraq, and temporary operation of the fields in Iraq. This is important in order to ensure that fuel is available for the welfare of the Iraqi people following a regime change.

The activities are a part of the Central Command's military mission during the transition phase and are required to prevent any environmental damage from oil spills as well as to extinguish fires that may be deliberately started at wellheads. The Administration has proposed a funding level of $489,300,000, its estimate of the cost of anticipated fire fighting operations and fire fighting equipment to include specialized vehicles, well testers, oil pipeline, parts, fittings, oil field equipment and pump parts to replace damaged or destroyed items. It also includes contracts for mission support by specialized contractors, Army Corps of Engineers personnel travel and per diem and related expenses, training requirements, damage assessment teams, and other expenses.

The Committee recommendation includes language similar to that requested by the President. To provide the Secretary of Defense with maximum flexibility in the allocation of resources, the Committee recommendation provides that up to $489,300,000 for this activity may be derived from the Operation Iraqi Freedom Re-

sponse Fund, as discussed elsewhere in this report. In addition, the Fund is authorized to receive contributions of money from persons, foreign governments, or international organizations, for the purposes authorized therein. To the extent that outside contributions are made to the Fund, the use of appropriated funds can be reduced.

The Committee recommendation also includes a general provision that requires that contributions of money deposited into the Natural Resources Risk Remediation Fund shall be reported to the Congress in the same report, and under the same terms and conditions, as the report required for contributions to the Defense Cooperation Account. The existing reporting requirement provides that not later than 30 days after the end of each fiscal quarter, the Secretary of Defense shall specify contributions of property received in the preceding quarter by the Defense Cooperation Account. Contributions of all property with a value of more than $1,000,000 are to be included in the report. In the case of contributions of funds to the Natural Resources Risk Remediation Fund, the Committee expects all contributions, regardless of monetary value, to be included in the report. In addition, in fiscal years 2003 and 2004, the use of monies or real or personal property contributed to these accounts shall be subject to the prior approval of the Committees on Appropriations.

## REVOLVING AND MANAGEMENT FUNDS

### DEFENSE WORKING CAPITAL FUNDS

The President requested $430,000,000 in additional funding for the Defense Working Capital Fund to cover unforeseen fuel price increases. The Committee recommends $1,100,000,000, which is $670,000,000 above the President's request. This increase is recommended due to more recent, accurate estimates of fuel price increases and the associated impact on the Defense Working Capital Fund.

## OTHER DEPARTMENT OF DEFENSE PROGRAMS

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

The Committee recommends $34,000,000 as requested by the President to fund increased operational tempo in Colombia's unified campaign against narcotics trafficking and terrorist activities. The Committee directs the Secretary of Defense to submit a report to the congressional defense committees not later than 30 days after enactment of this act describing how funds appropriated under this heading are to be obligated in support of United States Southern Command's Colombia initiative.

## GENERAL PROVISIONS—THIS CHAPTER

Section 1301 of the Committee bill includes a new general provision which restricts the availability of the funds to the current fiscal year unless otherwise provided, and provides that the terms and conditions set forth in the Department of Defense Appropriations Act, 2003 (Public Law 107–248) and Making Further Con-

tinuing Appropriations for the Fiscal Year 2003, and for Other Purposes (Public Law 108–7) shall apply to this bill.

Section 1302 of the Committee bill includes a new general provision prohibiting initiation of a new start without prior congressional notification.

Section 1303 of the Committee bill includes a new general provision prohibiting obligations for acquisition programs that require greater than four years to operationally field.

Section 1304 of the Committee bill includes a general provision requested in the supplemental request, which provides the Secretary of Defense with additional authority for the CINC Initiative Fund in order to support military operations in Iraq and the global war on terrorism.

Section 1305 of the Committee bill includes a general provision requested in the supplemental request, which provides the Secretary of Defense with additional authority for extraordinary and emergency expenses, which cannot be anticipated, in order to support emergent requirements associated with Iraq and the ongoing war on terrorism.

Section 1306 of the Committee bill includes a general provision requested in the supplemental request, which amends the general transfer authority language of Public Law 107–248 and Public Law 108–7.

Section 1307 of the Committee bill includes a general provision requested in the supplemental request, which recommends an appropriation of $165,000,000 to reimburse applicable appropriations for the value of drawdown support provided by the Department of Defense under the Afghan Freedom Support Act of 2002. This appropriation shall not increase the limitation set forth in section 202(b) of that Act. Therefore, the net remaining drawdown authority would be $135,000,000. The Secretary of Defense may transfer the funds provided herein to the applicable appropriations of the Department of Defense, which shall be merged with and shall be available for the same purposes and for the same time period as the appropriations to which transferred. The Committee is also recommending language that requires a notification in writing of the source of funds to be used for any future drawdown.

Section 1308 of the Committee bill includes a general provision requested in the supplemental request, which provides that funds appropriated in this Act are deemed to be specifically authorized by the Committee for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

Section 1309 of the Committee bill includes a general provision requested in the supplemental request which includes language, similar to that proposed by the President, that authorizes $63,500,000 to reimburse applicable appropriations for the value of support provided by the Department of Defense under the Iraq Liberation Act of 1998. This authority shall not increase the limitation set forth in section (4)(a)(2)(B) of that Act. The Committee is also recommending additional drawdown authority of $150,000,000 for fiscal year 2003, as requested by the President. Therefore, the net remaining drawdown authority in fiscal year 2003 would be $86,500,000. Language is also recommended that requires a notification in writing of the source of funds to be used for any future drawdown.

Section 1310 of the Committee bill includes a general provision requested in the supplemental request which provides that amounts credited to the Defense Cooperation Account shall be available for transfer to the "Operation Iraqi Freedom Response Fund".

Section 1311 of the Committee bill includes a general provision requested in the supplemental request, that requires that contributions of money deposited into the "Natural Resources Risk Remediation Fund" shall be reported to the Congress in the same report, and under the same terms and conditions, as the report required for contributions to the "Defense Cooperation Account". In addition, in fiscal years 2003 and 2004, the use of monies or real or personal property contributed to these accounts shall be subject to the prior approval of the Committees on Appropriations.

Section 1312 of the Committee bill amends a general provision requested in the supplemental request, which requires the Department to notify the congressional defense committees prior to the obligation of funds appropriated in this chapter for military construction activities in excess of $7,500,000.

Section 1313 of the Committee bill includes a new general provision which provides that by October 31, 2003, all balances remaining in the "Defense Emergency Response Fund" shall be transferred to and merged with the "Operation Iraqi Freedom Response Fund".

## CHAPTER 4

## BILATERAL ECONOMIC ASSISTANCE

## FUNDS APPROPRIATED TO THE PRESIDENT

### UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

#### CHILD SURVIVAL AND HEALTH PROGRAMS FUND

The Committee recommends $40,000,000 for the "Child Survival and Health Programs Fund" to reimburse the account for funds previously borrowed and provided to preposition personnel and commodities to address humanitarian needs anticipated prior to the commencement of the conflict with Iraq.

#### INTERNATIONAL DISASTER ASSISTANCE

The Committee recommends $160,000,000 to be available until expended for "International Disaster Assistance", rather than $80,000,000 as requested by the President. These funds include $112,500,000 to reimburse the account for funds used to preposition in the vicinity of Iraq the necessary personnel, supplies and commodities required to rapidly commence implementation of humanitarian assistance in Iraq as soon as conditions permit.

The Committee has also included language requested by the President that would allow additional "borrowing" from other foreign assistance accounts. In the event that additional "borrowing" is contemplated, the Committee expects to be consulted simultaneously with the initiation of any discussions with the Office of Management and Budget.

### UNITED STATES EMERGENCY FUND FOR COMPLEX FOREIGN CRISES

The President has requested $150,000,000 for a new "United States Emergency Fund for Complex Foreign Crises". The Committee believes that this request should be considered within the context of the fiscal year 2004 appropriations and authorization processes and denies, without prejudice, funding for this initiative in fiscal year 2003. The full amount denied for this initiative, however, has been used to augment similar existing accounts and the new "Iraq Relief and Reconstruction Fund".

### OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

The Committee recommends $23,000,000 for "Operating Expenses of the United States Agency for International Development", $1,000,000 more than requested. These funds would be used to implement programs recommended elsewhere in this chapter, and for security costs in Afghanistan and Pakistan, and $1,000,000 is provided to reimburse the USAID Bureau for Asia and the Near East for the costs incurred in connection with the evacuation of its mission in Jakarta, Indonesia, for which no request was received.

Not less than $2,000,000 is provided for operating expenses of the USAID Office of Inspector General to support financial and program audits of the Iraq Relief and Reconstruction Fund and other assistance for Iraq.

## OTHER BILATERAL ECONOMIC ASSISTANCE

### ECONOMIC SUPPORT FUND

The Committee recommends $2,342,000,000 for the "Economic Support Fund." The recommendation is $100,000,000 less than the supplemental request.

The Committee recommends not less than $700,000,000 in Economic Support Funds for Jordan, consistent with the supplemental request. The Committee has, however, provided for these funds in bill language. Jordan has been particularly dependent on Iraqi oil, and this assistance will help a key United States ally address urgent economic and budgetary issues.

The Committee recommendation includes $300,000,000, as requested, for Egypt. The Government of Egypt, may request that part of this amount be applied as credit subsidy to support loan guarantees of not to exceed $2,000,000,000. These appropriations remain available for obligation until September 30, 2005. The Committee also has included bill language that allows the President to determine terms and conditions for this economic assistance, notes that the President should take budgetary and economic reforms into consideration and allows termination if the terms are breached. This assistance will help offset economic dislocation from the Iraq conflict and supports a key ally and frontline state in the war on terrorism. This assistance is dependent on Egypt's continued implementation of economic and budgetary reforms.

The Committee recommendation provides permissive language that allows the President to provide not to exceed $1,000,000,000 for Turkey. The appropriation may be applied as credit subsidy to support loan guarantees not to exceed $8,500,000,000. The Com-

mittee also has included bill language that allows the President to determine terms and conditions for this economic assistance, notes that the President should take budgetary and economic reforms into consideration and allows termination if the terms are breached. The Committee recommends bill language that does not allow this assistance to be made available until the Secretary of State determines and reports to the Committees on Appropriations of the House and Senate, the House International Relations Committee, and the Senate Foreign Relations Committee that the Government of Turkey is cooperating with the United States in Operation Iraqi Freedom, including the facilitation of humanitarian assistance to Iraq.

Turkey has been a long-time close ally of the United States and is a key frontline state in the War on Terrorism. Turkey stands out as a democratic Islamic nation that has a growing trade and military relationship with Israel, and it has been a positive force in seeking peaceful solutions between Israel and its Palestinian neighbors. A strong, economically stable and democratic Turkey is in America's strategic interest, and critical to both Europe and the Middle East. The Committee's recommendation is based on its expectation that Turkey will become a more constructive ally in the region and continue to make progress toward economic stability.

The Committee recommendation includes $127,000,000 for Afghanistan to continue efforts to support security and economic growth in that nation, of which $60,0000,000 is provided to complete the major Kabul—Kandahar—Herat road. In addition, the Committee recommends $40,000,000 to reimburse the Economic Support Fund account for resources tapped to fund supplies, commodities and services prior to the conflict in Iraq.

The Committee recommendation includes $100,000,000 for an Islamic Partnership and Outreach program, in lieu of $200,000,000 for the Middle East Partnership Initiative and Muslim Outreach programs proposed in the request. The Committee also has recommended bill language making up to $5,000,000 available for administrative expenses of the Islamic Partnership and Outreach program and that the use of these funds is subject to regular notification procedures.

The Committee supports the Administration's efforts to focus on long-term reforms to strengthen education, women's programs, civil society and the rule of law, literacy and youth programs, democracy building and governmental reform. The Committee concurs that the United States has for too long under-invested in these types of reform programs in both Arab and non-Arab Islamic nations vis-à-vis efforts in other regions and areas of the world. In fiscal year 2002, the Congress provided $25,000,000 in start-up funding for the Middle East Partnership Initiative.

The Committee believes that: (1) the Administration's proposal increases these programs too rapidly, and as the supplemental proposal exceeds the fiscal year 2004 budget request, it likely is not executable; (2) specific uses of funds need additional justification and definition; (3) program management and oversight need clarification—to this end the Committee believes that the Department of State should provide policy guidance and oversight, but that actual program administration, financial management, and delivery be provided by the U.S. Agency for International Development and

its grantees/contractors. The Committee directs that not less than $50,000,000 of the Islamic Partnership and Outreach program be allocated for programs in non-Arab Islamic nations. The recommendation assumes full funding of women's initiatives, but no funding for creation of a new enterprise fund.

The Committee expects the coordinator of the Islamic Partnership and Outreach program to consult closely with the Committee on plans for implementation and coordination with the United States Agency for International Development. Up to $5,000,000 may be used by the Department of State and the U.S. Agency for International Development for the administrative costs of implementing these programs.

## IRAQ RELIEF AND RECONSTRUCTION FUND

### (INCLUDING TRANSFERS OF FUNDS)

The Committee recommendation provides $2,483,300,000, to remain available until September 30, 2004, for a new "Iraq Relief and Reconstruction Fund", an increase of $40,000,000 above the request. The Committee is providing these funds as bilateral economic assistance under the authorities of the Foreign Assistance Act of 1961, as amended. As such, these funds are appropriated to the President and delegated by the President to the Secretary of State and, in most instances, through the Secretary to the Agency for International Development. In return for providing extraordinary flexibility in use of this new account, the Committee has included language making all programs and activities subject to prior notification not less than 5 days prior to obligation.

As requested by the President, the Iraq Relief and Reconstruction Fund [the Fund] will be used for such programs as (1) water/sanitation infrastructure; (2) feeding and food distribution; (3) supporting relief efforts related to refugees, internally displaced persons, and vulnerable individuals; (4) humanitarian demining; (5) healthcare; (6) education; (7) electricity; (8) transportation; (9) telecommunications; (10) rule of law and governance; (11) economic and financial policy; and (12) agriculture.

The Committee expects that initial obligations from the Fund will focus on the first three priorities listed above, especially water/sanitation infrastructure. The Committee received testimony on March 27, 2003 describing the dire situation in much of Iraq regarding the deterioration of the potable water delivery system during the regime of Saddam Hussein. Child mortality in the parts of Iraq controlled by its central government has been extraordinarily high, in large part due to the lack of investment in maintenance of the water purification and deliver system. The Committee expects the inter-agency civil government apparatus and the United States Agency for International Development to initially focus on provision of clean water, feeding, and other forms of direct relief to vulnerable communities.

Because of the special circumstances in Iraq, the Committee has provided for direct apportionment from the Fund, as necessary after consultation with the Secretary of State, to the Departments of Treasury and Health and Human Services for activities related to Treasury technical assistance and for deployment of personnel of the Centers for Disease Control. The Committee requests that the

relevant officials of the Departments of the Treasury and Health and Human Services promptly consult with the Committee regarding modalities for provision of financial data regarding Iraq activities under this account, concluding memoranda of understanding with the USAID Inspector General and notification documentation.

The Committee directs that the Fund shall be used to fully and promptly reimburse accounts administered by the Department of State and the United States Agency for International Development, not otherwise reimbursed from funds appropriated by this chapter, for obligations incurred for the purposes provided under this heading prior to enactment of this Act from funds appropriated for foreign operations, export financing, and related programs. In particular, $200,000,000 "borrowed" for purchase of food under the authority of section 507 of the fiscal year 2003 Foreign Assistance, Export Financing and Related Programs Appropriations Act from the Child Survival and Health Programs Fund, the Development Assistance account, and the Economic Support Fund should be reimbursed without delay. The Committee expects rapid reimbursement of an additional $50,000,000 that was "borrowed" for Iraq assistance under the provisions of section 492(b) of the Foreign Assistance Act [FAA], and up to $145,000,000 from the same three accounts that may be "borrowed" under the provisions of section 507 prior to its expiration on the date of enactment of this Act. The Committee notes that this Act, as reported to the House, contains as much as $609,500,000 to reimburse costs already incurred, including $495,000,000 from the Iraq Relief and Reconstruction Fund.

Beginning not later than 60 days following enactment of this Act and every 30 days thereafter until September 2004, the Committee requests the Secretary of State and the Administrator of the United States Agency for International Development, in consultation with the Executive Office of the President and other agencies that may be utilizing the Fund through direct apportionment or transfers under Section 632 of the FAA, provide the Committee with a report detailing activities undertaken through the Fund and the relevant financial data associated with such activities.

In making awards to contractors engaged in the reconstruction of Iraq and Afghanistan, the Committee requests the Administrator of the U.S. Agency for International Development to actively seek to include significant participation by American-owned businesses, including small, minority and disadvantaged business enterprises. The Committee further requests that the Inspector General of USAID, as part of his office's oversight and reports on implementation of funding provided under the Iraq Relief and Reconstruction Fund, report to the Committee on the extent of participation by small, minority and disadvantaged enterprises.

## LOAN GUARANTEES TO ISRAEL

The Committee recommends bill language providing not to exceed $9,000,000,000 in loan guarantees during the period beginning April 14, 2003 and ending September 30, 2005. Of this assistance, $3,000,000,000 may be issued in fiscal year 2003 or thereafter, and $3,000,000,000 may be issued subsequent to September 30, 2004. The recommended language restricts these resources to support only geographic areas which were subject to the administration of

the Government of Israel before June 5, 1967 and that guarantees may be reduced for any activities that the President of the United States determines are inconsistent with the objectives and understandings reached between the United States and Government of Israel regarding the implementation of the loan guarantee program. As was previously the case with the 1992 loan guarantees, all associated fees are to be paid by the Government of Israel to the United States Government. The Committee recommended bill language states that the President shall take into consideration the budgetary and economic reforms undertaken by Israel and that the President may suspend or terminate the provision of all or part of the loan guarantees not yet issued. The loan guarantees are made possible by committing the full faith and credit of the United States of America. The Committee recommended bill language is similar to that proposed in the supplemental request.

The Committee considers Israel a key United States ally, partner and a frontline state in the war on terrorism. Years of terrorist attacks have led to serious stress on the Israeli economy, which the conflict in Iraq is likely to exacerbate. The recommended loan guarantees will bolster Israel's credit rating, help finance the nation's debt, and implement critical budget and economic reforms.

The Committee notes that following the end of Operation Iraqi Freedom, the Administration must focus not only on creating a prosperous, peaceful and democratic Iraq, but also must reengage and take a leadership role in a comprehensive Middle East Peace process. Any "roadmap" must create a situation in which Israel and a Palestinian state live side by side in permanent peace and prosperity. Israelis yearn to live in an economically vibrant nation, secure and free from terrorist acts and military threats from neighboring nations. Recent changes in Palestinian leadership combined with the upcoming elimination of the totalitarian regime of Saddam Hussein in Iraq, portends to create the best opportunity for peace since the end of the 1991 Gulf War and the Oslo Accords. The Committee urges the Administration to move expeditiously to secure a comprehensive peace agreement.

## DEPARTMENT OF STATE

### International Narcotics Control and Law Enforcement

The Committee recommends $25,000,000 for "International Narcotics Control and Law Enforcement", as requested. These funds would remain available for obligation until September 30, 2004.

### Andean Counterdrug Initiative

The Committee recommends $34,000,000 for the "Andean Counterdrug Initiative," as requested. These funds would remain available for obligation until September 30, 2004. Although not included in the recommended language, the Committee expects the conditions on funding for Colombia and requirements under the "Andean Counterdrug Initiative" of the Foreign Operations, Export Financing and Related Programs Appropriations Act, 2003 to continue to apply.

### UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

The Committee recommends $80,000,000 for "United States Emergency Refugee and Migration Assistance Fund", instead of $50,000,000 as requested. The President has drawn down $40,000,000 to date from ERMA for Iraq-related costs. Even including the President's request for ERMA replenishment, the ERMA balance is considerably lower than recent historical levels. Therefore the Committee recommends an additional $40,000,000 for ERMA to meet unforeseen emergency needs.

### NONPROLIFERATION, ANTI-TERRORISM, DEMINING, AND RELATED PROGRAMS

The Committee recommends $28,000,000 for "Nonproliferation, Anti-Terrorism, Demining and Related Programs". This level is the same as the supplemental request. The Committee has included bill language that clarifies that funds appropriated are available notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities of 1956.

The recommendation provides $25,000,000 to support anti-terrorism training and protection programs in Afghanistan and other anti-terrorism and equipment needs. In addition, $3,000,000 is for demining, clearance of unexploded ordnance, and related activities in Afghanistan.

## MILITARY ASSISTANCE

## FUNDS APPROPRIATED TO THE PRESIDENT

### FOREIGN MILITARY FINANCING PROGRAM

The Committee recommends $2,059,100,000 for "Foreign Military Financing Program", as requested. The Committee also has included bill language providing $1,000,000,000 only for Israel, requires these funds to be disbursed within 30 days of enactment of this Act, and specifies $263,000,000 shall be available for research and development, and procurement of defense services and articles in Israel. This language is similar to that contained in previous appropriations bills. The Committee also recommends bill language providing not less than $406,000,000 for Jordan.

The supplemental request and Committee recommendation includes support for a number of coalition partners in the War on Terrorism and the current conflict in Iraq. Funds will be used to provide equipment, support, and training to strengthen the forces of America's partners and allies.

Finally, the amount recommended includes $170,000,000 to train, equip and support the Afghan National Army and $175,000,000 to provide Pakistan with improved capabilities for border security in the fight against terrorism, for monitoring equipment, surveillance systems and aircraft procurement and refurbishment.

### PEACEKEEPING OPERATIONS

The Committee recommends $115,000,000 for "Peacekeeping Operations". This funding level is $85,000,000 less than the request,

but equal to the total provided by the current fiscal year 2003 appropriation. The Committee notes that the request provided minimal detail and justification.

## GENERAL PROVISIONS—THIS CHAPTER

The Committee recommendation includes language in a general provision, similar to that requested by the President that would extend the authority to provide assistance for Iraq notwithstanding any other provision of law. Unlike the requested language, the provision does not extend to prior appropriations bills, since similar notwithstanding authority was provided for 2003 funds in the fiscal year 2003 foreign operations, export finance and related agencies appropriations act and will expire upon enactment of this Act. Additionally, the Committee recommendation subjects the use of such funds to notification 5 days in advance of obligation except in the case of substantial risk to human health or welfare.

The Committee includes a provision similar to the authority requested by the President that would repeal the Iraq Sanctions Act of 1990 and authorize the President to make inapplicable with respect to Iraq section 620A and section 307 of the Foreign Assistance Act with respect to Iraq. As requested, the Committee includes a provision stating that nothing in this section shall affect the applicability of the Iran-Iraq Arms Non-Proliferation Act of 1992, but the Committee allows for an exception as it applies to humanitarian assistance and supplies. The authorities requested by the President have been made available to the President but are limited to non-military equipment. Additionally, the exercise of these authorities are subject to notification, and the Committee requires a periodic report containing a summary of all licenses approved for export to Iraq if the item is on the Commerce Control List contained in the Export Administration Regulations, including the identification of end users of such items.

The Committee does not intend for the authorities contained in this section to be permanent, and it will expire on September 30, 2004 unless a prior authorization bill has been enacted that amends, repeals or makes the section inapplicable.

