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House of Representatives

The House met at 10 a.m.

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

Because You are the Lord God, all relate to You, each in his or her own way. Because You are the Creator of the heavens and all on Earth, from the beginning, even until now everything and everyone is interrelated and held by You. Teach us, Lord, how to relate to one another.

Guide all in this Nation, especially the Members of this Chamber, how to relate to the problems and the human concerns that confront the family of nations. Your word tells us, Lord: ''In Your relations with one another, clothe yourself with humility because I, Your Lord God, am stern with the arrogant but to the humble I show kindness.''

Let us bow humbly under Your hand, O Lord, that in due time You may lift our heads high with joy. Humbly let us cast all our cares on You because You care for us now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. MCNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. MCNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Michigan (Mrs. MILLER) come forward and lead the House in the Pledge of Allegiance.

Mrs. MILLER of Michigan led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 1610. An act to redesignate the facility of the United States Postal Service located at 120 East Ritchie Avenue in Marceline, Missouri, as the ''Walt Disney Post Office Building''.

H.R. 1882. An act to designate the facility of the United States Postal Service located at 440 South Orange Blossom Trail in Orlando, Florida, as the ''Arthur 'Pappy' Kennedy Post Office''.

H.R. 1883. An act to designate the facility of the United States Postal Service located at 1601–1 Main Street in Jacksonville, Florida, as the ''Eddie Mae Steward Post Office''.

H.R. 2075. An act to designate the facility of the United States Postal Service located at 1905 West Blue Heron Boulevard in West Palm Beach, Florida, as the ''Judge Edward Rodgers Post Office Building''.

H.R. 2254. An act to designate the facility of the United States Postal Service located at 1101 Colorado Street in Boulder City, Nevada, as the ''Bruce Woodbury Post Office Building''.

H.R. 2309. An act to designate the facility of the United States Postal Service located at 2300 Redondo Avenue in Long Beach, California, as the ''Stephen Horn Post Office Building''.

H.R. 2328. An act to designate the facility of the United States Postal Service located at 2001 East Willard Street in Philadelphia, Pennsylvania, as the ''Robert A. Borski Post Office Building''.

H.R. 2396. An act to designate the facility of the United States Postal Service located at 1210 Highland Avenue in Duarte, California, as the ''Francisco A. Martinez Flores Post Office''.

H.R. 2452. An act to designate the facility of the United States Postal Service located at 339 Hicksville Road in Bethpage, New York, as the ''Brian C. Hickey Post Office Building''.

H.R. 2533. An act to designate the facility of the United States Postal Service located at 10701 Abercorn Street in Savannah, Georgia, as the ''J.C. Lewis, Jr. Post Office Building''.

H.R. 2746. An act to designate the facility of the United States Postal Service located at 141 Weston Street in Hartford, Connecticut, as the ''Barbara B. Kennedy Post Office Building''.

H.R. 3011. An act to designate the facility of the United States Postal Service located at 135 East Olive Avenue in Burbank, California, as the ''Bob Hope Post Office Building''.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 1405. An act to designate the facility of the United States Postal Service located at 514 17th Street in Moline, Illinois, as the ''David Bybee Post Office Building''.

S. 1590. An act to redesignate the facility of the United States Postal Service located at 315 Empire Boulevard in Crown Heights, Brooklyn, New York, as the ''James E. Davis Post Office Building''.

S. 1659. An act to designate the facility of the United States Postal Service located at 57 Old Tappan Road in Tappan, New York, as the ''John G. Dow Post Office Building''.

S. 1718. An act to designate the facility of the United States Postal Service located at 3710 West 73rd Terrace in Prairie Village, Kansas, as the ''Senator James B. Pearson Post Office''.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain ten 1-minutes on each sides.

Printed on recycled paper.

BREAST CANCER AWARENESS MONTH

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

Mr. BURGESS. Mr. Speaker, as we come to the close of October, I wanted to remind Members that October is designated as Breast Cancer Awareness Month. Each year in the United States, breast cancer is diagnosed in more than 170,000 women. Several recent critical advances, sequencing of the human genome and the development of high throughput techniques for identifying DNA-sequence variants, have accelerated the pace of research aimed at preventing and curing breast cancer.

Drugs such as Tamoxifen have helped to successfully treat thousands of women with breast cancer. Even more advanced, third-generation aromatase inhibitors are challenging Tamoxifen, the current gold standard of care, and providing more satisfying results in this field.

Groundbreaking research is yielding important findings on reducing the recurrence of breast cancer in women who have previously been treated. This is all the more important, because with breast cancer, unlike other malignancies, the symptom-free intervals in some women may be decades.

With these great advances in science and medicine, the medical community is more able to accurately diagnose and treat women with breast cancer. But with over 40,000 women who will die of this disease this year, our work is clearly not done. This month we are reminded of how far we have come, but how far we have to go in fighting in this deadly disease.

BREAST CANCER AWARENESS MONTH

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

Ms. CARSON of Indiana. Mr. Speaker, October is National Breast Cancer Awareness Month, and I rise to address the issue of the early detection and prevention of breast cancer.

Breast cancer is the most common form of cancer in women in the United States, aside from cancers of the skin. Both its cause and cure remain undiscovered.

In my home State of Indiana, the American Cancer Society estimates that 5,000 new cases of breast cancer will be diagnosed and approximately 900 women will die of breast cancer in 2003.

With early detection, breast cancer can be treated effectively with surgery that preserves the breast, followed by radiation therapy. Local therapy is often accompanied by chemotherapy and/or hormonal therapy.

Raising awareness and promoting the continuation of breast cancer research has contributed to more than 2 million breast cancer survivors in the United States today.

In Indianapolis, we have benefited by the 2003 Komen Indianapolis Race for the Cure that registered 37,000 individuals and the BMW Ultimate Drive to donate one dollar on each mile driven during BMW test-drives.

We must continue to raise awareness and support legislation that will aid in the prevention and eventual development of a cure for breast cancer.

ECONOMIC GROWTH

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

Mrs. MILLER of Michigan. Mr. Speaker, tomorrow is Halloween, which means tricks and treats for every American. Today, our economy received a treat of its own, thanks to President Bush's pro-jobs agenda and economic growth tax cuts. For instance, the economy grew at a staggering 7.2 percent in the third quarter, the fastest pace since 1984. In addition, consumer confidence is on the rise, thanks in large part to a more favorable job market and a belief that this trend will continue.

These are some pretty good treats for the American people and for our economy. But the Democratic candidates for President are offering some pretty frightening tricks. For example, every one of them wants to repeal some or all of the Bush tax cuts. That trick on our people will take the steam out of our robust recovery and kill new job growth.

To the American people I say, be very careful when you are examining who should lead our Nation, because the tricks being offered up are downright scary. Happy Halloween.

DOMESTIC VIOLENCE BILLS

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

Ms. SOLIS. Mr. Speaker, I rise today to recognize two pieces of important legislation that I would like to reintroduce today regarding Domestic Violence Awareness Month. I believe the two bills will help end violence against women.

In the United States, nearly 2 million women are victims of domestic violence. Every 30 seconds, a woman is beaten by her aggressor. This is why there is a continuing need to address this issue.

The Domestic Violence Court Assistance Act will provide grant money from the Violence Against Women Act to establish specific domestic violence courts and provide for important functions of a domestic violence court, such as translation and interpretation services for women whose first language may not be English.

The Domestic Violence Prevention, Education and Awareness Act would help bring much-needed attention to racial and ethnic minority and immigrant communities that are often overlooked and underserved by providing grants to develop informational media outreach campaigns to address specific communities that currently are underserved.

It is our responsibility to give a voice to those who cannot speak for themselves, and I urge my colleagues to support these two legislative efforts.

TRIBUTE TO POLK COUNTY NATIVE

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

Mr. PUTNAM. Mr. Speaker, I rise today to pay tribute to a man of honor and a dear friend, a man who touched so many lives and dedicated himself to making Polk County, Florida, a better place.

Charles Richardson rose from humble beginnings in Polk County and helped to integrate what is now Bartow High School. He began his political career on the Winter Haven City Commission, and rose to be, as a Republican, the first African American ever to serve on the Polk County commission.

He was described as a family man and a jovial leader, with a keen intellect and an extraordinary wit and wisdom. He was also known as a strong role model for young people, who encouraged them to get an education and to go to college and achieve the American Dream. He is survived by his wife, Karen; two daughters, Ericka and Janine; and two sons, Charles, Jr., and Elden.