The Committee recommends language as requested by the President that would provide the President with the flexibility to authorize exports to Iraq upon determining that they are in the national interest of the United States notwithstanding any other provision of law. The Committee has limited this authority to non-lethal equipment and made the exercise of such authority subject to notification. The Committee does not intend for the authorities contained in this section to be permanent, and it will expire on September 30, 2004 unless a prior authorization bill has been enacted that amends, repeals or makes the section inapplicable.

The Committee recommendation does not include a general provision requested by the President that would have allowed transfers among international assistance programs in the supplemental request in an amount not to exceed $200,000,000. Existing provisions of law under the Foreign Assistance Act and annual acts making appropriations for foreign operations, export financing, and related programs already provide sufficient authority to transfer funds.

# CHAPTER 5

# DEPARTMENT OF HOMELAND SECURITY

## CONGRESSIONAL JUSTIFICATIONS

While fully appreciating the magnitude of the task of combining 22 agencies into a new department, the Committee is quite concerned that the Department of Homeland Security has not yet established a strong budgetary and financial management system. An immediate concern is the development of a detailed and responsive budget formulation and budget execution process. Budget justifications received to date by the Committee, both for the fiscal year 2003 supplemental request and the fiscal year 2004 appropriations request, have not been satisfactory. The justifications have lacked the customary level of detailed data and explanatory statements to support the appropriations requests.

Funding requested for the Bureau of Customs and Border Protection and the Bureau of Immigration and Customs Enforcement is a particular concern. The Committee is aware of the problems that existed before the merger and does not believe that these internal problems have been solved. It is incumbent upon the Chief Financial Officer (CFO) to ensure that strong budgetary and financial management systems are in place throughout the Department. The Committee expects the CFO to implement a system for budget formulation and execution that is built on best practices; the Committee also expects that budget officers throughout the component Directorates will adhere to these best practices for both budget formulation and execution. The Committee expects to begin receiving detailed justification materials in support of requests for appropriated funds and further expects to receive these materials in a timely manner. The Committee will not entertain future requests for appropriations absent detailed documentation.

The Committee directs the Chief Financial Officer of the Department to report to the Committee no later than 30 days after enactment of this Act on the steps being taken to improve the budget formulation process, strengthen the budget execution process, and implement a financial and accounting system to track expenditures.

## PERSONNEL SECURITY INVESTIGATIONS FOR THE DEPARTMENT OF HOMELAND SECURITY

The Committee recognizes the importance of security clearances for certain personnel within the Department of Homeland Security for the execution of their duties and is aware that the Office of Personnel Management currently has a substantial case backlog of personnel security investigations. The Committee is concerned that the Department of Homeland Security may encounter unacceptable delays in securing appropriate security clearances and upgrades and renewals to existing cleared personnel as a result of this backlog. The Committee encourages the Department to consider directly contracting for its own personnel security investigation needs.

## CITIZENSHIP AND IMMIGRATION SERVICES

### OPERATING EXPENSES

The Committee recommendation includes $1,000,000 for expenses related to conducting Operation Liberty Shield. Funding will remain available until December 31, 2003.

## UNITED STATES SECRET SERVICE

### OPERATING EXPENSES

The Committee recommendation includes $30,000,000 for expenses related to conducting Operation Liberty Shield. Funding will remain available until December 31, 2003.

## BORDER AND TRANSPORTATION SECURITY

### CUSTOMS AND BORDER PROTECTION

The Committee recommendation includes $428,000,000 for expenses of the Bureau of Customs and Border Protection (BCBP) of conducting Liberty Shield and related homeland security programs. This amount includes $80,000,000 for the cost of additional inspectors and Border Patrol agents on the Northern Border and at maritime ports of entry, as well as $35,000,000 for the Container Security Initiative (CSI). When combined with $12,000,000 in current year appropriations and $10,000,000 made available from the Treasury Forfeiture Fund, total fiscal year 2003 funding for CSI would be $57,000,000, the level needed to implement the first phase in 20 international mega-seaports.

In addition, $193,000,000 is available until expended for portal radiation detection and monitoring technology and non-intrusive inspection technology, with particular emphasis on cargo containers. None of these funds may be obligated until BCBP submits to the Committees on Appropriations a revised technology investment plan that reflects this additional funding, including the impact on agency performance, proposed deployment locations, and schedules.

*Immigration Card Reader Pilot Program.*—Congress provided $10,550,000 to the INS in P.L. 107–117 to deploy machines at border entry points to read the Mexican Border Crossing Card. The Committee understands that the pilot program demonstrated success in detecting 250 persons who attempted to use Border Crossing Cards not matching their fingerprints. Given this success, the Committee requests the Bureau of Customs and Border Protection to report on this program not later than May 1, 2003. The report should include: a description of the pilot program performance; funding used to date and the Bureau's plans for the remaining funds; any plans to deploy additional readers to the border, and if so, where and when deployment will occur; and whether the Bureau plans to use such technology for reading US Green Cards, Canadian Permanent Resident Cards, Employment Authorization Documents and student cards.

## IMMIGRATION AND CUSTOMS ENFORCEMENT

The Committee recommendation includes $185,000,000 for expenses of the Bureau of Immigration and Customs Enforcement of conducting Operation Liberty Shield and related homeland security missions. This includes $20,000,000 for additional special agents, intelligence analysts, air and marine enforcement personnel for the Northern Border and maritime ports of entry. Funding will remain available until December 31, 2003.

## TRANSPORTATION SECURITY ADMINISTRATION

The recommendation includes $390,000,000 for additional homeland security related expenses of the Transportation Security Administration (TSA) to remain available until expended. The bill includes funding for critically-needed transportation security reimbursements, as follows:

| *Activity* | *Amount* |
|---|---|
| Physical modifications of commercial service airports to install checked baggage explosive detection machines | $235,000,000 |
| Reimbursement for state and local law enforcement officers | 85,000,000 |
| Port security grants | 40,000,000 |
| Surface transportation security initiatives | 30,000,000 |

### LAW ENFORCEMENT OFFICERS

The Committee has included $85,000,000 to reimburse state and local law enforcement officers as well as National Guardsmen for increased screening measures at airport checkpoints, vehicle searches, and enhanced measures for perimeter and access control at critical transportation sites.

### SURFACE TRANSPORTATION SECURITY INITIATIVES

The Committee has included $30,000,000 for surface transportation security initiatives. The Administrator shall notify the House Committee on Appropriations at least 15 days prior to the obligation of any amount of funds provided in this Act for surface transportation security initiatives.

### TSA STAFFING

The Committee is aware that TSA is still exceeding the staffing cap of 45,000 full-time permanent positions, first enacted in Public Law 107–206. This action is unacceptable. No funding has been provided in this bill for TSA to hire additional new staff, particularly aviation screeners, or to otherwise supplement previously appropriated funding for staffing requirements.

### 2003 FUNDING REQUIREMENTS

By May 1, 2003, TSA must submit a new operating plan that reflects the current fiscal year 2003 funding requirements. This plan should detail funding by line item and identify the amounts necessary to address any programmatic changes related to Public Law 108–7.

## GRANTS TO AIR CARRIERS

The Committee recommendation includes an appropriation of $3,178,300,000 for grants to be made by the Transportation Secu-

rity Administration to U.S. flag air carriers based on the pro-rata share of expenses incurred related to aviation security each such carrier has paid or collected to date by such carrier in passenger security fees and air carrier security fees to the Transportation Security Administration and are anticipated to be paid or to be collected by each such carrier for the remainder of the fiscal year. As the bulk of these payments are to be equal to the amounts already paid by the carriers to the Transportation Security Administration for aviation security related fees, the Committee expects that the payments to the air carriers shall be done within thirty days of enactment of this Act. In addition, the Committee recommendation includes a provision that permits the use of these funds for such purposes as each carrier determines appropriate.

The airlines shall report by major operating component or category to the Transportation Security Administration within 30 days of receipt of any grant made under this heading on how such funds were expended to offset operating expenses. The Transportation Security Administration shall subsequently provide such allocations to the House and Senate Committees on Appropriations within 60 days of enactment.

### Federal Law Enforcement Training Center Operating Expenses

The recommendation includes $2,000,000 for additional homeland security training requirements that the Federal Law Enforcement Training Center will provide during the remainder of this fiscal year. Funding is available until December 31, 2003.

### Office for Domestic Preparedness

The Committee has provided $2,200,000,000 for grants to enhance the capability of State and local jurisdictions to prepare for and respond to terrorist attacks. State and local responders are the first to arrive on the scene when a terrorist attack occurs and must be prepared to protect life and property. The Committee is aware that State and local jurisdictions are engaged in planning activities and have needs that range from technical equipment, training and exercises to paying for expenses related to heightened security threats and protection of critical infrastructure. The Committee has provided these funds in a manner that will allow the Secretary the flexibility to issue grants to meet these varying requirements. Of the funds provided under this heading, $1,500,000,000 is provided for a formula grant program to be allocated to each State. Within funds provided for the formula grant program, the Committee directs the Office for Domestic Preparedness (ODP) to fund overtime expenses related to increased security being incurred by State and local entities.

The Committee is aware that while the country is at war, there are additional needs for security at critical infrastructure facilities and in high threat, high density urban areas. The Committee is also aware that the Department of Homeland Security has been working with the States and the FBI to identify critical infrastructure facilities and to assess vulnerabilities in high-threat urban areas. Thus, the Committee has provided $700,000,000 for a discretionary grant program to address security requirements related to

these specific areas. When combined with the $100,000,000 appropriated for high threat urban areas in Public Law 108–7, a total of $800,000,000 will be available for these efforts; the Committee is aware that none of the fiscal year 2003 funds have been obligated to date and that the Office for Domestic Preparedness is in the process of determining program eligibility. The Committee believes that the combined $800,000,000 for high threat urban areas should be distributed under the same eligibility requirements. The Committee directs ODP to take into account credible threat; vulnerability; the presence of infrastructure of national importance; population; and identified needs of the jurisdiction's public safety agencies when determining grant eligibility and disbursement of these program funds.

To ensure that funding is provided to meet the needs of first responders preparedness and security activities, the bill provides that not less than 80 percent of all funding provided under this heading to each State shall be passed through to local governments within 45 days of receipt of the funds by the State. The Committee expects that each State will provide certification of its disbursements to ODP.

The Committee expects that the supplemental funds will be disbursed to States as expeditiously as possible and no later than 30 days after enactment of this Act. The Committee also encourages ODP to ensure that equipment and training purchased with ODP funds meet or exceed minimum standards that the Department is in the process of developing. Finally, because the Committee is providing funding for immediate needs, the bill provides that none of the funds under this heading shall be available for construction activities.

The Committee has also directed that the Secretary of Homeland Security notify the Committees on Appropriations 15 days before obligation of these funds.

## UNITED STATES COAST GUARD

### OPERATING EXPENSES

The recommendation includes a total of up to $630,000,000 for additional operating expenses of the U.S. Coast Guard, of which $230,000,000 is provided under this heading, and up to $400,000,000 is provided in the Title 3. The Committee anticipates that the funds provided in this Act will be allocated across three broad categories:

| *Activity* | *Amount* |
|---|---|
| Deployment of Coast Guard personnel and assets overseas. | $180,000,000 |
| Military outload security. | 220,000,000 |
| Targeted increase to homeland security activities related to Operation Liberty Shield | 230,000,000 |

#### TARGETED HOMELAND SECURITY ACTIVITIES

The Committee has included $230,000,000 for additional increases related to Operation Liberty Shield in militarily and economically strategic ports. This funding may be used for additional pay and personnel expenses; increased operational tempo and mission costs at strategic ports; transportation, reconstitution and re-

capitalization of assets; improved documentation for merchant mariners; and port security and vulnerability assessments.

## EMERGENCY PREPAREDNESS AND RESPONSE

### OPERATING EXPENSES

The Committee recommendation includes $45,000,000 for emergency preparedness and response activities related to conducting Operation Liberty Shield. These funds will be used to maintain emergency response teams, including urban search and rescue teams, at a higher operational level capable of deploying within four hours. Funding is available until December 31, 2003.

The Committee recognizes the critical role served by 911 communications centers and their staffs as first responders that Americans turn to in an emergency. Public investment to ensure that 911 communications centers are able to receive and use E911 and other information is a critical part of improving homeland security and should be a priority deserving of financial assistance.

## INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION

### OPERATING EXPENSES

The Committee recommendation includes $10,000,000 for the information analysis and infrastructure protection activities related to conducting Operation Liberty Shield. Funding is available until December 31, 2003. The Committee has also directed the Secretary of Homeland Security to notify the Committees on Appropriations 15 days before obligation of these funds.

## GENERAL PROVISIONS—THIS CHAPTER

Section 1501 requires the Department of Homeland Security to promptly and fully inform the Committee when a change in program execution and funding is required during the fiscal year. To assist the Department in this effort, the following guidance is provided for reprogramming, transfer of funds, or the use of unobligated balances during fiscal year 2003.

A reprogramming shall be submitted for any Departmental action which (1) creates a new program; (2) eliminates a program, project or activity; (3) increases funds for any program, project, or activity for which funds have been denied or restricted by Congress; (4) deviates significantly from a program, project, or activity described in the Department's budget justification as presented to and approved by Congress, including those justifications submitted to Congress prior to the enactment of Public Law 107–296; or (5) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose.

A reprogramming shall be submitted if the amount of funds to be shifted to or from any program, project, or activity is in excess of $5,000,000 or 10 percent, whichever is less.

Transfers of not to exceed 5 percent of any appropriation made available for the current fiscal year for the agencies of the Department of Homeland Security may be transferred between appropria-

tions, but no such appropriation, except as otherwise specifically provided, may be increased by more than 10 percent by any such transfers.

The Department must notify the Committees on Appropriations of both Houses of Congress 15 days in advance of such reprogrammings and transfers. The Department must also notify the Committees at the end of each quarter during the fiscal year of all reprogramming actions that have been completed during that quarter involving less than $5,000,000 or 10 percent.

Clearly stated and detailed documentation presenting justification for the reprogramming, transfer, or use of unobligated balances shall accompany each request. Additionally, each request shall include a declaration that, as of the date of the request, none of the funds included in the request have been obligated, and none will be obligated, until the Committees on Appropriations have approved the request.

## CHAPTER 6

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

## CENTERS FOR DISEASE CONTROL AND PREVENTION

### DISEASE CONTROL, RESEARCH, AND TECHNOLOGY

The Committee recommendation includes $16,000,000 for the Centers for Disease Control and Prevention (CDC) to augment its efforts related to Severe Acute Respiratory Syndrome (SARS), a respiratory illness of unknown cause. As of March 31, 2003, there have been 1,622 cases of SARS and 58 deaths reported to the World Health Organization. Fifty-nine cases have occurred in the United States. Funds will be used to analyze laboratory specimens to identify a cause for SARS and deploy CDC medical officers, epidemiologists, infection control specialists, and pathologists to support the World Health Organization in the global investigation. In addition, funds will support the distribution of health alert notices to travelers who may have been exposed to cases of SARS, assist state and local health departments in investigating possible cases of SARS in the United States, and provide safe specimen-handling guidelines to laboratories.

## OFFICE OF THE SECRETARY

### PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

The Committee recommendation includes $94,000,000 within the Public Health and Social Services Emergency Fund for the Centers for Disease Control and Prevention to assist state and local health authorities with the costs associated with the civilian smallpox vaccination program. The Committee intends that these supplemental funds be used to augment funding already available in fiscal year 2003 for State and local preparedness.

In addition, the Committee recommendation includes $50,000,000 for costs associated with compensating individuals who volunteer to receive smallpox vaccinations and experience serious adverse effects. Funds recommended for smallpox vaccine compensation are available only upon enactment of legislation author-

izing a smallpox vaccination compensation program and are available until expended.

## GENERAL PROVISIONS—THIS CHAPTER

The Committee recommendation amends a provision of the Social Security Act for fiscal year 2003 to remove the $1,000,000 statutory cap on funds used to provide assistance to US citizens and their dependents returning from foreign countries who have been determined by the Department of State to be destitute, mentally ill, or requiring emergency evacuation due to threatened armed conflict, civil strife or natural disasters.

# CHAPTER 7

# LEGISLATIVE BRANCH

## HOUSE OF REPRESENTATIVES

### COMMITTEE EMPLOYEES

#### STANDING COMMITTEES, SPECIAL AND SELECT

The committee recommends $11,000,000 for the select committee on Homeland Security authorized by House Resolution 5, adopted January 7, 2003.

## CAPITOL POLICE

### GENERAL EXPENSES

The committee recommends $37,758,000 for increasing emergency costs of the security requirements for the United States Capitol Complex related to protecting the occupants and visitors.

## OFFICE OF COMPLIANCE

### SALARIES AND EXPENSES

The committee recommends $111,000 to cover contracted services of hearings officers and mediators for the increasing number of hearings.

## ARCHITECT OF THE CAPITOL

### CAPITOL POLICE BUILDINGS AND GROUNDS

The committee recommends $63,868,000 for the property purchase, design, and the beginning of construction for a new Capitol Police headquarters.

## LIBRARY OF CONGRESS

### SALARIES AND EXPENSES

The committee recommends $5,500,000 to implement a public address system for the Library's buildings to assure effective communications in all emergency situations.

### CONGRESSIONAL RESEARCH SERVICE

The committee recommends $1,863,000 to support the planning, design, and implementation of the Congressional Research Service portion of the alternate computer facility.

## GENERAL ACCOUNTING OFFICE

### SALARIES AND EXPENSES

The committee recommends $4,900,000 to support the implementation of important security enhancements required within the GAO facility.

## CHAPTER 8

## DEPARTMENT OF DEFENSE

## MILITARY CONSTRUCTION

### MILITARY CONSTRUCTION, NAVY

The Committee recommends $48,100,000 for Military Construction, Navy, as requested by the President. This funding provides long-term facilities to support the interrogation and military commission operations at Guantanamo Bay Naval Station in Cuba.

### MILITARY CONSTRUCTION, AIR FORCE

The Committee recommends $5,100,000 for Military Construction, Air Force, instead of $129,400,000 as proposed by the President. Of this amount, $3,200,000 is provided to construct an explosive ordnance pad in Diego Garcia, and $1,900,000 is provided to plan and design a facility for coalition members in the war against terrorism at the United States Central Command, and to complete design of the explosive ordnance pad in Diego Garcia.

The Committee recommends against including $25,000,000, as requested by the President, for the construction of a parallel taxiway at a classified location. The amount is no longer needed because the project—already under construction—has been financed with operation and maintenance funds.

Likewise, the Committee recommends against including $11,000,000 to construct a C–130 Aircraft Parking Apron at a classified location. This project is no longer a requirement and was included in the Supplemental erroneously.

Finally, the President's request of $85,100,000 for the construction of billeting and community center facilities at a classified location is not included in the recommendation. The Committee's recommendation, however, is without prejudice, recognizing both geopolitical considerations and the fact that the project is a legitimate requirement. Nonetheless, it is imprudent for the Committee to include appropriations for the facility given the lack of consensus by various components at DOD about the mission, the force structure, the underlying military construction requirement, and the cost of the facility. The Committee urges DOD to resolve these differences and to report back to the Committee prior to finalizing a conference agreement.

## FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

Typhoon Pongsona struck Andersen AFB, in Guam, on December 8, 2002, with sustained winds of 180 miles per hour. Estimates of $115,900,000 are required to return the installation to full mission capability and improve quality of life for assigned personnel. Though not requested by the President, the Committee recommends appropriating $1,800,000 to repair family housing and air conditioning units damaged by Typhoon Pongsona.

A component of the total repair requirement is the construction of typhoon proof hangars. This requirement is critical because Andersen AFB is an essential "land bridge" into and through the Southwest Asia area of responsibility and is designated as a future beddown site for bomber, tanker, surveillance, and fighter aircraft. The Committee understands the strategic importance of the installation and urges the Department to program funds for a new hangar as quickly as possible.

## GENERAL PROVISIONS—THIS CHAPTER

This chapter contains two provisions.

Section 1801 limits unauthorized military construction projects from being constructed with Defense Emergency Response Funds. The Committee directs the Department's attention to section 2804 of title 10, United States Code, which allows the Secretary of Defense to carry out military construction projects not otherwise authorized by law if the Secretary determines that deferral of the project for inclusion in the next Military Construction Authorization Act would be inconsistent with national security or national interest. Consistently, the Department fails to request more than $10,000,000 for this contingency construction account in any given fiscal year. The Committee strongly urges the Department to consider utilizing this provision of law for the purpose of covering unforeseeable, but strategically necessary, contingency projects.

Section 1802 prohibits the Department of Defense from using operation and maintenance funds for military construction projects unless proper notification is provided.

The Committee recommends against including a provision to give the Department authority to use any funds appropriated in this act for military construction relating to terrorism.

## TITLE II—TECHNICAL CORRECTIONS

The Committee has included a technical correction to the State and Tribal Wildlife Grants program in Division F of Public Law 108–7. The correction specifies that $5,000,000 is to be deducted for a tribal program prior to subsequent distribution of funds. This is consistent with the amount appropriated for that purpose. There is no change to the amount appropriated for the tribal portion of the program or to the overall appropriated amount.

In the statement of the managers of the committee of conference accompanying H.J. Res. 2 (Public Law 108–7; House Report 108–10), in the matter in title II of Division G, under the heading "Health Resources and Services"

> —the provision specifying $200,000 for the U.S. and Developing Country Medical Centers Program for the linking of U.S. academic medical centers with developing country medical cen-

ters to facilitate mutual capacity building through the exchange of clinicians between the two institutions so that care providers in the developing world can learn, first hand, from those in the U.S. who are most experienced in AIDS care shall be deleted;

—the provision specifying La Crosse Medical Health Science Consortium to establish virtual health centers shall be deemed to read as follows: "La Crosse Medical Health Science Consortium in La Crosse, Wisconsin to establish virtual health centers in eight counties";

—the provision specifying Children's Hospital Central California for construction of the Pediatric Trauma Unit shall be deemed to read as follows: "Children's Hospital Central California in Fresno, CA for construction of the Pediatric Trauma Unit"; and

—the provision specifying $1,630,000 for the Geisinger Health System, Harrisburg, PA, for the Rural PA Stroke Care Partnership shall be deemed to read: "Geisinger Health System, Harrisburg, PA, for the Rural PA Stroke Care Partnership, $630,000".

The Committee recommends transferring $800,000 from the health care and other facilities construction program to the telehealth grant program. These funds are to be used to support the Children's Hospital and Regional Medical Center of Seattle, Washington and the University of Nebraska Medical Center in Omaha, Nebraska. The Committee also recommends transferring $225,000 from the health care and other facilities construction program to program management for the Mental Health Association of Tarrant County, Ft. Worth, Texas to provide school-based mental health education to schools in the county. The Committee further recommends transferring $490,000 from the health care and other facilities construction program to the rural outreach program for First Health of the Carolinas, Inc., Pinehurst, North Carolina. The Committee recommends transferring $200,000 from the Rural Health Outreach Grants program to Program Administration for the University of California, San Francisco for a Developing Country Medical Program to facilitate clinician exchange between the United States and developing countries.

The Committee intends that changes in the amounts provided will still be subject to the across the board cut of 0.65 percent included in Public Law 108–7.

The Committee recommendation includes a general provision making a technical correction to the bill language of the Public Health and Social Services Emergency Fund in title II of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2003 (Public Law 108–7, div. G).

The Committee recommendation includes a general provision making a technical correction to the bill language in Section 207 in title II of the Departments of Labor, Health and Human Services, and Related Agencies Appropriations Act, 2003 (Public Law 108–7, div. G).

The Committee recommendation also includes a new general provision making a technical change to language in Section 215 in title II of the Departments of Labor, Health and Human Services, and

Related Agencies Appropriations Act, 2003 (Public Law 108–7, div. G) regarding international health activities.

The Committee recommends language making the Math and Science Partnerships program a forward funded program to reflect the fact that these funds will now be distributed to states via a formula. The Committee also makes a technical change to the Troops to Teachers program to provide extended availability of funds.

The Committee also recommends technical corrections to various projects.

The Committee intends that the amounts provided will still be subject to the across the board cut of 0.65 percent included in Public Law 108–7.

The Committee recommends technical corrections to various projects. The Committee intends that the amounts provided will still be subject to the across the board cut of 0.65 percent included in Public Law 108–7.

The Committee recommends a technical correction clarifying the restrictions on providing stipends to certain volunteers.

The Committee has included language to provide a deficiency appropriation of up to $64,000,000 to liquidate obligations incurred in previous years in order to ensure that AmeriCorps volunteers receive their earned education award. The Administration submitted this request to the Congress on March 5, 2003.

The Committee has not included requested language allowing transfer authority for up to $50,000,000 from other Corporation activities to the National Service Trust and eliminating the enrollment limitation of 50,000 volunteers for fiscal year 2003 contained in Public Law 108–7. The Committee has not changed its position that the Corporation needs some time to reform the management and financial systems at the Corporation, especially in light of the need for a deficiency appropriation this year. Once the Corporation demonstrates its ability to manage the programs within available resources and account for all program activities and resources, the Committee will then be willing to entertain proposals to increase the Corporation's enrollment and flexibility.

The Committee has included a technical correction to Public Law 108–7 specifying that not less than $2,500,000 of the funds appropriated is for financial reform activities in the Corporation. Similar language was included in the statement of the managers.

The Committee strikes the prohibition in Section 115 under the heading "Department of Veterans Affairs, Administrative Provisions" in Public Law 108–7 against using funds appropriated in the fiscal year 2003 appropriations Act to establish four medical emergency preparedness centers as authorized in Public Law 107–287.

## TITLE III—GENERAL PROVISIONS—THIS ACT

The bill includes a provision that limits the availability of funds provided in this Act to this fiscal year unless expressly provided otherwise.

# HOUSE OF REPRESENTATIVES REPORT REQUIREMENTS

## TRANSFER OF FUNDS

Pursuant to clause 3(f)(2) of rule XIII of the Rules of the House of Representatives, the following is submitted describing the transfer of funds provided in the accompanying bill.

Language has been included in Department of Defense—Military in the "Operation Iraqi Freedom Response Fund" which provides for the transfer of funds out of and into this account.

Language has been included in Department of Defense—Military in the "Natural Resources Risk Remediation Fund" which provides for the transfer of funds out of and into this account.

Language has been included in "Drug Interdiction and Counter-Drug Activities, Defense" which transfers funds to other appropriations accounts of the Department of Defense.

Language has been included in Department of Defense—Military in section 1306 which provides general transfer authority.

Language has been included in Department of Defense—Military in section 1307 regarding drawdown support under the Afghan Freedom Support Act which provides for the transfer of funds to other appropriations accounts of the Department of Defense.

Language has been included in Department of Defense—Military in section 1310 which transfers amounts in or credited to the Defense Cooperation Account to the "Operation Iraqi Freedom Response Fund".

Language has been included in Department of Defense—Military in section 1313 which transfers the balances of funds remaining in the "Defense Emergency Response Fund" to the "Operation Iraqi Freedom Response Fund".

Under "Operating Expenses of the United States Agency for International Development" not less than $2,000,000 may be transferred to and merged with "Operating Expenses of the United States Agency for International Development Office of Inspector General."

Under "Iraq Relief and Reconstruction Fund," language has been included that provides for the transfer of funds to fully reimburse accounts administered by the Department of State and the United States Agency for International Development for obligations incurred for the purposes provided for Iraq relief and reconstruction.

Under General Provisions, Department of Homeland Security:

* * * (c) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the agencies of the Department of Homeland Security in this Act or provided in previous Appropriations Acts may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided,* That any transfer pursuant to this section shall be treated as a reprogramming of funds and shall not be available for obligation unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such transfer.

## CHANGES IN THE APPLICATION OF EXISTING LAW

Pursuant to clause 3(f)(1)(A) of rule XIII of the Rules of the House of Representatives, the following statements are submitted describing the effect of provisions in the accompanying bill which directly or indirectly change the application of existing law.

Language is included under Bill Emerson Humanitarian Trust that prohibits monetization of stocks to purchase different commodities for humanitarian aid to Iraq.

Language is included waiving prior authorization requirements for the expenditure of funds by the Department of State or the Broadcasting Board of Governors.

Language has been included for Department of Defense—Military in "Operation and Maintenance, Defense-Wide" which appropriates $1,400,000,000 to fund payments to key cooperating nations providing support to U.S. operations in connection with the global war on terrorism.

Language has been included for Department of Defense—Military which creates a new appropriations paragraph "Operation Iraqi Freedom Response Fund" which provides $59,682,500,000 for costs of military operations in Iraq and the global war on terrorism.

Language has been included for Department of Defense—Military to create a new appropriations paragraph "Natural Resources Risk Remediation Fund" which provides funds to address emergency fire fighting, and repair of damage to oil facilities and related infrastructure.

Language has been included for Department of Defense—Military in "Defense Working Capital Funds" which provides an additional $1,100,000,000 for increased cost of fuel purchases.

Language has been included for Department of Defense—Military in "Drug Interdiction and Counter-Drug Activities, Defense" which provides an additional $34,000,000 for Colombia's unified campaign against narcotics trafficking and terrorist activities.

Language has been included for Department of Defense—Military which restricts the availability of the funds to the current fiscal year unless otherwise provided, and provides that the terms and conditions set forth in the Department of Defense Appropriations Act, 2003 (Public Law 107–248) and Making Further Continuing Appropriations for the Fiscal Year 2003, and for Other Purposes (Public Law 108–7) shall apply to this bill.

Language has been included for Department of Defense—Military which prohibits the initiation of new start programs without prior congressional approval.

Language has been included for Department of Defense—Military which prohibits funds to be used to finance acquisition programs that will not be fielded within four years of enactment of this Act.

Language has been included for Department of Defense—Military which provides the Department with additional authority for the CINC Initiative Fund.

Language has been included for Department of Defense—Military which provides the Department with additional authority for extraordinary and emergency expenses in order to support emergent requirements associated with the ongoing war on terrorism.

Language has been included for Department of Defense—Military which amends Section 8005 concerning the Department's general transfer authority.

Language has been included for Department of Defense—Military which provides $165,000,000 to reimburse applicable appropriations for the value of drawdown support provided by the Department under the Afghanistan Freedom Support Act of 2002.

Language has been included for Department of Defense—Military concerning funds for intelligence related activities.

Language has been included for Department of Defense—Military which authorizes funds to reimburse applicable appropriations for the value of support provided by the Department under the Iraq Liberation Act of 1998.

Language has been included for Department of Defense—Military which provides for the transfer of funds to the "Operation Iraqi Freedom Response Fund".

Language has been included for Department of Defense—Military which requires that funds deposited in the "Natural Resources Risk Remediation Fund" shall be reported to the Congress under the same terms and conditions for contributions to the "Defense Cooperation Account", and the use of resources from both accounts shall be subject to the approval of the Committees on Appropriations.

Language has been included for Department of Defense—Military which requires the Department to notify the congressional defense committees prior to the obligation of funds appropriated in this chapter for military construction activities in excess of $7,500,000.

Language has been included for Department of Defense—Military which transfers the balances of funds remaining in the "Defense Emergency Response Fund" to the "Operation Iraqi Freedom Response Fund".

Changes in application of existing law (including identification of rescissions and transfers):

Under "International Disaster Assistance" funds appropriated may be made available pursuant to section 492(b) of the Foreign Assistance Act of 1961 for the purpose of addressing relief and rehabilitation needs in Iraq and shall be in addition to the amount that may be obligated in any fiscal year under that section. Additionally during the remainder of fiscal year 2003 this authority may not be utilized unless written notice has been provided to the Committees on Appropriations not less than five days prior to the proposed obligation.

Under "Economic Support Fund", not less than $700,000,000 shall be made available for assistance to Jordan. $300,000,000 shall be made available for grants for Egypt and is to remain available until September 30, 2005. In addition during the period beginning March 1, 2003 and ending September 30, 2005, not more than $2,000,000 in loan guarantees may be made to Egypt and the Government of Egypt will incur all costs, as defined in section 502 of the Federal Credit Reform Act of 1990. Not to exceed $1,000,000,000 may be made available for grants for Turkey and is to remain available until September 30, 2005. In addition during the period beginning March 1, 2003 and ending September 30, 2005, direct loans or loan guarantees may be made available to

Turkey, in an amount not to exceed $8,500,000,000 provided the Government of Turkey incurs all costs, as defined in section 502 of the Federal Credit Reform Act of 1990 associated with these loans or loan guarantees, although funds made available under Economic Support Fund and other funds appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 and made available for assistance for Turkey may be used by the Government of Turkey to pay such fees to the United States Government. None of the funds may be made available for assistance for Turkey until the Secretary of State determines and reports the Government of Turkey in cooperating with the United States in Operation Iraqi Freedom. The President shall determine the terms and conditions for issuing the economic assistance authorized by this paragraph, and if the President determines that these terms and conditions have been breached, the President may suspend or terminate the provision of all or part of such economic assistance not yet outlayed under this paragraph. Language is included that provides not to exceed $5,000,000 may be available for administrative expenses of the Islamic Partnership and Outreach program; and funds made available for the Islamic Partnership and Outreach program and other regional programs are subject to the regular notification procedures.

Under "Iraq Relief and Reconstruction Fund" funds are made available for humanitarian assistance in and around Iraq and for rehabilitation and reconstruction in Iraq for various activities and subjects the funds to a 5-days notification. Language is included directing that these funds shall be apportioned only to the Department of State, the USAID, and the Department of Health and Human Services and designates the Secretary of State and the Deputy Secretary of State as responsible for policy decisions and justifications for the use of these funds and does not allow this responsibility to be delegated. Language is included allowing these funds to be used to fully reimburse accounts administered by the Department of State and USAID, that are not reimbursed from other funds appropriated by this chapter, for obligations incurred for Iraq relief and reconstruction. Language is included to make funds appropriated notwithstanding any other provision of law, including section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956.

Under "International Narcotics Control and Law Enforcement", and "Andean Counterdrug Initiative" funds are available until September 30, 2004.

Under "United States Emergency Refugee and Migration Assistance Fund", language is included making funds appropriated available until expended and notwithstanding section 2(c)(2) of the Migration and Refugee Assistance Act of 1962.

Under "Foreign Military Financing Program", not less than $406,000,000 shall be made available for grants only for Jordan and $1,000,000,000 shall be available for grants for Israel, and of which not less than $263,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development. Additional language is included that funds appropriated are made available notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956.

Under "General Provisions", assistance or other financing under this title may be provided for Iraq notwithstanding any other provision of law and shall be subject to the regular reprogramming procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961, except subject to notification 5 days in advance of obligation. The notification requirements may be waived if failure to do so would pose a substantial risk to human health or welfare.

Under "General Provisions", language is included that allows the suspension of the application of any provision of the Iraq Sanctions Act of 1990 although nothing in this section shall affect the applicability of the Iran-Iraq Arms Non-Proliferation Act of 1992. Language is provided that allows the President to make inapplicable with respect to Iraq section 620A of the Foreign Assistance Act of 1961 or any other provision of law that applies to countries that have supported terrorism, although military equipment shall not be exported under the authority of the section. Language is included that provides that section 307 of the Foreign Assistance Act of 1961 shall not apply with respect to programs of international organizations for Iraq, and that existing provisions of law that direct the United States Government to vote against or to oppose loans or other uses of funds, including for financial or technical assistance, in international financial institutions for Iraq shall not be construed as applying to Iraq. Language is included that requires the President to submit a notification 5 days prior to exercising any of the authorities described in this section, and in addition, 60 days after enactment of this Act and every 90 days thereafter the President must submit a report containing a summary of all licenses approved for export to Iraq of any item on the Commerce Control List contained in the Export Administration Regulations, 15 CFR Part 774, Supplement 1, including identification of end users of such items. Language is included that provides that the authorities contained in this section shall expire on September 30, 2004 or the date of enactment of a subsequent Act authorizing assistance for Iraq and that specifically amends, repeals or otherwise makes inapplicable the authorities of this section, whichever occurs first.

Under "General Provisions", language is included that allows the President, notwithstanding any other provision of law, to authorize the export to Iraq of any nonlethal military equipment controlled under the International Trafficking in Arms Regulations on the United States Munitions List established pursuant to section 38 of the Arms Export Control Act, if the President determines and notifies Congress within 5 days after export that the export of such nonlethal military equipment is in the national interest of the United States. Language is included that provides that the authorities contained in this section shall expire on September 30, 2004 or the date of enactment of a subsequent Act authorizing assistance for Iraq and that specifically amends, repeals or otherwise makes inapplicable the authorities of this section, whichever occurs first.

Language has been included under Transportation Security Administration providing funds for: physical modification of airports for installing checked baggage explosive detection systems; reimbursement to state and local law enforcement offices and the Na-

tional Guard for increased security measures; and port security grants.

Language has been included under Transportation Security Administration providing funds for grants to U.S. flag air carriers based on expenses incurred for aviation and passenger security.

Language has been included under Office for Domestic Preparedness providing that: 80 percent of funds provided to any State shall be allocated to units of local government within 45 days; none of the funds may be used for construction or renovation of facilities; and section 1014(c)(3) of Public Law 107–56 shall not apply to discretionary grants.

Language has been included under General Provisions providing reprogramming and transfer authority.

Language is included under the Corporation for National and Community Service, national and community service programs operating expenses providing $2,500,000 to the Office of the Chief Financial Officer.

## Comparison With the Budget Resolution

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives requires an explanation of compliance with section 308(a)(1)(A) of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93–344), as amended, which requires that the report accompanying a bill providing new budget authority contain a statement detailing how that authority compares with the reports submitted under section 302 of the Act for the most recently agreed to concurrent resolution on the budget for the fiscal year from the Committee's section 302(a) allocation.

Prior to the development of this bill the Committee had not received increases to its allocation to reflect actual appropriations enacted to date. Because of this, any comparison to the Committee's current allocation would not provide an accurate picture of where the Committee stands relative to total discretionary appropriations that have been agreed to by Congress and the President.

## Five-Year Outlay Projections

In compliance with section 308(a)(1)(B) of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93–344), as amended, the following table contains five-year projections associated with the budget authority provided in the accompanying bill:

| | *Millions* |
|---|---|
| Budget Authority | 77,936 |
| Outlays: | |
| 2002 | 41,212 |
| 2003 | 26,849 |
| 2004 | 7,341 |
| 2005 | 1,611 |
| 2006 and beyond | 750 |

## Assistance to State and Local Governments

In accordance with section 308(a)(1)(C) of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93–344), as amended, the financial assistance to State and local governments is as follows:

| | *Millions* |
|---|---|
| Budget Authority | 2,336 |
| Fiscal Year 2002 outlays resulting therefrom | 372 |

CONSTITUTIONAL AUTHORITY

Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives states that:

> Each report of a committee on a bill or joint resolution of a public character, shall include a statement citing the specific powers granted to the Congress in the Constitution to enact the law proposed by the bill or joint resolution.

The Committee on Appropriations bases its authority to report this legislation from Clause 7 of Section 9 of Article I of the Constitution of the United States of America which states:

> No money shall be drawn from the Treasury but in consequence of Appropriations made by law * * *

Appropriations contained in this Act are made pursuant to this specific power granted by the Constitution.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the following is a statement of general performance goals and objectives for which this measure authorize funding:

The Committee on Appropriations considers program performance, including a program's success in developing and attaining outcome-related goals and objectives, in developing funding recommendations.

COMPLIANCE WITH CLAUSE (3)(e) OF RULE XIII (RAMSEYER RULE)

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

## DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2003

* * * * * * *

TITLE II

* * * * * * *

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, $14,773,506,000, of which not to exceed **[**$25,000,000**]** *$50,000,000* may be available for the CINC initiative fund account; and of which not to exceed **[**$34,500,000**]** *$69,000,000* can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments

may be made on his certificate of necessity for confidential military purposes: *Provided,* That notwithstanding any other provision of law, of the funds provided in this Act for Civil Military programs under this heading, $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.

* * * * * * *

## TITLE VIII

* * * * * * *

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

*June 30,* 2003: *Provided further,* That section 8005 of the Department of Defense Appropriations Act, 2002 (Public Law 10709117) is amended by striking "$2,000,000,000", and inserting "$2,500,000,000" [: *Provided further,* That, in addition to the transfer authority provided in this section, and subject to the terms and conditions of this section except the limitation in the fourth proviso, the Secretary of Defense may, only to meet unforeseen fuel costs borne by the Defense Working Capital Fund resulting from fuel cost increases and the global war on terrorism, transfer up to an additional $500,000,000 of funds made available in this Act to the Department of Defense for military functions (except military construction), from 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 within the Defense Working Capital Fund to which transferred]: *Provided further,* That notwithstanding any other provision of law, none of the funds provided in this or any other appropriations Act for the Department of Defense may be used for the drawdown authority in section 202 of the Afghanistan Freedom Support Act of 2002 (Public Law 107 09327) prior to notifying the House and Senate Committees on Appropriations of the source of funds to be used for such purpose.

* * * * * * *

## SECTION 4 OF THE IRAQ LIBERATION ACT OF 1998

**SEC. 4. ASSISTANCE TO SUPPORT A TRANSITION TO DEMOCRACY IN IRAQ.**

(a) AUTHORITY TO PROVIDE ASSISTANCE.—The President may provide to the Iraqi democratic opposition organizations designated in accordance with section 5 the following assistance:

(1) * * *

(2) MILITARY ASSISTANCE.—(A) * * *

* * * * * * *

*(C) The aggregate value (as defined in section 644(m) of the Foreign Assistance Act of 1961) of assistance provided under this paragraph may not exceed $150,000,000 in fiscal year 2003.*

* * * * * * *

## SECTION 1113 OF THE SOCIAL SECURITY ACT

ASSISTANCE FOR UNITED STATES CITIZENS RETURNED FROM FOREIGN COUNTRIES

SEC. 1113. (a) * * *

* * * * * * *

(d) The total amount of temporary assistance provided under this section shall not exceed $1,000,000 during any fiscal year beginning after September 30, [1991] *2003.*

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# DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2003

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## TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

### OFFICE OF THE SECRETARY

* * * * * * *

#### PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For expenses necessary to support activities related to countering potential biological, disease and chemical threats to civilian populations, $2,246,680,000: *Provided,* That this amount is distributed as follows: Centers for Disease Control and Prevention, $1,543,440,000 of which $300,000,000 shall remain available until expended for the National Pharmaceutical Stockpile; Office of the Secretary, $152,240,000; Health Resources and Services Administration; $546,000,000; and the Agency for Healthcare Research and Quality, $5,000,000**[**, to remain available until expended**]**; *Provided further,* That at the discretion of the Secretary, these amounts may be transferred between categories subject to normal reprogramming procedures: *Provided further,* That employees of the Centers for Disease Control and Prevention or the Public Health Service, both civilian and Commissioned Officers, detailed to States, municipalities or other organizations under authority of section 214 of the Public Health Service Act for purposes related to homeland security, shall be treated as non-Federal employees for reporting purposes only and shall not be included within any personnel ceiling applicable to the Agency, Service, or the Department of Health and Human Services during the period of detail or assignment.