Mr. Speaker, even after being diagnosed with pancreatic and liver cancer, Charles Richardson continued to perform his county commission duties right up to the night he passed. Charles Richardson blessed our community through his hard work and generous nature, and our thoughts and prayers are with his family.

VIETNAM CRACKS DOWN ON UNIFIED BUDDHIST CHURCH OF VIETNAM

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

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to voice my outrage over the government of Vietnam's recent crackdown on the United Buddhist Church of Vietnam.

I just concluded a telephone conversation with the Venerable Thich Tue Sy, a senior monk in that church, who was just sentenced to 2 years of administrative detention for exercising the basic right of freedom of religion, as were six of his colleagues.

Earlier this month, the United Buddhist Church of Vietnam held a meeting to discuss church affairs, to elect

new leadership, and to verify the Vietnamese Prime Minister's promise of a new era of respect and understanding for religious freedom. In stark contrast to the promise of respect and understanding, Vietnamese authorities disrupted the meeting, intimidated and ultimately arrested the UBCV leadership.

The Venerable Thich Huyen Quang and Thich Quang Do, both of whom have been nominated for the Nobel Peace prize, are once again under house arrest. These actions are unconscionable.

Today, I will introduce a resolution regarding the courageous leadership of the UBCV and the urgent need for religious reform in Vietnam.

THE SUPREME COURT CONSIDERS THE PLEDGE

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

Mr. PITTS. Mr. Speaker, this year, the Supreme Court will take up the case of whether children should be allowed to say the words ''under God'' in the Pledge of Allegiance. This cartoon captures an important point of this case: Does the first amendment allow porn but not God in public discourse?

The ACLU would like you to think so. Their challenge to our laws, which protect our kids from online porn predators, is ridiculous. They want to be this teacher in the cartoon holding up a computer in front of your child saying, ''You cannot pledge allegiance 'under God' but, here, look at some pornography.''

The fact that this case even made it so far as the courts is a travesty. Something is very wrong with our courts. They say child pornography on the computer is perfectly legal, but the pledge is so offensive that we have to get rid of the words ''under God.''

The ACLU is out to sacrifice religion on their own little altar of pornographic speech. This is wrong. The Court should do the right thing for this country, for our children: uphold the pledge and the freedom that is ours to pledge allegiance under God.

BREAST CANCER SURVIVORS AND THEIR FAMILIES

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

Mr. SCOTT of Georgia. Mr. Speaker, I rise today to join with others in expressing my support for breast cancer survivors and their families as we recognize the month of October as Breast Cancer Awareness Month.

As the husband of a breast cancer survivor, my courageous wife, Alfredia Scott, I join with countless others in honoring the courage of other breast cancer patients as they fight to overcome this devastating disease. We honor their families, as they stand with them, hurting just as badly, as they watch over and support their loved ones through their treatment. We honor the doctors, the nurses, and the health care professionals who provide critical help for these patients.

Almost everyone in America has been touched by this disease, which strikes one in nine women; and it is the second leading cause of death for women. As many of my colleagues have already noted, our Nation will lose 40,000 people this year. Almost 212,000 new cases will be diagnosed.

□ 1015

We, as legislators, have a responsibility. We must do whatever we can to stop this disease.

As a Georgia State senator, I fought for funding for breast cancer research, and I authored the law that gives breast cancer patients the right to determine their length of stay in the hospital and the medical treatment they receive rather than the insurance companies.

Our inspiration is great: breast cancer survivors who have won their fight, and the friends and families of those women who did not. I urge us to work harder and make sure that we bring a cure to this deadly disease.

IRAQ SUPPLEMENTAL FUNDING

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

Mr. PENCE. Mr. Speaker, I rise to express my profound disappointment this morning with the news that House and Senate conferees developing the Iraq supplemental bill have apparently removed language which would have made a portion of the reconstruction dollars the American people are sending to Iraq take the form of a loan. I had unsuccessfully offered an amendment in the House which would have made one-half of the reconstruction dollars be repaid to the American taxpayers, and I believe the overwhelming majority of the people of this country believe this oil-rich nation should bear some of the cost of rebuilding its own civil society.

I regret Congress has chosen to reject the counsel of the majority of the American people and the world community. A decent respect for the opinions of mankind should cause Congress to reflect on the fact that at this weekend's donor conference in Madrid, two-thirds of the $13 billion made available for reconstruction by foreign countries in Iraq takes the form of loans and credits.