* * * * * * *

### HEALTH RESOURCES AND SERVICES ADMINISTRATION

#### HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, IV, VII, VIII, X, XII, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V (including section 510), and sections 1128E and 1820 of the Social Security Act, the Health Care Quality Improvement Act of 1986, as amended, the Native Hawaiian Health Care Act of 1988, as amended, the Cardiac Arrest Survival Act of 2000, and the Poison Control Center Enhancement and Awareness Act, $6,472,630,000, of which **[**$298,153,000**]** *$296,638,000* shall be available for construction and renovation (including equipment) of health care and other facilities, and of which $40,000,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program under section 1820 of such Act: *Provided,* That of the funds made available under this heading, $250,000 shall be available until expended for facilities renovations at the Gillis W. Long

Hansen's Disease Center: *Provided further,* That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: *Provided further,* That fees collected for the full disclosure of information under the "Health Care Fraud and Abuse Data Collection Program", authorized by section 1128E(d)(2) of the Social Security Act, shall be sufficient to recover the full costs of operating the program, and shall remain available until expended to carry out that Act: *Provided further,* That no more than $40,000,000 is available for carrying out the provisions of Public Law 104–73: *Provided further,* That of the funds made available under this heading, $275,138,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: *Provided further,* That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: *Provided further,* That $719,000,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act: *Provided further*, That of the amount provided under this heading, $46,000 is available for Catholic Social Services, The Bridge, Wilkes Barre, PA, for abstinence education and related services, $500,000 is available for CentraCare Health Foundation for administration, St. Cloud, Minnesota, to increase the ability of educational institutions to produce nurses in a region with high demand, $41,000 is available for Chester County Health Department, Chester County Government Services Center, West Chester, PA, for abstinence education and related services, $105,000 is available for the City of Chester, Bureau of Health, SABER Project, Chester, PA, for abstinence education and related services, $86,000 is available for George Washington Carver Community Center, Project A.C.E., Norristown, PA, for abstinence education and related services, $51,000 is available for **[**Heart Beat, New Bloomfield, PA**]** *Heart Beat, Millerstown, PA*, for abstinence education and related services, $79,000 is available for Keystone Central School District, Central Mountain Middle School East, Lock Haven, PA, for abstinence education and related services, $88,000 is available for Keystone Economic Development Corporation, Johnstown, PA, for abstinence education and related services, $92,000 is available for L.V.C.P.T.P., St. Luke's Health Network, CHOICE program, Bethlehem, PA, for abstinence education and related services, $74,000 is available for Lackawanna Trail School District, Factoryville, PA, for abstinence education and related services, $112,000 is available for LaSalle University, Philadelphia, PA, for abstinence education and related services, $111,000 is available for Mercy Hospital of Pittsburgh, Pittsburgh, PA, for abstinence education and related services, $136,000 is available for Neighborhood United Against Drugs, Philadelphia, PA, for abstinence education and related services, $23,000 is available for New Brighton School District, New Brighton, PA, for abstinence education and related services,

$1,250,000 is available for Northeastern Ohio Universities College of Medicine, Rootstown, Ohio, for the Center for Leadership in Public Health and Community Medicine, $72,000 is available for Nueva Esperanza, Philadelphia, PA, for abstinence education and related services, $72,000 is available for Partners in Family and Community Development, Athens, PA, for abstinence education and related services, $50,000 is available for Potter County Human Services, Roulette, PA, for abstinence education and related services, $71,000 is available for Rape and Victim Assistance Center of Schuykill County, Pottsville, PA, for abstinence education and related services, $82,000 is available for Real Commitment, Gettysburg, PA, for abstinence education and related services, $101,000 is available for the School District of Lancaster, Project IMPACT, Lancaster, PA, for abstinence education and related services, $102,000 is available for the School District of Philadelphia, Philadelphia, PA, for abstinence education and related services, $700,000 is available for the Silver Ring Thing Program, Sewickley, Pennsylvania, for expansion of a program promoting abstinence, $74,000 is available for the Guidance Center, project RAPPORT, Smethport, PA, for abstinence education and related services, $109,000 is available for To Our Children's Future with Health, Inc., Philadelphia, PA, for abstinence education and related services, $136,000 is available for [Tressler Lutheran Services, Harrisburg, PA, for abstinence education and related services] *DIAKON Lutheran Social Ministries, Allentown, PA, for abstinence education and related services in Cumberland and Dauphin counties*, $84,000 is available for Tuscarora Intermediate Unit, Mcveytown, PA, for abstinence education and related services, $500,000 is available for the University of Akron, Ohio, for a nursing study, $1,000,000 is available for the University of Florida, Gainesville, Florida, for Consortium to Promote Nursing Faculty, $300,000 is available for the University of Louisville Research Foundation, Kentucky, to establish a Center for Cancer Nursing Education and Research, $126,000 is available for the Urban Family Council, Philadelphia, PA, for abstinence education and related services, $41,000 is available for Venago County Area Vo-Tech, Oil City, PA, for abstinence education and related services, $136,000 is available for Washington Hospital Teen Outreach, Academy for Adolescent Health, Washington, PA, for abstinence education and related services, $300,000 is available for William Beaumont Hospital, Royal Oak, Michigan, for the Beaumont Nurse Anesthesia Education Rural Initiative, $136,000 is available for the Women's Care Center of Erie County, Inc., Abstinence Advantage Program, Erie, PA, for abstinence education and related services, $50,000 is available for York County, Human Life Services, Inc., York, PA, for abstinence education and related services, $95,000 is available for [Community Ministries of the Lutheran Home at Topton, Reading, PA, for abstinence education and related services] *DIAKON Lutheran Social Ministries of Allentown, PA, for abstinence education and related services in Berks county*, $50,000 is available for Clarke College in Dubuque, IA, for the planning of a community health center, $700,000 is available for Clinical Pharmacy Training Program at University of Hawaii at Hilo, $100,000 is available for Family Voices of Iowa in the ASK Resource Center, Des Moines, IA, to continue and expand the Family to Family Health Information Center,

$1,000,000 is available for Iowa Department of Public Health to continue the Center for Healthcare Workforce Shortages, $350,000 is available for National Healthy Start Association, Baltimore, Maryland, to gather and disseminate information on best practices under the Healthy Start program and provide technical assistance to Healthy Start grantees, $125,000 is available for the Tulsa Coalition for Children's Health in Tulsa, Oklahoma, for a study regarding delivery of pediatric health care in northeastern Oklahoma, *$225,000 is available for the Mental Health Association of Tarrant County, Ft. Worth, Texas to provide school-based mental health education to schools in Tarrant County, $200,000 is available for the AIDS Research Institute at the University of California, San Francisco for a Developing Country Medical Program to facilitate clinician exchange between the United States and developing countries, $1,000,000 is available for the Geisinger Health System, Harrisburg, PA to establish centers of excellence for the treatment of autism* and $50,000 is available for Waianae Coast Community Health Center leadership training: *Provided further*, That, notwithstanding section 502(a)(1) of the Social Security Act, not to exceed $115,900,000 is available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act, of which $500,000 is available for the City of Milwaukee Health Department for a pilot program providing health services to at-risk children in day care and $10,000 is available for the Dane County Neighborhood Child Health Clinic in Madison, Wisconsin, to provide child dental services: *Provided further*, That in addition to amounts provided herein, $25,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out Parts A, B, C, and D of title XXVI of the Public Health Service Act to fund section 2691 Special Projects of National Significance: *Provided further,* That $55,000,000 is available for special projects of regional and national significance under section 501(a)(2) of the Social Security Act, which shall not be counted toward compliance with the allocation required in section 502(a)(1) of such Act, and which shall be used only for making competitive grants to provide abstinence education (as defined in section 510(b)(2) of such Act) to adolescents and for evaluations (including longitudinal evaluations) of activities under the grants and for Federal costs of administering the grants: *Provided further,* That grants under the immediately preceding proviso shall be made only to public and private entities which agree that, with respect to an adolescent to whom the entities provide abstinence education under such grant, the entities will not provide to that adolescent any other education regarding sexual conduct, except that, in the case of an entity expressly required by law to provide health information or services the adolescent shall not be precluded from seeking health information or services from the entity in a different setting than the setting in which the abstinence education was provided: *Provided further,* That the funds expended for such evaluations may not exceed 3.5 percent of such amount.

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## SECTION 207 OF THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2003

(TRANSFER OF FUNDS)

SEC. 207. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Health and Human Services in this [or any other] Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided,* That an appropriation may be increased by up to an additional 2 percent subject to approval by the House and Senate Committees on Appropriations: *Provided further,* That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

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## TITLE III—DEPARTMENT OF EDUCATION

* * * * * * *

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by titles II, IV, V, VI, and parts B and C of title VII of the Elementary and Secondary Education Act of 1965 ("ESEA"); part B of title II of the Higher Education Act; the McKinney-Vento Homeless Assistance Act; and the Civil Rights Act of 1964, [$8,052,957,000] *$8,053,507,000*, of which [$508,100,000] *$537,100,000* shall become available October 1, 2002, and shall remain available through September 30, 2004, of which [$4,132,167,000] *$4,233,167,000* shall become available on July 1, 2003, and remain available through September 30, 2004, and of which $1,765,000,000 shall become available on October 1, 2003, and shall remain available through September 30, 2004, for academic year 2003–2004: *Provided,* That up to $12,000,000 may be used to carry out section 2345 of the ESEA: *Provided further,* That of the amount made available for subpart 3, part C, of title II of the ESEA, $3,000,000 shall be used by the Center for Civic Education to implement a comprehensive program to improve public knowledge, understanding, and support of the Congress and the State legislatures: *Provided further,* That of the funds made available for subpart 2 of part A of title IV of the ESEA, $5,000,000, to remain available until expended, shall be for the Project School Emergency Response to Violence program to provide education-related services to local educational agencies in which the learning environment has been disrupted due to a violent or traumatic crisis: *Provided further,* That $75,000,000 for continuing and new grants to demonstrate effective approaches to comprehensive school reform shall be allocated and expended in the same manner as the funds provided under the Fund for the Improvement of Education for this purpose were allocated and expended in fiscal year 2002: *Provided further,* That $162,000,000 shall be available to support the activities authorized under subpart 4 of part D of title V of the ESEA, of which up to 5 percent shall become available October 1, 2002, for evaluation, technical as-

sistance, school networking, peer review of applications, and program outreach activities and of which not less than 95 percent shall become available on July 1, 2003, and remain available through September 30, 2004, for grants to local educational agencies: *Provided further,* That funds made available to local educational agencies under this subpart shall be used only for activities related to establishing smaller learning communities in high schools: *Provided further,* That funds made available to carry out part C of title VII of the ESEA may be used for construction: *Provided further,* That funds made available to carry out part B of title VII of the ESEA may be used for construction, renovation and modernization of any elementary school, secondary school, or structure related to an elementary school or secondary school, run by the Department of Education of the State of Hawaii, that serves a predominantly Native Hawaiian student body: *Provided further,* That $387,000,000 shall be for subpart 1 of part A of title VI of the ESEA: *Provided further,* That no funds appropriated under this heading may be used to carry out section 5494 under the Elementary and Secondary Education Act: *Provided further,* That **[**$814,660,000**]** *$815,210,000* shall be available to carry out part D of title V of the ESEA: *Provided further,* That **[**$212,160,000**]** *$212,710,000* of the funds for subpart 1, part D of title V of the ESEA shall be available for the projects and in the amounts specified in the statement of the managers on the conference report accompanying this Act.

* * * * * * *

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, section 121 and titles II, III, IV, V, VI, and VII of the Higher Education Act of 1965 ("HEA"), as amended, section 1543 of the Higher Education Amendments of 1992, title VIII of the Higher Education Amendments of 1998, and the Mutual Educational and Cultural Exchange Act of 1961, **[**$2,100,701,000**]** *$2,100,151,000*, of which $3,000,000 for interest subsidies authorized by section 121 of the HEA, shall remain available until expended: *Provided,* That $10,000,000, to remain available through September 30, 2004, shall be available to fund fellowships for academic year 2004–2005 under part A, subpart 1 of title VII of said Act, under the terms and conditions of part A, subpart 1: *Provided further,* That $1,000,000 is for data collection and evaluation activities for programs under the HEA, including such activities needed to comply with the Government Performance and Results Act of 1993: *Provided further,* That notwithstanding any other provision of law, funds made available in this Act to carry out title VI of the HEA and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 may be used to support visits and study in foreign countries by individuals who are participating in advanced foreign language training and international studies in areas that are vital to United States national security and who plan to apply their language skills and knowledge of these countries in the fields of government, the professions, or international development: *Provided further,* That up to 1 percent of the funds referred to in the preceding proviso may be used for program evaluation, national outreach, and information

dissemination activities: *Provided further,* That [$140,599,000] *$140,049,000* of the funds for part B of title VII of the Higher Education Act of 1965 shall be available for the projects and in the amounts specified in the statement of the managers on the conference report accompanying this Act.

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## TITLE IV—RELATED AGENCIES

* * * * * * *

### CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

#### DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

For expenses necessary for the Corporation for National and Community Service to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, $356,205,000: *Provided,* That none of the funds made available to the Corporation for National and Community Service in this Act *for activities authorized by section 122 of part C of title I and part E of title II of the Domestic Volunteer Service Act of 1973* shall be used to provide stipends or other monetary incentives to volunteers or volunteer leaders whose incomes exceed 125 percent of the national poverty level.

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## SECTION 336 OF THE DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2003

SEC. 336. For the purpose of any applicable law, for fiscal year 2003, the City of Norman, Oklahoma, shall be considered to be part of the Oklahoma City [Transportation Management] *Urbanized* Area.

APPROPRIATIONS NOT AUTHORIZED BY LAW

[Dollars in millions]

| Agency/program | Last year of authorization | Authorization level | Appropriation in last year of authorization | Appropriation in this bill |
|---|---|---|---|---|
| Department of Justice: | | | | |
| Counterterrorism Fund | 2003 | 35,000 | 1,000 | 50,000 |
| Federal Bureau of Investigation | 2003 | 4,322,662 | 4,153,134 | 398,862 |
| Department of State: Administration of Foreign Affairs | 2001 | 4,162,950 | 4,777,175 | 243,628 |
| Broadcasting Board of Governors | 2001 | 467,229 | 467,229 | 30,500 |
| Department of Defense—Military: | | | | |
| Operation and Maintenance, Defense-Wide | 2003 | 14,145,310 | 14,773,506 | 1,400,000 |
| Operation Iraqi Freedom Response Fund | n/a | 0 | 0 | 59,682,500 |
| Defense Working Capital Funds | 2003 | 387,156 | 1,784,956 | 1,100,000 |
| Drug Interdiction and Counter-Drug Activities, Defense | 2003 | 859,907 | 881,907 | 34,000 |
| Sec. 307. Afghan National Army | 2003 | 0 | 0 | 165,000 |
| Sec. 310. Defense Cooperation Account | 2003 | 0 | 0 | 28,000 |

# MAKING FURTHER CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2003, AND FOR OTHER PURPOSES

(Public Law 108–7)

## DIVISION K–VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS 2003

SEC. 115. None of the funds in this Act may be used to implement section[s 2 and] 5 of Public Law 107–287.

* * * * * * *

| | | | | |
|---|---|---|---|---|
| Child Survival and Health Programs Fund (See note below). | Population (1987); Health and Disease Prevention (1987); Child Survival Fund (1987); HIV/AIDS (2002). | Population ($290,000,000); Health and Disease Prevention ($180,000,000); Child Survival Fund ($75,000,000); HIV/AIDS ($300,000,000). | Population ($234,625,000); Health and Disease Prevention ($166,762,500); Child Survival Fund ($75,000,000); HIV/AIDS ($475,000,000 in fy2002, of which $435,000,000 in this account). | $40,000,000 |
| International Disaster Assistance. | 1987 | $25,000,000 | $70,000,000 | 160,000,000 |
| Operating expenses of the United States Agency for International Development. | 1987 | $387,000,000 | $340,000,000 | $23,000,000 |
| Economic Support Fund | 1987 | $3,800,000,000 | $3,555,000,000 | 2,342,000,000 |
| Iraq Relief and Reconstruction Fund. | None | | | 2,483,300,000 |
| International Narcotics Control and Law Enforcement. | 1994 | $171,500,000 | $100,000,000 | 25,000,000 |
| Andean Counterdrug Initiative. | None | | | 34,000,000 |
| Nonproliferation Anti-terrorism, demining and related programs (See note below). | None | | | 28,000,000 |
| Foreign Military Financing Program. | 2002 | $3,627,000,000 | $3,650,000,000 | 2,059,100,000 |
| Peacekeeping operations | 1999 | $83,000,000 | $76,500,000 | 115,000,000 |
| Federal Law Enforcement Training Center. | N/A | N/A | N/A | 2,000 |
| Transportation Security Administration: grants to Air Carrier. | N/A | N/A | N/A | 3,178,300 |
| Smallpox Vaccine Compensation Program. | N/A | N/A | N/A | 50,000 |
| Department of Defense—Military: | | | | |
| Military Construction, Navy. | 2003 | 1,297,298 | 1,305,128 | 48,100 |
| Military Construction, Air Force. | 2003 | 1,044,277 | 1,080,247 | 5,100 |
| Family Housing Operation and Maintenance, Air Force. | 2003 | 854,268 | 863,050 | 1,800 |

Note.—Programs recommended herein under "Child Survival and Health Programs Fund" were last authorized under a different ac-

count structure than that recommended in this bill; the account structure included a number of functional accounts, as described above.

Note.—Programs recommended herein under "Nonproliferation, Anti-terrorism, Demining, and Related Programs" include some major programs for which authorizations of appropriations were provided for fiscal year 2003; these programs include $64,200,000 authorized for anti-terrorism assistance and $162,000,000 authorized for nonproliferation activities. In addition, some programs now in this account were previously in accounts that had authorizations of appropriations in prior years.

## FULL COMMITTEE VOTES

Pursuant to the provisions of clause 3(b) of rule XIII of the House of Representatives, the results of each rollcall vote on an amendment or on the motion to report, together with the names of those voting for and those voting against, are printed below:

### ROLLCALL NO. 1

Date: April 1, 2003.

Measure: Emergency Wartime Supplemental Appropriations Bill, FY 2003.

Motion by: Mr. Obey.

Description of motion: To add $2,490,000,000 to the bill for various defense and homeland security activities.

Results: Rejected 28 yeas to 35 nays.

| *Members Voting Yea* | *Members Voting Nay* |
|---|---|
| Mr. Berry | Mr. Aderholt |
| Mr. Bishop | Mr. Bonilla |
| Mr. Boyd | Mr. Crenshaw |
| Mr. Clyburn | Mr. Culberson |
| Mr. Cramer | Mr. Cunningham |
| Ms. DeLauro | Mr. Doolittle |
| Mr. Dicks | Mrs. Emerson |
| Mr. Edwards | Mr. Frelinghuysen |
| Mr. Farr | Mr. Goode |
| Mr. Fattah | Ms. Granger |
| Mr. Hinchey | Mr. Hobson |
| Mr. Hoyer | Mr. Istook |
| Mr. Jackson | Mr. Kingston |
| Ms. Kaptur | Mr. Kirk |
| Ms. Kilpatrick | Mr. Knollenberg |
| Mrs. Lowey | Mr. Kolbe |
| Mr. Mollohan | Mr. LaHood |
| Mr. Moran | Mr. Latham |
| Mr. Murtha | Mr. Lewis |
| Mr. Obey | Mr. Nethercutt |
| Mr. Olver | Mrs. Northup |
| Mr. Pastor | Mr. Peterson |
| Mr. Price | Mr. Regula |
| Mr. Rothman | Mr. Rogers |
| Ms. Roybal-Allard | Mr. Sherwood |
| Mr. Sabo | Mr. Simpson |
| Mr. Serrano | Mr. Sweeney |
| Mr. Visclosky | Mr. Tiahrt |
| | Mr. Vitter |
| | Mr. Walsh |
| | Mr. Wamp |
| | Mr. Weldon |
| | Mr. Wicker |
| | Mr. Wolf |
| | Mr. Young |

## FULL COMMITTEE VOTES

Pursuant to the provisions of clause 3(b) of rule XIII of the House of Representatives, the results of each rollcall vote on an amendment or on the motion to report, together with the names of those voting for and those voting against, are printed below:

### ROLLCALL NO. 2

Date: April 1, 2003.

Measure: Emergency Wartime Supplemental Appropriations Bill, FY 2003.

Motion by: Mr. Nethercutt.

Description of motion: To prohibit funds in the Act for procuring goods and services from any corporation or other business entity organized under the laws of a country that is a member of the United Nations Security Council and that publicly expressed opposition to the provisional Security Council resolution regarding Iraq introduced by Spain, the United Kingdom, and the United States on March 7, 2003, and to permit a Presidential waiver of said prohibition.

Results: Rejected 27 yeas to 35 nays.

| *Members Voting Yea* | *Members Voting Nay* |
|---|---|
| Mr. Aderholt | Mr. Berry |
| Mr. Bonilla | Mr. Bishop |
| Mr. Crenshaw | Mr. Boyd |
| Mr. Culberson | Mr. Clyburn |
| Mr. Cunningham | Mr. Cramer |
| Mr. Doolittle | Ms. DeLauro |
| Mr. Edwards | Mr. Dicks |
| Mrs. Emerson | Mr. Farr |
| Mr. Goode | Mr. Fattah |
| Ms. Granger | Mr. Frelinghuysen |
| Mr. Istook | Mr. Hinchey |
| Mr. Kingston | Mr. Hobson |
| Mr. Kirk | Mr. Hoyer |
| Mr. LaHood | Mr. Jackson |
| Mr. Latham | Ms. Kaptur |
| Mr. Nethercutt | Mr. Knollenberg |
| Mrs. Northup | Mr. Kolbe |
| Mr. Peterson | Mr. Lewis |
| Mr. Rogers | Mrs. Lowey |
| Mr. Sweeney | Mr. Mollohan |
| Mr. Taylor | Mr. Moran |
| Mr. Tiahrt | Mr. Murtha |
| Mr. Vitter | Mr. Obey |
| Mr. Wamp | Mr. Olver |
| Mr. Weldon | Mr. Pastor |
| Mr. Wicker | Mr. Price |

Mr. Wolf

Mr. Regula
Mr. Rothman
Ms. Roybal-Allard
Mr. Sabo
Mr. Serrano
Mr. Sherwood
Mr. Simpson
Mr. Walsh
Mr. Young

## FULL COMMITTEE VOTES

Pursuant to the provisions of clause 3(b) of rule XIII of the House of Representatives, the results of each roll call vote on an amendment or on the motion to report, together with the names of those voting for and those voting against, are printed below:

### ROLLCALL NO. 3

Date: April 1, 2003.

Measure: Emergency Wartime Supplemental Appropriations Bill, FY 2003.

Motion by: Mr. Regula.

Description of motion: To report the bill, to authorize the Chairman to seek a rule on such terms and conditions as he may deem appropriate, and to authorize the Chairman to move that the House disagree to the amendments of the Senate and agree to the conference requested by the Senate on the reported bill.

Results: Adopted 59 yeas to 0 nays.

| *Members Voting Yea* | *Members Voting Nay* |
|---|---|
| Mr. Aderholt | |
| Mr. Berry | |
| Mr. Bishop | |
| Mr. Bonilla | |
| Mr. Boyd | |
| Mr. Clyburn | |
| Mr. Crenshaw | |
| Mr. Culberson | |
| Ms. DeLauro | |
| Mr. Dicks | |
| Mr. Edwards | |
| Mrs. Emerson | |
| Mr. Farr | |
| Mr. Fattah | |
| Mr. Frelinghuysen | |
| Mr. Goode | |
| Ms. Granger | |
| Mr. Hinchey | |
| Mr. Hobson | |
| Mr. Hoyer | |
| Mr. Istook | |
| Mr. Jackson | |
| Ms. Kaptur | |
| Ms. Kilpatrick | |
| Mr. Kirk | |
| Mr. Knollenberg | |
| Mr. Kolbe | |
| Mr. Latham | |
| Mr. Lewis | |
| Mrs. Lowey | |
| Mr. Mollohan | |
| Mr. Moran | |
| Mr. Murtha | |
| Mr. Nethercutt | |
| Mrs. Northup | |

Mr. Obey
Mr. Olver
Mr. Pastor
Mr. Peterson
Mr. Price
Mr. Regula
Mr. Rogers
Mr. Rothman
Ms. Roybal-Allard
Mr. Sabo
Mr. Serrano
Mr. Sherwood
Mr. Simpson
Mr. Sweeney
Mr. Taylor
Mr. Tiahrt
Mr. Visclosky
Mr. Vitter
Mr. Walsh
Mr. Wamp
Mr. Weldon
Mr. Wicker
Mr. Wolf
Mr. Young

COMPARATIVE STATEMENT OF NEW BUDGET AUTHORITY REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL
(Amounts in thousands)

| | FY 2003 Request | Recommended in the Bill | Bill vs. Request |
|---|---|---|---|
| CHAPTER 1 | | | |
| DEPARTMENT OF AGRICULTURE | | | |
| Public Law 480 Title II Grants | --- | 250,000 | +250,000 |
| Bill Emerson Humanitarian Trust | --- | 69,000 | +69,000 |
| Total, Chapter 1 | --- | 319,000 | +319,000 |
| Appropriations | --- | (319,000) | (+319,000) |
| CHAPTER 2 | | | |
| DEPARTMENT OF JUSTICE | | | |
| General Administration | | | |
| Salaries and expenses | --- | 5,000 | +5,000 |
| Counterterrorism fund | 500,000 | 50,000 | -450,000 |
| Detention trustee | --- | 15,000 | +15,000 |
| Office of Inspector General | --- | 2,500 | +2,500 |
| Subtotal, General administration | 500,000 | 72,500 | -427,500 |
| Legal Activities | | | |
| United States Marshals Service: | | | |
| Salaries and expenses | --- | 26,080 | +26,080 |

COMPARATIVE STATEMENT OF NEW BUDGET AUTHORITY REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL
(Amounts in thousands)

| | FY 2003 Request | Recommended in the Bill | Bill vs. Request |
|---|---|---|---|
| Federal Bureau of Investigation | | | |
| Salaries and expenses | --- | 398,862 | +398,862 |
| Total, Department of Justice | 500,000 | 497,442 | -2,558 |
| THE JUDICIARY | | | |
| Supreme Court of the United States | | | |
| Salaries and expenses | --- | 1,535 | +1,535 |
| United States Court of Appeals for the Federal Circuit | | | |
| Salaries and expenses | --- | 973 | +973 |
| United States Court of International Trade | | | |
| Salaries and expenses | --- | 50 | +50 |
| Total, The Judiciary | --- | 2,558 | +2,558 |
| DEPARTMENT OF STATE AND RELATED AGENCY | | | |
| Administration of Foreign Affairs | | | |
| Diplomatic and consular programs | 101,420 | 106,420 | +5,000 |
| Embassy security, construction, and maintenance | 20,000 | 71,500 | +51,500 |
| Emergencies in the diplomatic and consular service | 65,708 | 65,708 | --- |
| Subtotal, Administration of Foreign Affairs | 187,128 | 243,628 | +56,500 |

COMPARATIVE STATEMENT OF NEW BUDGET AUTHORITY REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL
(Amounts in thousands)

| | FY 2003 Request | Recommended in the Bill | Bill vs. Request |
|---|---|---|---|
| RELATED AGENCY | | | |
| Broadcasting Board of Governors | | | |
| International Broadcasting Operations | 30,500 | 30,500 | --- |
| Total, Department of State | 217,628 | 274,128 | +56,500 |
| Total, Chapter 2 | 717,628 | 774,128 | +56,500 |
| Appropriations | (717,628) | (774,128) | (+56,500) |
| CHAPTER 3 | | | |
| DEPARTMENT OF DEFENSE - MILITARY | | | |
| Operation and Maintenance | | | |
| Operation and Maintenance, Defense-Wide | 1,400,000 | 1,400,000 | --- |
| Defense emergency response fund | 59,863,200 | --- | -59,863,200 |
| Operation Iraqi Freedom Response Fund | --- | 59,682,500 | +59,682,500 |
| Military Personnel: | | | |
| Military personnel, Army | --- | (6,974,500) | (+6,974,500) |
| Military personnel, Navy | --- | (1,984,300) | (+1,984,300) |
| Military personnel, Marine Corps | --- | (1,204,900) | (+1,204,900) |
| Military personnel, Air Force | --- | (1,834,800) | (+1,834,800) |
| Reserve personnel, Army | --- | (3,000) | (+3,000) |
| National Guard personnel, Army | --- | (93,000) | (+93,000) |
| Subtotal | --- | 12,094,500 | +12,094,500 |

COMPARATIVE STATEMENT OF NEW BUDGET AUTHORITY REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL
(Amounts in thousands)

| | FY 2003 Request | Recommended in the Bill | Bill vs. Request |
|---|---|---|---|
| Operation and Maintenance: | | | |
| Operation and maintenance, Army | --- | (10,481,500) | (+10,481,500) |
| Operation and maintenance, Navy | --- | (3,940,300) | (+3,940,300) |
| Operation and maintenance, Marine Corps | --- | (1,383,700) | (+1,383,700) |
| Operation and maintenance, Air Force | --- | (3,668,200) | (+3,668,200) |
| Operation and maintenance, Defense-wide | --- | (901,900) | (+901,900) |
| Operation and maintenance, Army National Guard | --- | (58,400) | (+58,400) |
| Defense Health Program | --- | (301,700) | (+301,700) |
| Subtotal | --- | 20,735,700 | +20,735,700 |
| Procurement: | | | |
| Aircraft procurement, Army | --- | (4,100) | (+4,100) |
| Missile procurement, Army | --- | (3,100) | (+3,100) |
| Procurement of weapons and tracked combat vehicles, Army | --- | (53,300) | (+53,300) |
| Procurement of ammunition, Army | --- | (447,500) | (+447,500) |
| Other procurement, Army | --- | (241,800) | (+241,800) |
| Other procurement, Air Force | --- | (113,600) | (+113,600) |
| Procurement, Defense-wide | --- | (451,000) | (+451,000) |
| Subtotal | --- | 1,314,400 | +1,314,400 |
| Research, Development, Test, and Evaluation: | | | |
| RDT&E, Army | --- | (11,500) | (+11,500) |
| RDT&E, Defense-wide | --- | (90,000) | (+90,000) |
| Subtotal | --- | 101,500 | +101,500 |
| Combat, Stability Operations, and Force Reconstitution Costs | --- | (25,436,400) | (+25,436,400) |
| Total, Operation Iraqi Freedom Response Fund | --- | (59,682,500) | (+59,682,500) |

COMPARATIVE STATEMENT OF NEW BUDGET AUTHORITY REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL
(Amounts in thousands)

| | FY 2003 Request | Recommended in the Bill | Bill vs. Request |
|---|---|---|---|
| Natural Resources Risk Remediation Fund..... | 489,300 | --- | -489,300 |
| Revolving and Management Funds | | | |
| Defense Working Capital Funds..... | 430,000 | 1,100,000 | +670,000 |
| Other Department of Defense Programs | | | |
| Drug Interdiction and Counter-Drug Activities, Defense | 34,000 | 34,000 | --- |
| Chapter 3 General Provisions | | | |
| Additional transfer authority (Public Law 107-248, Sec. 8005) (Sec. 1306)..... | (7,000,000) | (-500,000) | (-7,500,000) |
| Afghanistan Freedom Support (Sec. 1307)..... | 165,000 | 165,000 | --- |
| Defense Cooperation Account (Sec. 1310)..... | 28,000 | 28,000 | --- |
| Total, Chapter 3..... | 62,409,500 | 62,409,500 | --- |
| Appropriations..... | (62,409,500) | (62,409,500) | --- |
| CHAPTER 4 | | | |
| BILATERAL ECONOMIC ASSISTANCE | | | |
| Funds Appropriated to the President | | | |
| United States Agency for International Development | | | |
| Child survival and health programs fund..... | 40,000 | 40,000 | --- |
| International disaster assistance..... | 80,000 | 160,000 | +80,000 |

COMPARATIVE STATEMENT OF NEW BUDGET AUTHORITY REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL
(Amounts in thousands)

| | FY 2003 Request | Recommended in the Bill | Bill vs. Request |
|---|---|---|---|
| Operating expenses of the U.S. Agency for International Development | 22,000 | 23,000 | +1,000 |
| (Transfer to U.S. AID Office of Inspector General) | (-2,000) | (-2,000) | --- |
| Operating expenses of U.S. Agency for International Development Office of Inspector General (By transfer) | (2,000) | (2,000) | --- |
| **Other Bilateral Economic Assistance** | | | |
| Economic Support Fund: | | | |
| Economic support fund | 2,442,000 | 2,342,000 | -100,000 |
| Loan Guarantees to Egypt: | | | |
| (Limitation on guaranteed loans) | (2,000,000) | (2,000,000) | |
| Loan Guarantees to Turkey: | | | |
| (Limitation on guaranteed loans) | (8,500,000) | (8,500,000) | --- |
| U.S. Emergency Fund for Complex Foreign Crises | 150,000 | --- | -150,000 |
| Iraq Relief and Reconstruction Fund | 2,443,300 | 2,483,300 | +40,000 |
| (Transfer authority) | (200,000) | (200,000) | --- |
| Loan Guarantees to Israel: | | | |
| (Limitation on guaranteed loans) | (9,000,000) | (9,000,000) | --- |
| **INDEPENDENT AGENCIES** | | | |
| **Department of State** | | | |
| International narcotics control and law enforcement | 25,000 | 25,000 | --- |
| Andean Counterdrug Initiative | 34,000 | 34,000 | --- |
| United States Emergency Refugee and Migration Assistance Fund | 50,000 | 80,000 | +30,000 |
| Nonproliferation, anti-terrorism, demining and related programs | 28,000 | 28,000 | --- |

COMPARATIVE STATEMENT OF NEW BUDGET AUTHORITY REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL
(Amounts in thousands)

| | FY 2003 Request | Recommended in the Bill | Bill vs. Request |
|---|---|---|---|
| MILITARY ASSISTANCE | | | |
| Funds Appropriated to the President | | | |
| Foreign Military Financing Program | 2,059,100 | 2,059,100 | --- |
| Peacekeeping operations | 200,000 | 115,000 | -85,000 |
| Total, Chapter 4 | 7,573,400 | 7,389,400 | -184,000 |
| Appropriations | (7,573,400) | (7,389,400) | (-184,000) |
| (Transfer authority) | (200,000) | (200,000) | --- |
| (Transfer out) | (-2,000) | (-2,000) | --- |
| (By transfer) | (2,000) | (2,000) | --- |
| (Limitation on guarantee loans) | (19,500,000) | (19,500,000) | --- |
| CHAPTER 5 | | | |
| DEPARTMENT OF HOMELAND SECURITY | | | |
| Departmental Management | | | |
| Counterterrorism fund | 1,500,000 | --- | -1,500,000 |
| Citizenship and Immigration Services | | | |
| Operating expenses | --- | 1,000 | +1,000 |
| United States Secret Service | | | |
| Operating expenses | --- | 30,000 | +30,000 |

COMPARATIVE STATEMENT OF NEW BUDGET AUTHORITY REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL
(Amounts in thousands)

| | FY 2003 Request | Recommended in the Bill | Bill vs. Request |
|---|---|---|---|
| **Border and Transportation Security** | | | |
| Customs and border protection | --- | 428,000 | +428,000 |
| Immigration and customs enforcement | --- | 185,000 | +185,000 |
| Transportation Security Administration | --- | 390,000 | +390,000 |
| Grants to air carriers | --- | 3,178,300 | +3,178,300 |
| Federal Law Enforcement Training Center: | | | |
| Operating expenses | --- | 2,000 | +2,000 |
| Office for Domestic Preparedness | 2,000,000 | 2,200,000 | +200,000 |
| **United States Coast Guard** | | | |
| Operating expenses | --- | 230,000 | +230,000 |
| **Emergency Preparedness and Response** | | | |
| Operating expenses | --- | 45,000 | +45,000 |
| **Information Analysis and Infrastructure Protection** | | | |
| Operating expenses | --- | 10,000 | +10,000 |
| Total, Chapter 5 | 3,500,000 | 6,699,300 | +3,199,300 |
| Appropriations | (3,500,000) | (6,699,300) | (+3,199,300) |

COMPARATIVE STATEMENT OF NEW BUDGET AUTHORITY REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL
(Amounts in thousands)

| | FY 2003 Request | Recommended in the Bill | Bill vs. Request |
|---|---|---|---|
| CHAPTER 6 | | | |
| DEPARTMENT OF HEALTH AND HUMAN SERVICES | | | |
| Centers for Disease Control and Prevention | | | |
| Disease control, research, and training..... | --- | 16,000 | +16,000 |
| Office of the Secretary | | | |
| Public Health and Social Services Emergency Fund..... | --- | 144,000 | +144,000 |
| Total, Chapter 6..... | --- | 160,000 | +160,000 |
| Appropriations..... | --- | (160,000) | (+160,000) |
| CHAPTER 7 | | | |
| LEGISLATIVE BRANCH | | | |
| House of Representatives | | | |
| Committee Employees | | | |
| Standing Committees, Special and Select..... | --- | 11,000 | +11,000 |
| Joint Items | | | |
| Legislative Branch Emergency Response Fund..... | 125,000 | --- | -125,000 |
| Capitol Police | | | |
| General expenses..... | --- | 37,758 | +37,758 |

COMPARATIVE STATEMENT OF NEW BUDGET AUTHORITY REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL
(Amounts in thousands)

| | FY 2003 Request | Recommended in the Bill | Bill vs. Request |
|---|---|---|---|
| Office of Compliance | | | |
| Salaries and expenses | --- | 111 | +111 |
| Architect of the Capitol | | | |
| Capitol Police Buildings and Grounds | | | |
| Capitol police buildings and grounds | --- | 63,868 | +63,868 |
| Library of Congress | | | |
| Salaries and expenses | --- | 5,500 | +5,500 |
| Congressional Research Service, salaries and expenses | --- | 1,863 | +1,863 |
| Subtotal, Library of Congress | --- | 7,363 | +7,363 |
| General Accounting Office | | | |
| Salaries and expenses | --- | 4,900 | +4,900 |
| Total, Chapter 7 | 125,000 | 125,000 | --- |
| Appropriations | (125,000) | (125,000) | --- |

COMPARATIVE STATEMENT OF NEW BUDGET AUTHORITY REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL
(Amounts in thousands)

| | FY 2003 Request | Recommended in the Bill | Bill vs. Request |
|---|---|---|---|
| CHAPTER 8 | | | |
| DEPARTMENT OF DEFENSE | | | |
| Military construction, Navy | 48,100 | 48,100 | --- |
| Military construction, Air Force | 129,400 | 5,100 | -124,300 |
| Family housing, Air Force: | | | |
| Operation and maintenance | --- | 1,800 | +1,800 |
| Total, Chapter 8 | 177,500 | 55,000 | -122,500 |
| Appropriations | (177,500) | (55,000) | (-122,500) |
| CHAPTER 9 | | | |
| EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT | | | |
| Unanticipated needs: | | | |
| Emergency Response Fund | 250,000 | --- | -250,000 |
| Total, Chapter 9 | 250,000 | --- | -250,000 |
| Appropriations | (250,000) | --- | (-250,000) |
| Grand total: | | | |
| New budget (obligational) authority | 74,753,028 | 77,931,328 | +3,178,300 |
| Appropriations | (74,753,028) | (77,931,328) | (+3,178,300) |
| (Transfer authority) | (200,000) | (200,000) | --- |
| (Transfer out) | (-2,000) | (-2,000) | --- |
| (By transfer) | (2,000) | (2,000) | --- |
| (Limitation on guarantee loans) | (19,500,000) | (19,500,000) | --- |

## ADDITIONAL VIEWS BY MR. OBEY

This in many respects is a good bill. It provides the resources necessary to support our fighting men and women in the field in a timely manner. It does so in a way that protects the constitutional responsibilities and prerogatives of the Congress as a co-equal branch of the government. Finally, in producing it, the committee rejected efforts to interfere with the President's prerogatives in the execution of foreign policy.

But this bill also represents yet another missed opportunity to address pressing unmet needs for protection of the American people from terrorist attacks. While the committee made some useful improvements in funding homeland security needs within the limits proposed by the White House there are numerous critical needs that should have been addressed and were not.

That is deeply disturbing because it is important that we not only do the right thing in securing the homeland but that we do it in a timely manner. Unless, the funding levels contained in this bill for protecting citizens here at home are increased in the full House or agreed to in conference with the Senate, we will delay for months and perhaps longer the implementation of numerous simple straightforward steps that we should be taking to prevent future catastrophic attacks against the American people.

The amendment that I asked the committee to consider would have added $2.5 billion in total spending to the bill that was reported, an increase of about 3%. Those funds would have been distributed amongst twenty-one separate programs in which current funding levels will simply not permit government agencies to perform the tasks that our nation's safety requires.

These are some of the issues that the amendment would have addressed:

### *Stopping Nuclear Materials From Being Smuggled Into the United States*

While it is unlikely that any terrorist organization has the capacity at this time to attack the United States with a ballistic missile, it is quite likely that a terrorist organization that gained control of a nuclear, chemical or biological weapon could smuggle that weapon into the United States across our Northern or Southern border or by boat. Perhaps the greatest challenge we face is monitoring the more than 20,000 shipping containers that enter the United States each day.

Remarkable new technology allows us to determine if any vessel in a port contains nuclear material through the installation of a single piece of equipment in that port. By placing such equipment in ports overseas we can determine whether or not a vessel is free of nuclear materials before it even leaves for our shores rather than when it has entered a U.S. port. One such piece of equipment

is now being deployed by the U.S. Department of Energy in the Port of Rotterdam, which accounts for the largest percentage of shipments into the United States of any port in the world.

The Department of Energy believes that we could install such equipment in an additional nine ports for the cost of $135 million. That would provide us with coverage of more than half of all commercial shipping into the United States. It is almost inconceivable that the Congress would reject these funds given the amounts being spent for efforts that provide far less security.

*Strengthening Security of Our Own Nuclear Materials*

Another grave concern is the possibility that terrorists might gain control of nuclear materials stored here in the United States. The Department of Energy, which is responsible for the storage of such materials, has identified security upgrades that it argues are critical for insuring that these materials don't get into the wrong hands. Those upgrades cost $87 million and are not contained in the bill reported by the committee.

*Securing Nuclear Materials Overseas*

Russia and a number of other nations have developed the technology to create nuclear materials and weapons but continue to have large amounts of these materials and weapons that are highly vulnerable to theft and resale to terrorists or rogue nations. We have maintained an ongoing program to help the Russians secure their nuclear stockpiles but have not developed similar efforts in other countries.

In addition, nearly every country in the world uses radioactive materials for peaceful purposes including medicine, agricultural research and industrial applications. The possibility of using such materials for construction of a so-called "dirty bomb" makes the development of new worldwide standards for the shipment, securing and disposal of these materials a matter of the highest priority. That effort is not likely to proceed at a rapid pace unless the United States plays a leading role. That job falls to the U.S. Department of Energy but there are no funds appropriated to the Department for that purpose.

The cost of addressing both of these objectives would total only $18 million.

*Providing U.S. Laboratories the Capacity To Cope With a Chemical Weapon Attack*

A year ago we passed a supplemental appropriation that provided state public health and environmental laboratories with the funds to develop the capacity to identify the agents used in the event of a biological attack. We have not, however, provided them with the capacity to identify the agents that might be used in the event of a chemical attack. The amendment that was rejected by the committee would have provided $150 million for that purpose.

*Protecting Federal Dams and Waterways From Terrorist Attacks*

Numerous communities including some major cities face the prospect of catastrophic damage and loss of life from an attack on federally operated dams and waterways. In addition, attacks

against waterways such as the Mississippi River could have immense economic consequences to the entire nation.

Following the events of September 11, 2001, the Corps of Engineers and the Bureau of Land Management did a specific site-by-site analysis of the vulnerability of such facilities and the cost of installing adequate security to prevent possible attacks. The assessment completed by the Corps of Engineers early last year indicated a need for security upgrades costing $108 million. That sum was included in the Spring supplemental but vetoed by the President when the bill reached the White House last summer.

Since that time the Bureau of Land Management has completed its vulnerability assessments and has identified security needs totaling $24 million. The amendment that the committee rejected contained $132 million to meet the security needs identified by the two agencies.

(See appendix for list of facilities.)

*Chemical Plant Vulnerability Assessments*

Only weeks ago, the General Accounting Office completed a report indicating that a serious threat is posed by the possibility of terrorists targeting U.S. chemical plants. Many such plants are located in dense urban areas and any attack against them could result in catastrophic loss of life. While the responsibility for meeting these security needs lies largely with the corporations that operate the plants, the GAO points out that the federal government at this point has no capacity to determine what security upgrades may be required or whether or not chemical producers are taking appropriate steps to meet such requirements. The amendment that was rejected provided that Environmental Protection Agency with $75 million to initiate such assessments.

*Protecting Imported Food and Medical Equipment*

A large portion of the food Americans now eat has at least some component that is imported. Insuring that such food is not health-threatening is an enormous task that is shared by a number of federal agencies. As a result of bipartisan efforts, resources were provided in 2001 to improve FDA's capacity to inspect imported food. But President Bush refused to agree to funding in 2002 to improve USDA's import inspections. That funding was designed to remedy a serious problem that hampers USDA import inspections: the agencies principally responsible for monitoring and inspection do not have effective methods of communicating with one another concerning what inspections have take place, what the results of those inspections have been or even whether or not certain shipments have been rejected.

We also have very limited capacity for monitoring the safety and possible contamination of imported medical devices. The amendment that was rejected contained $30 million in funds for the Food and Drug Administration and the Department of Agriculture to address these problems.

*Helping Fire, Police and Medical Personnel Help Us*

We currently face the prospect across most of the nation that the victims of a chemical, biological or radiological attack could not be

assisted by local fire, police and medical personnel simply because those personnel do not have the equipment or training to work in those types of environments. This problem has been widely and repeatedly documented. The Hart-Rudman report recommended that the federal government provide funding to first responders to "immediately clear the backlog of requests for protective gear, training and communications equipment." The report also concluded "First responders—police, fire and emergency medical personnel—are not prepared for a chemical or biological attack . . . America's own ill-prepared response could hurt its people to a much greater extent than any single attack by a terrorist." States and local governments have documented over $9 billion in first responder needs that have not yet been met.

The legislation reported by the Committee contains $2.2 billion for first responders which is available for not only meeting the needs outlined in the Hart-Rudman report but also for paying the enormous overtime costs that communities around the country have faced as a result of meeting the code orange threat level mandates. As a result of providing local governments with the authority to use funds to cover overtime costs, it is very likely that little or any of the funds provided by the committee will be used to meet backlog needs.

The amendment that the committee rejected would have added $800 million for the equipment and training needed to let local fire, police and medical personnel meet the difficult challenges such an attack would entail. Of this amount, $350 million would have been provided for interoperable communications equipment, for the police, fire, and emergency response community. Communication problems in disasters have been evident for years: in the Air Florida accident over 20 years ago and more recently in the World Trade Center and Pentagon terrorist attacks, where fire and police from different states could not communicate with each other over their radios. These communication problems hinder the ability of our first responders to effectively respond to a disaster. Only 40 percent of fire departments can communicate with all of their partners. The National Strategy for Homeland Security calls for improved public safety emergency communications. According to a report issued by the National Task Force on Interoperability, at the state level, replacing basic radio systems for a single public safety agency can cost between $100 million and $300 million.

Also part of this $800 million was $150 million for firefighter grants, so that program would be funded in FY 2003 at its authorized level of $900 million. Firefighter needs are enormous. A December 2002, Needs Assessment of the US Fire Service found that: fire departments do not have enough portable radios to equip more than about half of the emergency responders on a shift; the majority of fire department portable radios are not water-resistant, and more than three-quarters lack intrinsic safety in an explosive atmosphere; about one-third of firefighters per shift are not equipped with self-contained breathing apparatus; and nearly half of all fire departments have no map coordinate system.

The last part of the $800 million was $300 million for the base Office of Domestic Preparedness program, on top of the $1 billion appropriated in 2003 and the $2.2 billion contained in the Repub-

lican supplemental bill. Adding $300 million would take the base ODP program to $3.5 billion in FY 2003, equal to the original Bush FY 2003 budget request.

Republican members of the Committee argued that no additional funding for first responders was necessary since some funding from previous fiscal years remains unspent. Had they believed that this argument was valid it would be hard to explain why the legislation includes the full $2 billion in additional funds requested by the President and an additional $200 million for the program added by the committee. As these members are well aware, the Bush Administration did not distribute the 1999–2002 funds for this program until less than six months ago. The best information available to the committee indicates that the distribution and obligation of these funds is now proceeding rapidly. In addition, the Committee has included in this bill a mandate that states pass 80% of the new funding on to localities 45 days, so the funds should be spent expeditiously.

*Getting More Help From the National Guard and Army Reserves*

A critical part of the nation's emergency preparedness has always been our ability to rely on National Guard and Army Reserve units to back up local fire and law enforcement agencies. The need for assistance from such units is obviously much greater today than before September 11th.