In the end, regardless of my disagreement with the means, I will support the Iraq supplemental bill which will go far to ensure the safe return of our troops and the triumph of freedom in this tyranny-weary land.

BREAST CANCER AWARENESS MONTH

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

Ms. WOOLSEY. Mr. Speaker, in the San Francisco Bay area, especially in Marin County in my congressional district, we have some of the highest rates of breast cancer in the Nation. While the toll on Bay area residents has been enormous and heart-breaking, community activists and local health officials are meeting this challenge, providing support to patients and survivors and working to find causes of this epidemic.

Women feel powerless when confronted with the increasing likelihood of contracting breast cancer; but as the Marin County breast cancer community has demonstrated through prevention and research, with hard work and dedication, we will beat this disease.

In memory of those who have died of breast cancer and in support of those fighting this terrible disease, and with hope that our daughters and granddaughters will not face this epidemic, I urge all women to acknowledge Breast Cancer Awareness Month by taking care of their own health and joining with others to win the war against breast cancer.

BREAST CANCER AWARENESS MONTH

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

Mr. HENSARLING. Mr. Speaker, as has been noted earlier, this October we recognize the 19th anniversary of National Breast Cancer Awareness Month. This year alone, more than 200,000 of our mothers, daughters, sisters, and wives will be diagnosed with breast cancer, and close to 40,000 will die from this dreadful disease.

My wife and I first became aware of National Breast Cancer Awareness Month through our volunteer work with the American Cancer Society. We decided to get involved because so many of our friends and families had been impacted by this terrible disease and we wanted to make a difference.

Over its short history, the National Breast Cancer Awareness Month has successfully raised awareness for the early detection and prevention of breast cancer. As a result, mammography screening rates have doubled since 1985, and breast cancer mortality rates have steadily declined.

Mr. Speaker, the best way for all of us to join in the battle against breast cancer is to help spread the word to as many women as possible that early detection saves lives.

BREAST CANCER AWARENESS MONTH

(Ms. BERKLEY asked and was given permission to address the House for 1

minute and to revise and extend her remarks.)

Ms. BERKLEY. Mr. Speaker, almost everyone has a family member, a friend or a co-worker who has been personally affected by breast cancer. This year, 1,400 women will be diagnosed with invasive breast cancer and 300 women will die from this devastating disease in my State of Nevada.

Two of my closest professional associates, two women who I work with every day, won their battle against breast cancer; they are cancer free. Unfortunately, this is not always the case. I lost my own mother this past July after her 14-year battle against breast cancer.

From these battles I have learn the importance of mammography screening and early detection which have led to higher survival rates. Nevada has the lowest percentage of mammograms performed per capita than any other State in the country, only 65 percent of Nevada women age 40 and over have had mammograms within the last 2 years; this leaves 35 percent of the women in Nevada without any necessary information to arm themselves against this disease and the ability to fight it early on. We must continue to get the word out to women that early detection in the fight against breast cancer is critical.

UNITED STATES LEADING WAY TO STABILITY IN IRAQ

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

Mr. KINGSTON. Mr. Speaker, last year Saddam Hussein spent $13 million on health care in Iraq. This year the United States will spend $200 million. Two years ago when Olympic soccer players made a mistake or lost a game, they were tortured and held hostage until they amended their ways and became better soccer players. Now children's soccer teams are springing up all over Iraq.

There has not been much farming going on in Iraq over the last several years; today, farmers are beginning to go back to the fields and replant crops. There has not been much oil production; now we are getting oil back online. Police forces are beginning to form again in Iraqi towns around the nation, and electricity and water is coming back all over the nation, but there is no peace in Iraq. We are not finished with the job. We still need the coalition forces in Iraq. We still need the strong United States presence to lead the way to a stable, growing democracy. We hope this is possible.

Today, this House will pass the Iraqi emergency supplemental bill. It is one more step in our effort to bring peace in that region. I urge my colleagues to support it.

NO DISCUSSION, NO CONFERENCE, NO DEMOCRACY

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

Mr. HOYER. Mr. Speaker, sadly, the corruption of democracy continues in this House this day. Almost unanimously, we sent a bill back to conference committee for further consideration to protect the safety of the public.

During the course of that debate, the gentleman from Florida (Mr. MICA), the chairman of the subcommittee, said nothing in response to an assertion made about public safety. Nothing, I say to my colleagues, can be further from the truth.