Although Congress has authorized "National Guard Civil Support Teams" in all fifty states, funding has been provided for teams in only 32 states. These additional units would be available not only for deployment in the states in which they are located but to meet emergencies in other states as well. The cost of creating, equipping and training such units in the 18 states in which they do not presently exist would be $160 million.

The Army Reserves maintain emergency/deployable medical facilities and personnel that could be used to respond to disasters created by the use of weapons of mass destruction. Shortfalls in the Army Reserve budget for training and relocating deployable military hospitals currently limit the Reserve's ability to meet this mission. The amendment that was rejected by the Committee contained $66 million to meet this cost and the $166 million needed to fund National Guard Civil Support Teams.

*Speeding Up Proposed Expansion of the Coast Guard*

Due to the Coast Guard's significant homeland security and defense role, the Administration asked for $580 million in supplemental funding and the Committee included $630 million. The Administration's and the Republicans supplemental funding for the Coast Guard only funds the Coast Guard's operations in Iraq and in our ports here. None of this funding is for additional staffing or additional security improvements—it's basically for costs related to increased operating tempo through use of the Coast Guard reserves.

The President's FY 2004 budget recognizes the need to increase Coast Guard personnel and provides for an additional 2,000 personnel for half of the year. These personnel could be brought on board October 1 instead of April of next year as the President pro-

poses. The amendment that the committee rejected would have provided $100 million to allow the Coast Guard to do this.

Additional Coast Guard personnel are sorely needed and should be recruited, trained and placed on duty as quickly as possible. In order to increase its homeland security activities as a result of the increased terrorist threat, the Coast Guard is virtually eliminating many of its other missions. According to the General Accounting Office, the Coast Guard is spending considerably less time on missions outside of the realm of homeland security, such as drug interdiction and fisheries enforcement. The Homeland Security Act calls for traditional Coast Guard missions to be protected as homeland security activities increase—this is not what is happening today and the additional resources needed for homeland security should be appropriated directly, not borrowed from other Coast Guard missions.

The Amendment would have also provided $90 million to expand port and waterway safety systems (PAWSS) at additional ports. The Coast Guard and the Navy implemented this system recently in the port of Norfolk due to increased threat levels. The Coast Guard should implement this system at other ports. However, current funding will permit at only one additional port, San Diego. The $90 million contained in the amendment would expand the PAWSS system to the ports of Boston, Charleston, Philadelphia, Jacksonville, Baltimore, Honolulu, San Francisco, Los Angeles, Corpus Christi, San Juan and Wilmington (NC).

*Port Security*

A major problem that must be addressed if we are to minimize the threat posed by illicit shipments and activities in our ports is greater security in the areas where cargo is loaded off of and on to ships. The Coast Guard has estimated that first year costs for the necessary security upgrades will exceed $900 million and that $4.4 billion will be needed over the next ten years. In the current year the Congress has provided only $400 million to meet these needs despite the fact that local port authorities have made applications for nearly $1 billion in federal funds.

Ninety-five percent of all non-North American U.S. trade moves by sea and arrives in 361 ports around the nation. Over the past decades, container traffic and energy imports increasingly have been concentrated in just a handful of ports, making them inviting targets. For instance, 43 percent of all the maritime containers that arrived in the U.S. in 2001 came through the ports of Los Angeles and Long Beach. As the recent West Coast port closures demonstrated, the cost to the economy of closing these ports totals approximately 41 billion per day for the first five days, rising exponentially thereafter.

The amendment rejected in Committee would have provided $250 million for grants to secure ports.

*Greater Security for Our War Fighters and Their Families*

The ongoing event in Iraq will probably make all Americans more vulnerable to terrorist attack, at least over the course of the next several years. President Mubarak of Egypt has recently stated that instead of dealing with one bin Laden we may be facing a

hundred such individuals because of the emotions that have been stirred in the Arab world by the Iraq conflict.

It is not unreasonable to expect that some of that anger may be directed against those who have risked the most in this conflict, the war fighters. Yet an assessment of U.S. military installations indicates that force protection and security is well below the levels that it ought to be. The Pentagon has identified more than $1 billion in unfunded security needs for protecting individual and family housing and other facilities on U.S. military installations.

The amendment that was rejected by the committee would have provided $197 million to begin reducing that backlog of security needs.

*Conclusion*

The amendment also contained a number of smaller but nonetheless important items that I don't have the space to discuss in detail. Among these were vulnerability assessments for local drinking water systems; security upgrades for Amtrak tunnels in major East Coast cities; increased security arrangements for the Washington, Jefferson, Lincoln monuments and the Statue of Liberty; improvement of technology for determining the origin of illicit nuclear materials and a small increase for the intelligence budget of the Department of Energy.

As stated at the beginning of these views, the total cost of the Amendment was less than $2.5 billion. To place that in proportion, it would have increases the size of the supplemental by less than 3%. It was less than ⅘ the size of the unrequested assistance to U.S. airlines which the Speaker directed the Committee to add to the package. It was only about ⅓ the size of the funds provided for payments to foreign countries. When added to the sums for homeland security already contained in the bill reported by the committee, the total amount for protecting the American people would have been significantly smaller that the sums provide for foreign assistance.

It should also be noted that during the debate on this amendment, I offered to remove any single item that any member of the majority objected or believed that it did not represent a sufficient priority to be included in the package. I received no suggestions.

The amendment was defeated on a straight party line vote that is listed at the back of this report.

I regret that many of my Republican friends on the Committee felt compelled to vote against what they openly admitted appeared to be common sense steps to reduce the threat and consequences of a terrorist attack because of the demands of Party discipline. In a Congress in which each outcome is predetermined by leadership decisions that take place in advance of formal meeting the role of information and debate in the legislative process becomes minimal.

I find it incredible that those advising the President on these matters have so little sensitivity to the necessity of addressing these problems and that the members of the President's party in Congress seem so incapable of breaking ranks with these decisions even when they openly admit that they are in personal disagreement.

Over time, we have made progress in addressing these needs despite White House intransigence. The problem is that our adversaries are not likely to operate on a timetable that accommodates our slow and inconsistent response. The timeliness with which the funds are provided to the agencies that have responsibility for protecting our own shores is not likely to improve until more people become aware of the continued exposure and the reason appropriate steps are not being taken.

DAVID OBEY.

# Appendix A, to the Additional Views by Mr. Obey

| State name | $1.5B ODP allocation in bill | Additional $300M for ODP included in amendment |
|---|---|---|
| Alabama | 25.0 | 5.0 |
| Alaska | 13.2 | 2.6 |
| Arizona | 28.0 | 5.6 |
| Arkansas | 19.6 | 3.9 |
| California | 119.3 | 23.9 |
| Colorado | 25.1 | 5.0 |
| Connecticut | 21.9 | 4.4 |
| Delaware | 13.7 | 2.7 |
| Dist of Columbia | 13.0 | 2.6 |
| Florida | 62.7 | 12.5 |
| Georgia | 37.6 | 7.5 |
| Hawaii | 15.1 | 3.0 |
| Idaho | 15.4 | 3.1 |
| Illinois | 50.0 | 10.0 |
| Indiana | 30.2 | 6.0 |
| Iowa | 20.3 | 4.1 |
| Kansas | 19.6 | 3.9 |
| Kentucky | 23.8 | 4.8 |
| Louisiana | 25.0 | 5.0 |
| Maine | 15.2 | 3.0 |
| Maryland | 28.0 | 5.6 |
| Massachusetts | 31.0 | 6.2 |
| Michigan | 42.2 | 8.4 |
| Minnesota | 26.7 | 5.3 |
| Mississippi | 20.1 | 4.0 |
| Missouri | 28.7 | 5.7 |
| Montana | 14.1 | 2.8 |
| Nebraska | 16.6 | 3.3 |
| Nevada | 17.9 | 3.6 |
| New Hampshire | 15.2 | 3.0 |
| New Jersey | 37.7 | 7.5 |
| New Mexico | 16.9 | 3.4 |
| New York | 70.2 | 14.0 |
| North Carolina | 36.8 | 7.4 |
| North Dakota | 13.2 | 2.6 |
| Ohio | 46.4 | 9.3 |
| Oklahoma | 22.0 | 4.4 |
| Oregon | 22.1 | 4.4 |
| Pennsylvania | 49.2 | 9.8 |
| Rhode Island | 14.5 | 2.9 |
| South Carolina | 23.9 | 4.8 |
| South Dakota | 13.6 | 2.7 |
| Tennessee | 29.1 | 5.8 |
| Texas | 78.3 | 15.7 |
| Utah | 18.4 | 3.7 |
| Vermont | 13.1 | 2.6 |
| Virginia | 33.7 | 6.7 |
| Washington | 29.9 | 6.0 |
| West Virginia | 16.8 | 3.4 |
| Wisconsin | 28.0 | 5.6 |
| Wyoming | 12.8 | 2.6 |
| Puerto Rico | 23.1 | 4.6 |
| Virgin Islands | 4.1 | 0.8 |
| American Samoa | 3.9 | 0.8 |

| State name | $1.5B ODP allocation in bill | Additional $300M for ODP included in amendment |
|---|---|---|
| Guam | 4.2 | 0.8 |
| No. Mariana Islands | 4.0 | 0.8 |
| Total | 1,500 | 300 |

# APPENDIX B, TO THE ADDITIONAL VIEWS BY MR. OBEY

CORPS OF ENGINEERS -- CIVIL
OPERATION AND MAINTENANCE, GENERAL
**Emergency Supplemental Requirements, Fiscal Year 2003**
(Dollars in Thousands)

| Dist. | Div. | PWID | Project Name | State | Cost Estimate | REMARKS |
|---|---|---|---|---|---|---|
| SAM | SAD | 001680 | BWT Rivers | AL | 104 | Cost increase from revised ESC proposal |
| SAM | SAD | 018070 | Tenn Tom Waterway | AL, MS | 2,090 | Cost increase from revised ESC proposal |
| MVK | MVD | 012180 | Narrows Dam / Lake Greeson | AR | 62 | $60K Costs to initiate E&D for construction of Physical and Electronic Security Enhancements at the project. |
| SWL | SWD | | Home Land Security-All SWL Projects Arkansas and Missouri | AR MO | 3,629 | Provide guard services at all projects, regionalizaton of monitoring of SWL powerhouses and other security needs. |
| SPN | SPD | 004990 | Dry Creek (Warm Springs) Lake & Channel | CA | 622 | Installation of the entire electronic security system for this critical structure to protect against terrorist attack requires these additional funds based on revised Government estimate. |
| NWO | NWD | 003020 | Chatfield Lake CO | CO | 69 | Guards at FPCON Charlie 180 days |
| NWO | NWD | 003070 | Cherry Creek Lake, CO | CO | 69 | Guards at FPCON Charlie 180 days |
| NWO | NWD | 072285 | Bear Creek Lake, CO | CO | 69 | Guards at FPCON Charlie 180 days |
| NAE | NAD | 081369 | STAMFORD HURRICANE BARRIER | CT | 424 | SECURITY UPGRADE PER RAM-D |
| NAE | NAD | 081369 | COLEBROOK RIVER LAKE DAM | CT | 61 | SECURITY UPGRADE PER RAM-D |
| NAE | NAD | 081369 | MANSFIELD HOLLOW LAKE DAM | CT | 89 | SECURITY UPGRADE PER RAM-D |
| WAD | NAD | 081369 | WASHINGTON AQUEDUCT | DC | 10,048 | SECURITY UPGRADE PER RAM-D |
| NAP | NAD | 081369 | SUMMIT BRIDGE | DE | 759 | SECURITY UPGRADE PER RAM-D |
| SAS | SAD | 007380 | Hartwell Dam and Lake | GA | 255 | Guard Services during increased threat levels |
| SAS | SAD | 018530 | Richard B. Russell Dam and Lake | GA | 137 | Guard Services during increased threat levels |
| SAM | SAD | 002190 | Buford Dam - Guard Services | GA | 50 | Additional cost to local law enforcement agreement thru completion of construction 5/03 |
| SAM | SAD | 002730 | Carters Lake - Guard services | GA | 223 | Additional cost to local law enforcement agreement thru end of FY 03 |

CORPS OF ENGINEERS -- CIVIL
OPERATION AND MAINTENANCE, GENERAL
**Emergency Supplemental Requirements, Fiscal Year 2003**
(Dollars in Thousands)

| Dist. | Div. | PWID | Project Name | State | Cost Estimate | REMARKS |
|---|---|---|---|---|---|---|
| SAM | SAD | 000220 | Allatona Lake - Guard Services | GA | 149 | Additional cost to local law enforcement agreement thru end of FY 03 |
| SAM | SAD | 019710 | West Point Lake - Guard services | GA | 13 | Additional cost to local law enforcement agreement thru end of FY 03 |
| SAM | SAD | 019190 | Walter F. George Lake - Guard services | GA | 124 | Additional cost for 2 part time security guards and additional patrols for 3 Park rangers thru end of FY 03 |
| SAM | SAD | 008450 | Jim Woodruff L&D - Guard services | GA | 31 | Additional cost to local law enforcement agreement thru end of FY 03 |
| SAM | SAD | 000410 | ACF - George W. Andrews L&D - Guard services | GA | 28 | Additional cost for additional patrol for 1 Park ranger thru end of FY 03 |
| SAM | SAD | 002730 | Carters Lake | GA | 288 | Cost increase from revised ESC proposal |
| SAM | SAD | 019710 | West Point Lake | GA | 735 | Cost increase from revised ESC proposal |
| SAM | SAD | 019190 | Walter F George | GA | 297 | Cost increase from revised ESC proposal |
| SAS | SAD | 003350 | J. Strom Thurmond Dam and Lake | GA | 415 | Security Upgrades. |
| NWK | NWD | 014880 | RATHBUN DAM | IA | 371 | Guards at FPCON Charlie 180 days |
| NWK | NWD | 014880 | RATHBUN DAM | IA | 119 | Guards at FPCON Charlie 180 days |
| NWW | NWD | 005090 | Dworshak Dam and Reservoir, ID | ID | 137 | Guards at FPCON Charlie 180 days |
| NWW | NWD | 010260 | Lucky Peak Lake, ID | ID | 104 | Guards at FPCON Charlie 180 days |
| NWW | NWD | 005090 | Dworshak Dam and Reservoir, ID | ID | 274 | Guards at FPCON Charlie 180 days |
| NWW | NWD | 010260 | Lucky Peak Lake, ID | ID | 207 | Guards at FPCON Charlie 180 days |
| NWK | NWD | 011140 | MILFORD DAM | KS | 741 | Guards at FPCON Charlie 180 days |
| NWK | NWD | 003480 | CLINTON DAM | KS | 55 | Guards at FPCON Charlie 180 days |
| NWK | NWD | 011140 | MILFORD DAM | KS | 84 | Guards at FPCON Charlie 180 days |
| NWK | NWD | 013920 | PERRY DAM | KS | 112 | Guards at FPCON Charlie 180 days |
| NWK | NWD | 011140 | MILFORD DAM | KS | 311 | CPSP |
| NWK | NWD | 008840 | H.S.TRUMAN DAM | MO | 741 | Guards at FPCON Charlie 180 days |
| NWK | NWD | 017560 | STOCKTON | MO | 741 | Guards at FPCON Charlie 180 days |
| NWK | NWD | 016980 | SMITHVILLE | MO | 85 | Guards at FPCON Charlie 180 days |
| NWK | NWD | 017560 | STOCKTON | MO | 83 | Guards at FPCON Charlie 180 days |
| NWK | NWD | 008840 | H.S.TRUMAN DAM | MO | 150 | Guards at FPCON Charlie 180 days |

CORPS OF ENGINEERS -- CIVIL
OPERATION AND MAINTENANCE, GENERAL
**Emergency Supplemental Requirements, Fiscal Year 2003**
(Dollars in Thousands)

| Dist. | Div. | PWID | Project Name | State | Cost Estimate | REMARKS |
|---|---|---|---|---|---|---|
| SAM | SAD | 018070 | Tennessee-Tombigbee Waterway - Guard services for L&Ds | MS | 448 | Additional cost to local law enforcement agreement thru end of FY 03 |
| NWO | NWD | 006230 | Ft Peck Dam and Lake | MT | 265 | Guards at FPCON Delta 30 days |
| NWO | NWD | 006230 | Ft Peck Dam and Lake | MT | 115 | Guards at FPCON Charlie 180 days |
| NWO | NWD | 006400 | Garrison Dam Lake Sakakawea | ND | 343 | Guards at FPCON Delta 30 days |
| NWO | NWD | 012960 | Oahe Dam Lake Oahe ND&SD | ND | 343 | Guards at FPCON Delta 30 days |
| NWO | NWD | 006400 | Garrison Dam Lake Sakakawea | ND | 103 | Guards at FPCON Charlie 180 days |
| NWO | NWD | 012960 | Oahe Dam Lake Oahe ND&SD | ND | 103 | Guards at FPCON Charlie 180 days |
| NWO | NWD | 014120 | Pipestem Lake, ND | ND | 69 | Guards at FPCON Charlie 180 days |
| NWO | NWD | 006440 | Gavins Pt Dam Lewis & Clark Lake | NE | 103 | Guards at FPCON Charlie 180 days |
| NWO | NWD | 016010 | Salt Creek & Tribs 1958 Act | NE | 69 | Guards at FPCON Charlie 180 days |
| NWP | NWD | 080546 | Bonneville Lock and Dam, OR & WA | OR | 31 | Guards at FPCON Delta 30 days |
| NWP | NWD | 008480 | John Day Lock and Dam, OR & WA | OR | 31 | Guards at FPCON Delta 30 days |
| NWP | NWD | 010050 | Lookout Point Lake, OR | OR | 10 | Guards at FPCON Delta 30 days |
| NWP | NWD | 008480 | John Day Lock and Dam, OR & WA | OR | 202 | CPSP cost increase to complete project by 31 Dec 03 (per MG Griffin guidance) |
| NWP | NWD | 010090 | Lost Creek Lake, OR | OR | 518 | CPSP |
| NWP | NWD | 004080 | Cougar Lake, OR | OR | 518 | CPSP |
| NWP | NWD | 007530 | Hills Creek Lake, OR | OR | 518 | CPSP |
| NWP | NWD | 010050 | Lookout Point Lake, OR | OR | 406 | CPSP |
| NWW | NWD | 010920 | McNary Lock and Dam, OR and WA | OR, WA | 137 | Guards at FPCON Delta 30 days |
| NWW | NWD | 010920 | McNary Lock and Dam, OR and WA | OR, WA | 274 | Guards at FPCON Charlie 180 days |
| NWW | NWD | 010920 | McNary Lock and Dam, OR and WA | OR, WA | 411 | Guards at FPCON Charlie 180 days |
| SAS | SAD | 007380 | Clemson Diversion Dams | SC | 255 | Guard Services during increased threat levels, To be monitored at Hartwell Dam |
| SAC | SAD | 074354 | Cooper River, Charleston Harbor | SC | 60 | Phase II Guard Service. Guards physically on-board on 3/24/03. |
| NWO | NWD | 006270 | Ft Randall Dam Lake Francis Case | SD | 317 | Guards at FPCON Delta 30 days |
| NWO | NWD | 001420 | Big Bend Dam Lake Sharpe | SD | 103 | Guards at FPCON Charlie 180 days |

CORPS OF ENGINEERS -- CIVIL
OPERATION AND MAINTENANCE, GENERAL
**Emergency Supplemental Requirements, Fiscal Year 2003**
(Dollars in Thousands)

| Dist. | Div. | PWID | Project Name | State | Cost Estimate | REMARKS |
|---|---|---|---|---|---|---|
| NWO | NWD | 006270 | Ft Randall Dam Lake Francis Case | SD | 103 | Guards at FPCON Charlie 180 days |
| NWS | NWD | | Civil funds needed 306,000/month | VAR | 1,903 | Guard Costs for FP-Charlie 180 days |
| NWS | NWD | | Guard Costs for FP-Charlie 180 days | VAR | 1,903 | Guards at FPCON Charlie 180 days |
| NWS | NWD | 3200 | Chief Joseph Dam | WA | 16 | Guards at FPCON Delta 30 days |
| NWS | NWD | 9400 | Lake Washington Ship Canal | WA | 93 | Guards at FPCON Delta 30 days |
| NWP | NWD | 004400 | The Dalles Lock and Dam, WA & OR | WA | 31 | Guards at FPCON Delta 30 days |
| NWS | NWD | 3200 | Chief Joseph Dam | WA | 16 | Guards at FPCON Delta 30 days |
| NWP | NWD | 004400 | The Dalles Lock and Dam, WA & OR | WA | 233 | Guards at FPCON Charlie 180 days |
| NWW | NWD | 000608 | Ice Harbor Lock and Dam, WA | WA | 137 | Guards at FPCON Charlie 180 days |

CORPS OF ENGINEERS -- CIVIL
OPERATION AND MAINTENANCE, GENERAL
**Emergency Supplemental Requirements, Fiscal Year 2003**
(Dollars in Thousands)

| Dist. | Div. | PWID | Project Name | State | Cost Estimate | REMARKS |
|---|---|---|---|---|---|---|
| NWW | NWD | 010210 | Lower Monumental Lock and Dam, WA | WA | 137 | Guards at FPCON Charlie 180 days |
| NWW | NWD | 009880 | Little Goose Lock and Dam, WA | WA | 137 | Guards at FPCON Charlie 180 days |
| NWW | NWD | 009881 | Lower Granite Lock and Dam, WA | WA | 137 | Guards at FPCON Charlie 180 days |
| NWW | NWD | 000608 | Ice Harbor Lock and Dam, WA | WA | 274 | Guards at FPCON Charlie 180 days |
| NWW | NWD | 010210 | Lower Monumental Lock and Dam, WA | WA | 274 | Guards at FPCON Charlie 180 days |
| NWW | NWD | 009880 | Little Goose Lock and Dam, WA | WA | 274 | Guards at FPCON Charlie 180 days |
| NWW | NWD | 009881 | Lower Granite Lock and Dam, WA | WA | 274 | Guards at FPCON Charlie 180 days |
| NWP | NWD | 004400 | The Dalles Lock and Dam, WA & OR | WA | 1,389 | CPSP |
| LRP | LRD | 18730 | Tygart Lake Dam | WV | 72 | E & D Costs to bring security upgrade projects to 35% design |
| | | | **Total Guards** | | **38,314** | |

CORPS OF ENGINEERS -- CIVIL
OPERATION AND MAINTENANCE, GENERAL
**Emergency Supplemental Requirements, Fiscal Year 2003**
(Dollars in Thousands)

| Dist. | Div. | PWID | Project Name | State | Cost Estimate | REMARKS |
|---|---|---|---|---|---|---|
| | | | **PHYSICAL SECURITY MEASURES (SOME GUARDS)** | | | |
| SAM | SAD | 008590 | Robert F Henry | AL | 545 | RAM-D 1st round |
| SAM | SAD | 011230 | Millers Ferry | AL | 652 | RAM-D 1st round |
| SAM | SAD | 023240 | Alabama River - Claiborne L&D | AL | 478 | RAM-D 1st round |
| MVK | MVD | 001740 | Blakely Mountain Dam / Lake Ouachita | AR | 187 | $180K Shortfall to complete construction of Physical and Electronic Security Enhancements at the project. |
| MVK | MVD | 001740 | Blakely Mountain Dam / Lake Ouachita | AR | 73 | $70K This Projects' share of the cost for installing a centralized security monitoring system for dams and power plants at Blakely Mountian, DeGray & Narrows. |
| MVK | MVD | 012180 | Narrows Dam / Lake Greeson | AR | 73 | $70K This Projects' share of the cost for installing a centralized security monitoring system for dams and power plants at Blakely Mountian, DeGray & Narrows. |
| MVK | MVD | 036011 | DeGray Lake | AR | 73 | $70K This Projects' share of the cost for installing a centralized security monitoring system for dams and power plants at Blakely Mountian, DeGray & Narrows. |
| MVK | MVD | 036011 | DeGray Lake | AR | 70 | $68K Costs to initiate E&D for construction of Physical and Electronic Security Enhancements at the project. |
| SWL | SWD | 007070 | Greers Ferry Lake | AR | 52 | Perform engineering and design activities for critical infrastucture security facilities |

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**Emergency Supplemental Requirements, Fiscal Year 2003**
(Dollars in Thousands)

| Dist. | Div. | PWID | Project Name | State | Cost Estimate | REMARKS |
|---|---|---|---|---|---|---|
| SWL | SWD | 022480 | Dardanelle Lock and Dam | AR | 52 | Perform engineering and design activities for critical infrastucture security facilities |
| SWL | SWD | 022480 | Ozark Lock and Dam | AR | 52 | Perform engineering and design activities for critical infrastucture security facilities |
| WAD | NAD | 081369 | WASHINGTON AQUEDUCT | DC | 4,048 | SECURITY UPGRADE PER RAM-D |
| SAJ | SAD | 013240 | Okeechobee Waterway | FL | 78 | Ortona L&D: Upgrade vehicle barriers and gates $30,000; Ortona L&D Upgrade security fence $15,000; Moore Haven L&D: upgrade vehicle barriers $30,000 |
| SAJ | SAD | 002860 | Central and South Florida | FL | 1,667 | Herbert Hoover Dike: Upgrade five vehicle gates $60,000 Herbert Hoover Dike: Pre-position rock for breech repairs $1,350,000 Port Mayaca L&D : Upgrade vehicle barriers $30,000 Port Mayaca L&D |
| SAM | SAD | 008450 | Jim Woodruff L&D | GA | 711 | RAM-D 1st round |
| SAM | SAD | 000410 | ACF - Andrews L&D | GA | 510 | RAM-D 1st round |
| MVR | MVD | 003910 | *Rock Island District Central Monitoring-multi project-Coralville portion | IA | 6 | Physical Security Measures |
| MVR | MVD | 015070 | *Rock Island District Central Monitoring-multi project-Red Rock portion | IA | 6 | Physical Security Measures |

CORPS OF ENGINEERS -- CIVIL
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**Emergency Supplemental Requirements, Fiscal Year 2003**
(Dollars in Thousands)

| Dist. | Div. | PWID | Project Name | State | Cost Estimate | REMARKS |
|---|---|---|---|---|---|---|
| MVR | MVD | 016510 | *Rock Island District Central Monitoring-multi project-Saylorville portion | IA | 6 | Physical Security Measures |
| MVR | MVD | 015070 | Red Rock Dam & Lake Fencing & Barriers | IA | 26 | Physical barriers required to meet condition Charlie. Timely fund distribution is essential to task completion. |
| MVR | MVD | 016510 | Saylorville Dam & Lake Fencing & Barriers | IA | 26 | Physical barriers required to meet condition Charlie. Timely fund distribution is essential to task completion. |
| MVR | MVD | 003910 | Coralville Dam & Lake Fencing & Barriers | IA | 26 | Physical barriers required to meet condition Charlie. Timely fund distribution is essential to task completion. |
| MVP | MVD | 74295 | LOCK & DAM #10 | IA / WI | 363 | FENCES, BARRIERS, GATES, E&D, SA |
| NWW | NWD | 010260 | Lucky Peak Lake, ID | ID | 518 | Engineering and Design funding for Lucky Peak CPSP improvements |
| LRL | LRD | 13200 | Smithland Locks & Dam | IL | 933 | Funds required to complete infrastructure security improvements recommended during comprehensive design charrettes. |
| MVR | MVD | 008010 | Illinois Waterway Marseilles L/D | IL | 829 | Required project funds exceeded RAM-D estimate. Timely fund distribution is essential to task completion. |
| MVR | MVD | 008010 | *Rock Island District Central Monitoring-multi project-Illinois WW portion | IL | 52 | Physical Security Measures |

CORPS OF ENGINEERS -- CIVIL
OPERATION AND MAINTENANCE, GENERAL
**Emergency Supplemental Requirements, Fiscal Year 2003**
(Dollars in Thousands)

| Dist. | Div. | PWID | Project Name | State | Cost Estimate | REMARKS |
|---|---|---|---|---|---|---|
| LRL | LRD | 13200 | Locks & Dam 53 | IL | 104 | Funds for physical security improvements to meet access control issues at heightened threat levels (fencing, barriers, lighting, etc.). |
| MVR | MVD | 011550 | *Rock Island District Central Monitoring-multi project-Mississippi River portion | IL, IA, MO | 75 | Physical Security Measures |
| MVR | MVD | 011550 | Mississippi River L/D 21 Security | IL, MO | 518 | Required project funds exceeded RAM-D estimate. Timely fund distribution is essential to task completion. |
| MVR | MVD | 011550 | Mississippi River Fencing & Barriers at 11 Sites | IL, MO | 1,140 | Physical barriers required to meet condition Charlie. Timely fund distribution is essential to task completion. |
| MVS | MVD | 011380 | Locks #27 | Il. | 1,190 | As determined by the 35% review, phase I security work at Locks #27 requires this additional funding above the initial RAM-D estimate. |
| MVS | MVD | 011370 | Melvin Price Lock and Dam | Il. & Mo. | 664 | As determined by the draft 35% review, phase I security work at Melvin Price Lock & Dam requires this additional funding above the original RAM-D estimate. |
| MVS | MVD | 011380 | Melvin Price Lock & Dam and Locks 27 | Il. & Mo. | 513 | Centralized Monitoring equipment and contract - All security read outs from the initially funded projects as well as the phase II projects will be centrally monitored from one location. |
| MVS | MVD | 002560 | Clarence Cannon Dam | Il. & Mo. | 73 | Certain security hardware items at unfunded Phase II projects can help increase security until RAM-D funding is approved. Fences, gates, barriers, lights, alarms, and improved communications. |
| MVS | MVD | 002700 | Carlyle Lake | Il. & Mo. | 73 | Certain security hardware items at unfunded Phase II projects can help increase security until RAM-D funding is approved. Fences, gates, barriers, lights, alarms, and improved communications. |

CORPS OF ENGINEERS -- CIVIL
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**Emergency Supplemental Requirements, Fiscal Year 2003**
(Dollars in Thousands)

| Dist. | Div. | PWID | Project Name | State | Cost Estimate | REMARKS |
|---|---|---|---|---|---|---|
| MVS | MVD | 016691 | Lake Shelbyville | Il. & Mo. | 73 | Certain security hardware items at unfunded Phase II projects can help increase security until RAM-D funding is approved. Fences, gates, barriers, lights, alarms, and improved communications. |
| MVS | MVD | 015190 | Rend Lake | Il. & Mo. | 73 | Certain security hardware items at unfunded Phase II projects can help increase security until RAM-D funding is approved. Fences, gates, barriers, lights, alarms, and improved communications. |
| MVS | MVD | 019420 | Wappapello Lake (MR&T) | Il. & Mo. | 62 | Certain security hardware items at unfunded Phase II projects can help increase security until RAM-D funding is approved. Fences, gates, barriers, lights, alarms, and improved communications. |
| MVS | MVD | 011370 | Lock & Dam 25. | Il. & Mo. | 36 | Commence design Charettes and Engineering and Design work for the highest priority Phase II Projects |
| MVS | MVD | 011370 | Lock & Dam 24. | Il. & Mo. | 36 | Commence design Charettes and Engineering and Design work for the highest priority Phase II Projects |
| MVS | MVD | 002560 | Clarence Cannon Dam/Mark Twain Lake | Il. & Mo. | 31 | Commence design Charettes and Engineering and Design work for the highest priority Phase II Projects |
| LRL | LRD | 13200 | Newburgh Locks & Dam | IN | 1,348 | Funds required to complete infrastructure security improvements recommended during comprehensive design charrettes. |
| LRL | LRD | 13200 | John T. Myers Locks & Dam | IN | 1,348 | Funds required to complete infrastructure security improvements recommended during comprehensive design charrettes. |
| SWT | SWD | 008530 | John Redmond Dam and Reservoir | KS | 52 | Perform engineering and design activities for critical infrastucture security facilities |

CORPS OF ENGINEERS -- CIVIL
OPERATION AND MAINTENANCE, GENERAL
**Emergency Supplemental Requirements, Fiscal Year 2003**
(Dollars in Thousands)

| Dist. | Div. | PWID | Project Name | State | Cost Estimate | REMARKS |
|---|---|---|---|---|---|---|
| SWT | SWD | 005350 | El Dorado Lake | KS | 52 | Perform engineering and design activities for critical infrastucture security facilities |
| LRL | LRD | 13200 | Markland Locks & Dam | KY | 1,451 | Funds required to complete infrastructure security improvements recommended during comprehensive design charrettes. |
| LRL | LRD | 13200 | McAlpine Locks & Dam | KY | 2,177 | Funds required to complete infrastructure security improvements recommended during comprehensive design charrettes. |
| LRN | LRD | 20140 | Wolf Creek | KY | 62 | Addfitional ITR/PM involvement at 35% and 95% design |
| LRN | LRD | 940 | Lake Barkley | KY | 62 | Addfitional ITR/PM involvement at 35% and 95% design |
| LRL | LRD | 13200 | Regional Monitoring Station | KY | 259 | Cost to Set Up Central Monitoring Station For LRL. Acquire facility, hardware to set up regional monitoring links. |
| LRL | LRD | 13200 | Cannelton Locks & Dam | KY | 1,348 | Funds required to complete infrastructure security improvements recommended during comprehensive design charrettes. ****If no year end money can get completed. Otherwise will not be able to |
| LRN | LRD | 4390 | Dale Hollow | KY/TN | 111 | Physical Barrier installation |
| LRN | LRD | 4390 | Dale Hollow | KY/TN | 83 | Start and complete Phase 1 documentation for entire 35% package. This will enable District to start 35-95% design first quarter of FY04 and complete construction in FY04 |

CORPS OF ENGINEERS -- CIVIL
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**Emergency Supplemental Requirements, Fiscal Year 2003**
(Dollars in Thousands)

| Dist. | Div. | PWID | Project Name | State | Cost Estimate | REMARKS |
|---|---|---|---|---|---|---|
| MVN | MVD | 000062 | Gulf Intracoastal Waterway | LA | 160 | Critical Project Security enhancement at Port Allen Lock - Cost above RAM-D estimate |
| MVN | MVD | 000062 | Gulf Intracoastal Waterway | LA | 731 | Critical Project Security enhancement at Algiers Lock - Cost above RAM-D estimate |
| MVN | MVD | 000062 | Gulf Intracoastal Waterway | LA | 160 | Critical Project Security enhancement at Harvey Lock - Cost above RAM-D estimate |
| MVN | MVD | 13300 | Old River (MR&T project) | LA | 680 | Reimbursement for Critical Project Security enhancement at Old River Control Complex |
| MVN | MVD | 13300 | Old River (MR&T project) | LA | 311 | Cost to establish a central monitoring station for security at the Old River Control Complex (Auzillary and Low Sill Control Structure, and Old River Lock) |
| NAE | NAD | 081369 | SAGAMORE BRIDGE (CCC) | MA | 93 | SECURITY UPGRADE PER RAM-D |
| NAE | NAD | 081369 | BOURNE BRIDGE (CCC) | MA | 78 | SECURITY UPGRADE PER RAM-D |
| NAE | NAD | 081369 | CAPE COD CANAL W/RR BRIDGE | MA | 813 | SECURITY UPGRADE PER RAM-D |
| NAE | NAD | 081369 | NEW BEDFORD HURRICANE BARRIER | MA | 148 | SECURITY UPGRADE PER RAM-D |

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**Emergency Supplemental Requirements, Fiscal Year 2003**
(Dollars in Thousands)

| Dist. | Div. | PWID | Project Name | State | Cost Estimate | REMARKS |
|---|---|---|---|---|---|---|
| NAE | NAD | 081369 | TULLY LAKE DAM | MA | 140 | SECURITY UPGRADE PER RAM-D |
| NAE | NAD | 081369 | BARRE FALLS DAM | MA | 70 | SECURITY UPGRADE PER RAM-D |
| NAE | NAD | 081369 | CONCORD PARK | MA | 1,147 | 79% portion; FACILITY SECURITY |
| NAP | NAD | 081369 | C&D CANAL | MD | 157 | SECURITY UPGRADE PER RAM-D |
| LRE | LRD | 17380 | St Marys River, MI | MI | 363 | Stiffleg Derrick repairs, used to place stoplogs in Mac Lock when under open flow condition. This derrick is the only way to close the lock in the case of a terrorist attack or other major failure taking out |
| MVP | MVD | 74295 | UPPER ST. ANTHONY FALLS LOCK | MN | 928 | COMPLETE SECURITY SYSTEM PER RAM-D REPORT |
| MVP | MVD | 074295 | Central Monitoring Station for the Upper Locks and Dams | MN | 778 | Establish central monitoring station to cover critical projects located in the upper area of the St. Paul District. |
| MVP | MVD | 74295 | LOCK & DAM #1 | MN | 622 | FENCES, BARRIERS, GATES, E&D, SA |
| MVP | MVD | 74295 | LOWER ST. ANTHONY FALLS L/D | MN | 207 | FENCES, BARRIERS, GATES, E&D, SA |

CORPS OF ENGINEERS -- CIVIL
OPERATION AND MAINTENANCE, GENERAL
**Emergency Supplemental Requirements, Fiscal Year 2003**
(Dollars in Thousands)

| Dist. | Div. | PWID | Project Name | State | Cost Estimate | REMARKS |
|---|---|---|---|---|---|---|
| MVP | MVD | 15200 | PINE RIVER DAM | MN | 363 | FENCES, BARRIERS, GATES, E&D, SA |
| MVP | MVD | 13410 | ORWELL DAM | MN | 259 | FENCES, BARRIERS, GATES, E&D, SA |
| MVP | MVD | 09390 | WHITE ROCK DAM / LAKE TRAVERSE | MN | 156 | FENCES, BARRIERS, GATES, E&D, SA |
| MVP | MVD | 74295 | LOCK & DAM #5 | MN / WI | 518 | FENCES, BARRIERS, GATES, E&D, SA |
| MVP | MVD | 74295 | LOCK & DAM # 7 | MN / WI | 518 | FENCES, BARRIERS, GATES, E&D, SA |
| MVP | MVD | 74295 | LOCK & DAM #2 | MN / WI | 104 | FENCES, BARRIERS, GATES, E&D, SA |
| MVP | MVD | 74295 | LOCK & DAM #3 | MN / WI | 52 | DESIGN CHARRETTE - 35% DESIGN |
| MVP | MVD | 74295 | LOCK & DAM #5 | MN / WI | 52 | DESIGN CHARRETTE - 35% DESIGN |
| MVP | MVD | 74295 | LOCK & DAM #3 | MN/WI | 156 | FENCES, BARRIERS, GATES, E&D, S&A |
| MVR | MVD | 011550 | Mississippi River L/D 22 Security Design | MO, IL | 52 | Preliminary design for security upgrade. Timely fund distribution is essential to task completion. |
| MVR | MVD | 011550 | Mississippi River L/D 20 Security Design | MO, IL | 52 | Preliminary design for security upgrade. Timely fund distribution is essential to task completion. |
| MVP | MVD | 00830 | BALDHILL DAM | ND | 156 | FENCES, BARRIERS, GATES, E&D, SA |
| MVP | MVD | 07640 | HOMME DAM | ND | 259 | FENCES, BARRIERS, GATES, E&D, SA |

CORPS OF ENGINEERS -- CIVIL
OPERATION AND MAINTENANCE, GENERAL
**Emergency Supplemental Requirements, Fiscal Year 2003**
(Dollars in Thousands)

| Dist. | Div. | PWID | Project Name | State | Cost Estimate | REMARKS |
|---|---|---|---|---|---|---|
| NWO | NWD | 012960 | Oahe Dam Lake Oahe ND&SD | ND | 2,712 | CPSP improvements - Design charrette indicated that initial RAM-D estimate design and associated costs would not provide the level of protection required |
| NWO | NWD | 006440 | Gavins Pt Dam Lewis & Clark Lake | NE | 518 | CPSP improvements |
| NAE | NAD | 081369 | SURRY MOUNTAIN LAKE DAM | NH | 46 | SECURITY UPGRADE PER RAM-D |
| NAE | NAD | 081369 | OTTER BROOK LAKE | NH | 69 | SECURITY UPGRADE PER RAM-D |
| NAE | NAD | 081369 | FRANKLIN FALLS DAM | NH | 51 | SECURITY UPGRADE PER RAM-D |
| SPA | SPD | 003520 | Cochiti Dam | NM | 1,244 | Installation of security upgrades to protect against terrorist threats to our critical facilities. |
| NAB | NAD | 081369 | WHITNEY POINT DAM | NY | 428 | SECURITY UPGRADE PER RAM-D |
| LRH | LRD | 13,140 | Ohio River Locks and Dams (Meldahl, Greenup, RC Byrd) | OH | 181 | Install perimeter fence to meet minimum physical security requirements of FPCON Charlie |
| LRH | LRD | 13,140 | Ohio River Locks and Dams, WV | OH | 181 | Install perimeter fence to meet minimum physical security |
| LRH | LRD | 13,140 | Ohio River Locks and Dams (Willow Island, Racine, Bellville) | OH, WV | 156 | Bring three FY04-funded critical project security upgrades to 35% design level |
| LRH | LRD | 13,140 | Ohio River Locks and Dams, WV | OH, WV | 156 | Bring three FY04-funded critical project security upgrades to 35% design level |
| SWT | SWD | 015370 | Robert S. Kerr Lock and Dam and Reservoirs | OK | 1,555 | Homeland security - Construct critical infrastructure security measures |
| SWT | SWD | 008990 | Keystone Lake | OK | 104 | Perform engineering and design activities for critical infrastucture security facilities |
| SWT | SWD | 007850 | Hulah Lake | OK | 52 | Perform engineering and design activities for critical infrastucture security facilities |
| NWP | NWD | 080546 | Bonneville Lock and Dam, OR & WA | OR | 3,744 | Physical Security |
| NWP | NWD | 004080 | Cougar Lake, OR | OR | 207 | Advance initiation of design effort in preparation for construction placement in FY04. Facility protection funding is included in the FY04 budget. |
| NWP | NWD | 004690 | Detroit Lake, OR | OR | 207 | Advance initiation of design effort in preparation for construction placement in FY04. Facility protection funding is included in the FY04 budget. |

CORPS OF ENGINEERS -- CIVIL
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**Emergency Supplemental Requirements, Fiscal Year 2003**
(Dollars in Thousands)

| Dist. | Div. | PWID | Project Name | State | Cost Estimate | REMARKS |
|---|---|---|---|---|---|---|
| NWP | NWD | 006940 | Green Peter-Foster Lakes, OR | OR | 207 | Advance initiation of design effort in preparation for construction placement in FY04. Facility protection funding is included in the FY04 budget. |
| NWP | NWD | 007530 | Hills Creek Lake, OR | OR | 207 | Advance initiation of design effort in preparation for construction placement in FY04. Facility protection funding is included in the FY04 budget. |
| NWP | NWD | 010090 | Lost Creek Lake, OR | OR | 207 | Advance initiation of design effort in preparation for construction placement in FY04. Facility protection funding is included in the FY04 budget. |
| NWW | NWD | 010920 | McNary Lock and Dam, OR and WA | OR, WA | 518 | Engineering and Design funding for McNary CPSP improvements |
| LRP | LRD | 13180 | Emsworth Locks and Dams | PA | 935 | Difference between approved RAM-D amount and 35% design estimate |
| LRP | LRD | 13180 | Regional Monitoring Station | PA | 26 | Cost to Set Up Central Monitoring Station For LRP |
| LRP | LRD | NA | PEWARS (Whse. & Repair Sta.) | PA | 104 | Complete Guard Booth and Install Fence |
| LRP | LRD | NA | Westview Alternate Commo. Site | PA | 156 | Fence and Gate to protect this highly sensitive site |
| NAB | NAD | 081369 | RAYSTOWN LAKE DAM | PA | 1,543 | SECURITY UPGRADE PER RAM-D |
| NAB | NAD | 081369 | TIOGA-HAMMOND DAM | PA | 1,105 | SECURITY UPGRADE PER RAM-D |
| NAB | NAD | 081369 | COWANESQUE DAM | PA | 952 | SECURITY UPGRADE PER RAM-D |
| NAP | NAD | 081369 | BLUE MARSH LAKE DAM | PA | 396 | SECURITY UPGRADE PER RAM-D |
| LRP | LRD | 9050 | Kinzua Dam and Allegheny Reservoir | PA | 50 | E & D Costs to bring security upgrade projects to 35% design |
| LRP | LRD | Multiple | All 39 LRP Nav. And Flood Control | PA,WV, | 2,022 | Replace/Repair/Install fence and gates at all sites ($50k est. avg. |
| LRP | LRD | 13180 | Ohio-Allegheny River Area Nav. | PA/WV/O | 306 | E & D Costs to bring security upgrade projects to 35% design |
| LRN | LRD | 13280 | Old Hickory | TN | 62 | Addfitional ITR/PM involvement at 35% and 95% design |
| LRN | LRD | NA | Regional Monitoring Station | TN | 259 | Cost to Set Up Central Monitoring Station For LRN |
| LRN | LRD | 2840 | Center Hill | TN | 116 | Physical Barrier installation |
| LRN | LRD | 8370 | J Percy Priest | TN | 241 | Physical Barrier installation |
| LRN | LRD | 3940 | Cordell Hull | TN | 49 | Physical Barrier installation |
| LRN | LRD | 9550 | Laurel | TN | 44 | Physical Barrier installation |
| LRN | LRD | 3040 | Cheatham | TN | 130 | Physical Barrier installation |
| LRN | LRD | 2840 | Center Hill | TN | 83 | Start and complete Phase 1 documentation for entire 35% |