The gentleman from Florida (Mr. MICA) went on to say, ''So we will take this bill back to conference.'' Nothing, my colleagues, could be further from the truth.

The gentleman from Florida (Mr. MICA) went on to say, ''We will revisit this issue.'' Nothing, my friends, could be further from the truth.

He went on to say, ''Anyone who would like, we will make a copy of this report available.'' Nothing, my friends, could be further from the truth.

There was no conference, there was no discussion, there was no democracy. Shame on the processes undermining democracy in this House.

WHERE ARE THE JOBS?

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

Mr. WYNN. Mr. Speaker, today the American public should ask a simple question, Where are the jobs? We hear the Republicans talk about increases in the gross domestic product, but increases in the GDP do not equal jobs. It does not pay bills or help families.

Since this President came into office, we have lost 3 million jobs in this country, and 2.5 million of those jobs have been in the manufacturing sector. So the American public ought to ask the question, Where are the jobs?

What is the Republican response? They are going to bring to this floor a bill that grants tax credits to American companies that take jobs overseas. That is right, two-thirds of the benefits in the so-called manufacturing jobs bill that the Republicans are introducing would give tax breaks to companies creating jobs in China and other countries.

Today the American public has every right to ask the question, Where are the jobs for Americans? Where are the tax credits for American small businesses to help them expand and grow jobs? Unfortunately, they are going overseas.

Mr. Speaker, where are the jobs?

CELEBRATING RED RIBBON WEEK

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

Mr. BACA. Mr. Speaker, I rise today in celebration of Red Ribbon Week, the annual campaign to prevent illegal drug use and promote drug-free communities. All of our children have so much potential. All of our children deserve a chance at life. But it is so sad when families, friends and communities and faith fail a child and they become addicted to drugs. Caring for our children and making sure they do not get addicted to drugs is all of our responsibility.

Mr. Speaker, 81 percent of teenagers ages 14 to 20 have used drugs. One out of every four high school seniors has used illegal drugs in the past 30 days; almost 30 percent of young adults have used marijuana in the past.

This must change. Our children deserve better. Red Ribbon Week uses community action to educate and help prevent drug abuse. Throughout the United States, many of our schools are participating in this program, informing our children to stay away from drugs. I ask support for Red Ribbon Week in the State of California, and I ask support for Red Ribbon Week throughout our Nation.

PARLIAMENTARY INQUIRIES

Mr. MCGOVERN. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. THORNBERRY). The gentleman will state his inquiry.

Mr. MCGOVERN. Mr. Speaker, under the rules of the House, is it not true that before conference reports can be filed, that conferees must meet in formal session, and I believe this requirement can be found in clause 12 of rule XXII of the House rules?

The SPEAKER pro tempore. The gentleman is correct.

Mr. MCGOVERN. Mr. Speaker, I have a further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MCGOVERN. Mr. Speaker, the House voted unanimously on Tuesday to recommit the FAA conference report to the conference committee in order to address essential safety issues relating to the plan to privatize the air traffic control system.

□ 1030

Therefore, Mr. Speaker, is it not the case that the FAA conference report before the House was filed without any formal notice of a conference meeting to the minority and, thus, in violation of clause 12, rule XXII?

The SPEAKER pro tempore (Mr. THORNBERRY). The Chair can only reiterate that under the rules and precedents of the House, a conference report must be the product of an actual meeting of the managers appointed by the two Houses.

MOTION TO ADJOURN

Mr. MCGOVERN. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Massachusetts (Mr. MCGOVERN).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. MCGOVERN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clauses 8 of rule XX, this 15-minute vote on the motion to adjourn will be followed by 5-minute votes on the Journal de novo and on House Concurrent Resolution 291, by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 86, nays 317, not voting 31, as follows:

[Roll No. 580]

YEAS—86

Ackerman
Alexander
Allen
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clyburn
Conyers
Davis (AL)
Davis (IL)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Emanuel
Etheridge
Evans
Farr
Filner
Frank (MA)
Frost
Grijalva
Hastings (FL)
Hill
Hinchey
Honda
Hoyer
Israel
Jackson (IL)
Jefferson
Kaptur
Kennedy (RI)
Kleczka
Lantos
Lee
Lewis (GA)
Lynch
Majette
Maloney
Markey
Matsui
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Menendez
Millender-McDonald
Miller, George
Nadler
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Payne
Pelosi
Pomeroy
Rangel
Ruppersberger
Sabo
Sanchez, Loretta
Scott (VA)
Solis
Thompson (MS)
Towns
Van Hollen
Velazquez
Waters
Watson
Woolsey
Wynn