CORPS OF ENGINEERS -- CIVIL
OPERATION AND MAINTENANCE, GENERAL
**Emergency Supplemental Requirements, Fiscal Year 2003**
(Dollars in Thousands)

| Dist. | Div. | PWID | Project Name | State | Cost Estimate | REMARKS |
|---|---|---|---|---|---|---|
| SWF | SWD | 009740 | Lewisville Lake | TX | 698 | Construct critically needed infrastructure security measures. This |
| NAO | NAD | 081369 | GREAT BRIDGE BRIDGE (ICW) | VA | 18 | SECURITY UPGRADE PER RAM-D |
| NAO | NAD | 081369 | DEEP CREEK BRIDGE (ICW) | VA | 37 | SECURITY UPGRADE PER RAM-D |
| NWW | NWD | 000608 | Ice Harbor Lock and Dam, WA | WA | 467 | Engineering and Design funding for Ice Harbor CPSP |
| MVP | MVD | 48001 | EAU GALLE DAM | WI | 467 | FENCES, BARRIERS, GATES, E&D, SA |
| MVP | MVD | 74295 | LOCK & DAM #9 | WI / IA | 467 | FENCES, BARRIERS, GATES, E&D, SA |
| MVP | MVD | 74295 | LOCK & DAM # 9 | WI / IA | 52 | DESIGN CHARRETTE - 35% DESIGN |
| MVP | MVD | 74295 | LOCK & DAM #8 | WI / MN | 467 | FENCES, BARRIERS, GATES, E&D, SA |
| MVP | MVD | 74295 | LOCK & DAM #6 | WI / MN | 467 | FENCES, BARRIERS, GATES, E&D, SA |
| MVP | MVD | 74295 | LOCK & DAM #5A | WI / MN | 415 | FENCES, BARRIERS, GATES, E&D, SA |
| MVP | MVD | 74295 | LOCK & DAM #4 | WI / MN | 415 | FENCES, BARRIERS, GATES, E&D, SA |
| LRH | LRD | 8,720 | Kanawha River Locks and Dams | WV | 4,158 | Fully fund security enhancements to FY03-funded Critical Projects |
| LRH | LRD | 013180 | Regional Monitoring Station | WV | 518 | Cost to Set Up Central Monitoring Station For LRH |
| LRH | LRD | 8,720 | Kanawha River Locks and Dams | WV | 4,158 | Fully fund security enhancements to FY03-funded Critical Projects |
| | | | **Total Physical Security Measures (Some** | | **69,542** | |
| | | | **GREAND TOTAL FOR FACILITY SECURITY** | | **107,856** | |
| | | | | | **323,564** | |

# APPENDIX C, TO THE ADDITIONAL VIEWS BY MR. OBEY

## DEMOCRATIC SUPPLEMENTAL AMENDMENT

| Function | Subcommittee | Activity | Request | Manager's Amendment | Democratic Add | Total Democratic Package |
|---|---|---|---|---|---|---|
| | | **DEFENSE** | | | | |
| DEF | DEF | War needs | 62,586 | 62,464 | 0 | 62,464 |
| DEF | DEF | Army National Guard and Reserves | 0 | 0 | 226 | 226 |
| DEF | MC | Unfunded anti-terrorism and force protection construction | 0 | 0 | 197 | 197 |
| DEF | HS | Coast Guard Iraq operations | 400 | [400] | 0 | [400] |
| **DEFENSE TOTAL** | | | **62,986** | **62,464** | **423** | **62,887** |
| | | **HOMELAND SECURITY** | | | | |
| Issue voted on in prior bills: | | | | | | |
| HOME | AG | FDA medical device and radiological emergency preparedness | 0 | 0 | 17 | 17 |
| HOME | AG | FSIS imported food data repository, other | 0 | 0 | 13 | 13 |
| HOME | EW | Physical Security at Dams and Waterways | 0 | 0 | 132 | 132 |
| HOME | VAHUD | Water systems and chemical plant vulnerability analysis | 0 | 0 | 100 | 100 |
| *Subtotal, Homeland issues voted on in prior bills* | | | *0* | *0* | *262* | *262* |
| Other homeland security issues: | | | | | | |
| HOME | CJS | Justice Counterterrorism Fund | 500 | 50 | 0 | 50 |
| HOME | CJS | FBI | 0 | 399 | 0 | 399 |
| HOME | CJS | PATRIOT Act oversight | 0 | 3 | 0 | 3 |
| HOME | CJS | FISA attorneys | 0 | 5 | 0 | 5 |
| HOME | CJS | Detention Trustee | 0 | 15 | 0 | 15 |
| HOME | CJS | Court security | 0 | 29 | 0 | 29 |
| HOME | LEG | Terrorism-related requirements | 125 | 125 | 0 | 125 |
| HOME | EW | Nuclear non-proliferation programs | 0 | 0 | 175 | 175 |
| HOME | EW | DOE Operations at Higher Threat Levels | 0 | 0 | 87 | 87 |
| HOME | EW | Intelligence | 0 | 0 | 5 | 5 |
| HOME | HS | Homeland Security Counterterrorism Fund | 1,100 | 0 | 0 | 0 |
| HOME | HS | Port of entry and border staffing (including N. Border staffing) | 0 | 293 | 0 | 293 |
| HOME | HS | Container security initiative | 0 | 35 | 0 | 35 |
| HOME | HS | Airport security enhancements | 0 | 350 | 0 | 350 |
| HOME | HS | Homeland Security agencies | 0 | 603 | 0 | 603 |
| HOME | HS | Coast Guard | 0 | 0 | 100 | 100 |
| HOME | HS | Coast Guard port and waterways safety/security system expansion | 0 | 0 | 90 | 90 |
| HOME | HS | First responder grants: | | | | |
| | | Office for Domestic Preparedness (ODP) | 2,000 | 2,200 | 300 | 2,500 |
| | | Port security grants | 0 | 40 | 250 | 290 |
| | | Firefighter assistance grants | 0 | 0 | 150 | 150 |
| | | Interoperability | 0 | 0 | 350 | 350 |
| HOME | INT | Monument security upgrades | 0 | 0 | 18 | 18 |
| HOME | INT | Park security | 0 | 0 | 10 | 10 |
| HOME | LHHS | Operating funds for smallpox vaccination | 0 | 94 | 0 | 94 |
| HOME | LHHS | Compensation for smallpox vaccine injuries | 0 | 50 | 0 | 50 |
| HOME | LHHS | CDC infectious diseases (SARS) | 0 | 16 | 0 | 16 |
| HOME | LHHS | Upgrading state health lab capacity to deal with chemical terrorism threats | 0 | 0 | 75 | 75 |
| HOME | TT | EOP emergency Response Fund | 250 | 0 | 0 | 0 |
| HOME | TT | Amtrak tunnel safety and security | 0 | 0 | 50 | 50 |
| HOME | VAHUD | VA health care preparedness | 0 | 0 | 70 | 70 |
| HOME | VAHUD | Lab improvements to deal with chemical terrorism | 0 | 0 | 75 | 75 |
| *Subtotal, Homeland issues not voted on in prior bills* | | | *3,975* | *4,307* | *1,805* | *6,112* |

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| Function | Subcommittee | Activity | Request | Manager's Amendment | Democratic Add | Total Democratic Package |
|---|---|---|---|---|---|---|
| HOMELAND SECURITY TOTAL | | | 3,975 | 4,307 | 2,067 | 6,374 |
| | | INTERNATIONAL | | | | |
| INT | CJS | Diplomatic security and consular affairs | 101 | 106 | 0 | 106 |
| INT | CJS | Embassy construction | 20 | 72 | 0 | 72 |
| INT | CJS | Emergency evacuations | 66 | 66 | 0 | 66 |
| INT | CJS | Middle East TV | 31 | 31 | 0 | 31 |
| INT | FO | ERMA replenishment | 50 | 80 | 0 | 80 |
| INT | FO | Pakistani border security and law enforcement upgrades | 25 | 25 | 0 | 25 |
| INT | FO | Colombia -- Andean counterdrug initiative | 34 | 34 | 0 | 34 |
| INT | FO | ESF | 2,442 | 2,342 | 0 | 2,342 |
| INT | FO | Military assistance | 2,059 | 2,059 | 0 | 2,059 |
| INT | FO | Peacekeeping | 200 | 115 | 0 | 115 |
| INT | FO | Emergency Fund for Complex Foreign crises | 150 | 0 | 0 | 0 |
| INT | FO | Afghanistan anti-terrorism | 28 | 28 | 0 | 28 |
| INT | FO | Child survival and health programs fund reimbursement | 40 | 40 | 0 | 40 |
| INT | FO | Disaster assistance | 80 | 160 | 0 | 160 |
| INT | FO | USAID | 22 | 23 | 0 | 23 |
| INT | FO | Iraq Relief and Reconstruction Fund | 2,443 | 2,483 | 0 | 2,483 |
| INTERNATIONAL TOTAL | | | 7,791 | 7,664 | 0 | 7,664 |
| | | OTHER | | | | |
| OTHER | AG | Title II Grants | 0 | 250 | 0 | 250 |
| OTHER | AG | Emerson Humanitarian Trust | 0 | 69 | 0 | 69 |
| OTHER TOTAL | | | 0 | 319 | 0 | 319 |
| GRAND TOTAL | | | 74,758 | 74,758 | 2,490 | 77,244 |

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# DEMOCRATIC SUPPLEMENTAL AMENDMENT

## DEFENSE

Defense

- Army National Guard: +$160.2 million. Congress authorized the establishment of 55 National Guard Civil Support Teams to assist state and local first responders, but only 32 have been created and funded. These teams provide immediate assistance to local authorities especially in cases involving weapons of mass destruction. These funds would cover the start-up costs for 18 additional Civil Support Teams, including additional personnel, equipment, and initial operations.

- Army Reserves: +$66 million. The Army Reserves will provide emergency/redeployable medical facilities and personnel in cases of disasters created by weapons of mass destruction. Shortfalls in the Army reserve budget for training and relocating deployable military hospitals currently limit the Reserves ability to meet this mission. These additional funds will cover the Reserves WMD training costs.

Military Construction

- Each of the services has submitted to the House Appropriations Committee a detailed listing of unfunded military construction projects that are required to insure the security of our service members and their families as they live and work at military installations located in the United States. These projects tend to be relatively simple upgrades that can be executed within the year that funds are received. The total in this package is $197 million dollars:

    - The Army: +$67.5 million for 8 projects going to the Army and the Army Reserve. Gatehouses, fencing and other perimeter improvements make up the bulk of the list.

    - The Marines: + $10 million needed for a new police station to provide better security on base.

- The Navy: +82 million for 14 projects, which are in their plan for future years but can be put forward now. Typical are projects to increase perimeter security, fencing, guardhouses, and improved lighting.

- The Air Force and Air National Guard: +37 millionfor 5 projects. These include new fencing, gate improvements, and an entrance complex.

## HOMELAND SECURITY

Homeland Security Issue voted on in prior bills:

Agriculture

- FDA: +$17 million for medical devices and radiological emergency preparedness, including radiological standards, related to radiological health, development work with industry on decontamination devices, safety of imported medical devices. [Funding provided as a contingent emergency in the FY 2002 spring supplemental, but President did not declare the emergency.]

- FSIS: +$13 million for development of a shared data repository compatible with Customs on imported food, and for other increased foreign food review activities. Consistent with section 332 of the Public Health Security and Bioterrorism Preparedness ResponseAct of 2002. [Funding provided as a contingent emergency in the FY 2002 spring supplemental, but President did not declare the emergency. Authorized in the Bioterrorism bill that passed House 425-1 and Senate 98-0]

Energy/Water

- +$132 million for Physical Security at Federal Dams and Navigation Waterways. Since the 9/11 terrorist attacks, the Army Corps of Engineers and the Department of the Interior's Bureau of Reclamation have been given additional funds for near-term security measures, primarily for more guards and overtime payments and to conduct specific site-by-site vulnerability assessments of their facilities. These agencies have concluded a large number of these assessments, but have few funds in fiscal year 2003 or 2004 to purchase the equipment needed to rectify the problems identified by the assessments.

  A terrorist attack on a federal dam could result in a significant loss of life, severe economic disruption, and significant environmental damage. An attack on key commercial locks and waterways could cripple key business sectors of our economy, such as agriculture and

the movement of coal and steel, or flooding in communities such as those along the Mississippi River.

The amendment provides $132 million, of which $108 million is for the Army Corps of Engineers – identical to what Congress provided in last summer's supplemental that was rejected by OMB. The other $24 million is what the Department of Interior needs to protect its dams and facilities, which was not known when we did thesupplemental last year.

55 of the Department of Interior's facilities are listed as National Critical Infrastructure. Affected Army Corps facilities include:

Old Hickory Lock & Dam, Tennessee
Chicago Harbor Lock, Illinois
Coralville Project, Iowa
Norrell Lock and Dame, Arkansas
John Redmond Reservoir, Kansas
Lewiston Levees, Idaho
Andrews Lock & Dam, Alabama
Cooper River Rediversion Project, South Carolina
Cochiti Dam, New Mexico
Lake Isabella, California
Gaithright Dam, Virginia

VA/HUD

- Environmental Protection Agency: +$25 million for a water systems vulnerability analysis. This continues the program begun in the original Homeland Security Supplemental to fund studies of terrorist vulnerability of local water systems. It was funded at $83million and included surveys of the largest systems and technical assistance for mid size and small systems. [Funding provided as a contingent emergency in the FY 2002 spring supplemental, but President did not declare the emergency.]

  Chemical plant vulnerability assessments -- +$75 million. According to a GAO March 2003 report, the federal government has not comprehensively assessed the chemical industry's vulnerabilities to terrorist attacks. No federal agency currently monitors or documents the extent to which chemical facilities have implemented security measures. $75 million would be provided to EPA to assess the vulnerability of those chemical plants within populations of 100,000

or more with worst-case accidental release scenarios. [This part ofthe proposal has not been voted on previously.]

## HOMELAND SECURITY (CONT'D)

Other homeland security issues:

Energy/Water

- Nuclear Non-Proliferation: +$175 million, including:

    - Nuclear Detectors at Mega Seaports ($135 million): The global shipping system can deliver a containerized weapon of mass destruction more accurately than a Soviet missile guidance system, according to the Department of Energy. Vessels move 90 percent of our warfighting material, and the bulk of goods our nation purchases from abroad. Current U.S. based systems for detecting radioactive weapons are not oriented towardwhen a port itself if a target of a weapon of mass destruction.

      The Department of Energy has performed an analysis of shipping to the United States, and has identified 60 foreign "mega seaports" oversees where goods/containers from many nations first go before they are shipped to the United States. DOE indicates for example, that about 10 percent of all container shipping to the United States goes through Hong Kong, and about 6 percent each go through Shanghai and Singapore. DOE has developed nuclear detectors that can be given to port authorities in such mega seaports in conjunction with U.S. Customs, which provide port-wide alertment of nuclear material. Detecting and impounding illicit nuclear material before it is even sent to the United States provides the best protection we can get.

      DOE is in the process of deploying the first radiological detection system to a foreign mega seaport, but has no funds appropriated in fiscal year 2003 or budgeted in fiscal year 2004 for this purpose. The amendment provides an additional $135 million protect 9 additional mega seaports, for a total of 10. This would allow screening of approximatelyhalf of all containerized shipping entering the country.

- +$10 million to secure radioactive materials that terrorists could use to construct "dirty bombs". The use of radioactive materials for peaceful purposes is widespread. They have many beneficial industrial, agricultural, research, and medical applications. On March 11 the Secretary of Energy addressed an International Atomic Energy Agency meeting which he convened to discuss the menace of dirty bombs and the need to recover, account for, store, and dispose of radioactive sources. The Secretary offered the assistance of the U.S. government to representatives of over 100 nations, and my amendment provides him the funds to make good on his offer.

- +$8 million is to expand non-proliferation to nations other than those of the former Soviet Union.

- +$8 million is for export control security. The Department of Homeland Security is requesting DOE to provide technical support to preventing brokers, foreign governments, terrorist groups, and criminal groups from trafficking in weapons of mass destruction and their technologies. DOE will provide nuclear WMD training for U.S. export control officials and joint terrorism task forces, provide real-time technical assessments of seized cargo, and assist in conducting outreach visits to U.S. companies that supply materials, equipment, and technologies, that would be of use to terrorists. DOE will also accelerate and augment cooperative programs that assist other nations in improving their domestic export control systems.

- +$9 million for improved technologies to detect shielded nuclear materials, field improved nuclear detectors for inspectors, and to improve analytical techniques for determining the origin of illicit nuclear materials or devices

- +$5 million is enable DOE to provide essential support to post-war Iraq, include assessing and documenting Iraq's attempts to acquire weapons of mass destruction and potentially recovering, packaging, and disposing of vulnerable nuclear materials that may be found in Iraq.

- +$87 million for Operating Higher Threat Levels. The Department of Energy is operating under a higher security level due to the conflict in Iraq and it needs additional funds to finance the requisite security activities. DOE facilities not only have nuclear weapons, but they also have radioactive, explosive, and other toxic materials that would be of interest to terrorists.

  This includes protection to 35 of DOE's world-class science facilities such as the Argonne National Lab in Illinois, the Pacific Northwest National Laboratory, Lawrence Berkely National Laboratory in California, Oak Ridge National Laboratory in Tennessee, and the Princeton Plasma Physics Laboratory in New Jersey among others.

  It includes protection to DOE nuclear weapons facilities like Pantex Texas (where thousands of nuclear devices are stored), Los Alamos and Sandia National Laboratories in New Mexico, Oak Ridge Tennessee, and others.

  It includes the protection to 22 environmental management sites– former nuclear weapons facilities no longer needed once the Cold War ended. This includes sites in Ohio, Colorado, New Mexico, California, New York, Texas, Nevada, Illinois, New York, Kansas, and Arizona.

  DOE is also changing its security standards (so-called "Design Basis Threat") under which its security forces operate. After 9/11, DOE must change its orientation from "preventing theft" to also include "thwarting deliberate attack". The revised design basis threat will drive up the security requirements, and therefore the security cost, throughout the DOE nuclear complex in science, nuclear weapons, and environmental management of former weapons sites.

- +$5 million for Intelligence. The Department of Energy has the lead federal role in determining the nuclear weapons capability of other nations, and is also being called on to analyze chemical, biological, and cyber-security issues. Additional funds would provide a robust intelligence capability for monitoring nuclear weapons, other weapons of mass destruction development, and nuclear proliferation throughout the world. The media has reported recently on suspected nuclear activities in North Korea and Iran, for example.

Homeland Security

- Coast Guard -- +$100 million: Bring 2,000 additional personnel proposed by President Bush for FY 2004 on boardimmediately and grow the Coast Guard back to the level it was in 1982.

- Coast Guard –Ports and Waterways Safety System -- +$90 million: This funding would be used to expand the security system currently in Norfolk to 11 additional ports (Boston, Charleston, Philadelphia, Jacksonville, Baltimore, Honolulu, San Francisco, Los Angeles Corpus Christi, San Juan and Wilmington NC).

- First Responder Grants:

  - Office of Domestic Preparedness (ODP): +$300 million. This funding would be directed to the base ODPprogram and, when coupled with the FY 2003 enacted funding and the Manager's amendment, would provide a total of $3.5 billion to ODP in FY 2003. This is equal to the President's original FY 2003 budget request.

  - Port security grants -- +$250 million. This funding will be used for ports to make facility improvements and conduct vulnerability assessments. The Coast Guard estimates that a total of $963 million is need in the fist year for facility security improvements. Even with this added funding, only$690 million will have been provided to date for this purpose.

  - Firefighter Assistance Grants -- +$150 million. This would bring fire grants up to the $900 million authorized for this program. A Dec. 2002 Needs Assessment of the US Fire Service found that: overall, fire departments do not have enough portable radios to equip more than about half of the emergency responders on a shift; the majority of fire department portable radios are not water resistant, and more than 3/5th lack intrinsic safety in an explosive atmosphere, about 1/3 of firefighters per shift are not equipped with self-contained breathing apparatus, only 2/5th of fire

departments can communicate with all of their partners, and nearly half of all fire departments have no map coordinate system.

- Interoperability -- $350 million. This funding would be for local first responders to purchase equipment so that they can communicate with one another during a disaster. Currently, only 2/5 of fire departments can communicate with all of their partners. Some estimate that as much as $10 billion is needed to ensure nation-wide interoperability of equipment.

Interior

- National Park Service Construction -- +$18 million. These funds would support infrastructure security upgrades at the Washington Monument, Jefferson and Lincoln Memorials and other high priority NPS historical parks identified as "national icons". $18 million of this is requested in the FY 2004 Budget and the Park Service testified on March 19, 2003 that it expected to have final approval for all projects in D.C. from all planning agencies completed in May. The estimate to do the Washington, Lincoln and Jefferson sites was $41 million a year ago.

- Department of Interior -- +$10 million. The Department has continued to accrue extraordinary operating costs as it has maintained high levels of security the National Mall and adjacent sites. This is principally U.S. Park Police and ranger personnel costs. In addition, law enforcement personnel from throughout the Department have provided increased support for security, whether as part of border monitoring or security of facilities such as dams on federally owned property. The Secretary would allocate funds among agencies.

Labor/HHS/Education

- Upgrading capacity of state health labs to deal with chemical terrorism threats -- +$75 million. These funds would be used by the CDC to help state health laboratories develop capacity to perform rapid analysis of clinical samples to identify the presence of chemical terrorism agents. So far, funding for this purpose has been provided to only five states. These states need additional assistance, many more state labs need to develop this capacity, and CDC needs to

continue development of analytic techniques. The proposal assumes that some of the needed funding could come from the on-going public health preparedness grants, but that supplemental funds should be provided to avoid diverting resources from other pressing needs.

Treasury/Transportation

- Amtrak tunnel safety +$50 million-- Amtrak has a approximately $780 million estimated need for life/safety upgrades to tunnels they own that run into and out of New York City, Baltimore and Washington, DC. A potential terrorist action could be catastrophic due to inadequate evacuation shafts, lighting, communications equipment, ventilation and security. We provided $100 million to get this work started in the FY02 supplemental (and the Long Island Railroad -- which shares use of the NY tunnels -- has already contributed $220 million).

VA/HUD

- Veterans: +$70 million for enhancement of emergency preparedness. This amount is to establish, deploy, restock and track Pharmaceutical Caches, provide personal protective equipment, decontamination equipment, and training of VA health care workers.

- EPA: +$75 million for response to chemical attacks and to strengthen laboratories. Responsibility for responding to chemical attacks is assigned to the EPA under the recent homeland security plan. In addition to building capacity generally within health departments to manage such events, the main need is state laboratory capacity to analyze and respond to purported chemical attacks.

## ADDTIONAL VIEWS OF THE HONORABLE MARTIN OLAV SABO

In this time of war and an uncertain economy, the American people must meet new challenges. We must support our troops and work to strengthen our economy and homeland defenses. It is a time to pull together as a nation, and this means shared sacrifice.

The U.S. airline industry has been particularly hard hit since terrorism came to our shores, and the war with Iraq has exacerbated their difficult situation. As we endeavor to help this vital industry and its tens of thousands of workers with the $3.2 billion aid package contained in this bill, it is only appropriate to expect airline leaders to share in this burden.

A simple rule of fairness applies here, and my amendment to restrict executive compensation at those airlines that accept this new aid was readily approved by the Committee.

This provision is as simple as it is fair. It states that no airline receiving funding under this bill may provide compensation—pay, benefits and stock options—to senior executives that exceeds the base pay and benefits that they received in 2002.

By "base pay and benefits," I mean base salary and regular ongoing fringe benefits, such as health coverage. I do not mean bonuses, stock options and other creative compensation devices that have come to be widely used for executives in corporate America.

I believe that this is a fair price for airline executives to pay in exchange for the massive new financial support that American taxpayers will provide to help stabilize this industry.

In these difficult times, the American people are doing their part to ensure the safety and security of our troops abroad, as well as the safety of our communities and our economic vitality here at home. Airline executives should do no less.

MARTIN O. SABO.

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