NAYS—317

Abercrombie
Aderholt
Andrews
Baca
Bachus
Baird
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emerson
Engel
English
Eshoo
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hulshof
Hunter
Hyde
Inslee
Issa
Istook
Jackson-Lee (TX)
Janklow
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McKeon
Meehan
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pastor
Paul
Pence
Peterson (PA)
Petri
Pitts
Platts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Saxton
Schiff
Schrock
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stark
Stearns
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (FL)

NOT VOTING—31

Akin
Bradley (NH)
Burton (IN)
Case
Cummings
Delahunt
DeLay
Edwards
Fattah
Fletcher
Gephardt
Goss
Gutierrez
Hall
Isakson
Johnson (CT)
Johnson, E. B.
Lampson
McCotter
Miller (NC)
Pearce
Peterson (MN)
Pickering
Sanchez, Linda T.
Sanders
Sandlin
Schakowsky
Stenholm
Stupak
Turner (TX)
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. THORNBERRY) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1052

Messrs. GUTKNECHT, TERRY, NEUGEBAUER, BEAUPREZ, DAVIS of Tennessee, DAVIS of Florida, WU, and BACA changed their vote from ''yea'' to ''nay.''

Mr. HONDA and Ms. DEGETTE changed their vote from ''nay'' to ''yea.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MCGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 345, noes 58, answered ''present'' 1, not voting 30, as follows:

[Roll No. 581]

AYES—345

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Baca
Bachus
Baker
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Cox
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Flake
Foley
Forbes
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hostettler
Houghton
Hoyer
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins

John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Langevin
Lantos
LaTourette
Leach
Lee
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntyre
McKeon
Meehan
Meeks (NY)
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pence
Peterson (PA)
Petri
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Sanders
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Sullivan
Sweeney
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Tierney
Turner (OH)
Upton
Van Hollen
Velazquez
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn

NOES—58

Andrews
Baird
Baldwin
Berry
Brady (PA)
Brown, Corrine
Capuano
Costello
Crane
DeFazio
English
Filner
Ford
Fossella
Gillmor
Hastings (FL)
Hefley
Honda
Hooley (OR)
Hulshof
Jones (OH)
Kennedy (MN)
Kucinich
Larsen (WA)
Larson (CT)
Latham
Levin
LoBiondo
Matheson
McDermott
McGovern
McNulty
Meek (FL)
Menendez
Moran (KS)
Neal (MA)
Oberstar
Olver
Otter
Pelosi
Ramstad
Sabo
Schakowsky
Slaughter
Strickland
Tanner
Taylor (MS)
Thompson (CA)
Thompson (MS)
Toomey
Towns
Udall (CO)
Udall (NM)
Visclosky
Waters
Weller
Wu
Young (FL)

ANSWERED ''PRESENT''—1

Tancredo

NOT VOTING—30

Akin
Barton (TX)
Blumenauer
Blunt
Bradley (NH)
Burton (IN)
Case
Cummings
DeLay
Edwards
Fattah
Fletcher
Gephardt
Gutierrez
Hunter
Isakson
Johnson, E. B.
Lampson
McCotter
Miller (NC)
Miller, George
Pearce
Peterson (MN)
Pickering
Sanchez, Linda T.
Sandlin
Stenholm
Stupak
Turner (TX)
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1101

So the Journal was approved.

The result of the vote was announced as above recorded.

EXPRESSING GRATITUDE TO MEMBERS OF UNITED STATES ARMED FORCES DEPLOYED IN OPERATION RESTORE HOPE IN SOMALIA IN 1993

The SPEAKER pro tempore (Mr. THORNBERRY). The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 291.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. MCHUGH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 291, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 402, nays 0, not voting 32, as follows:

[Roll No. 582]

YEAS—402

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (PA)
Petri
Pitts
Platts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—32

Aderholt
Akin
Bachus
Bradley (NH)
Burton (IN)
Case
Cummings
DeLay
Edwards
Fattah
Fletcher
Ford
Gephardt
Gillmor
Gutierrez
Hobson
Isakson
Johnson, E. B.
Lampson
McCotter
Miller (NC)
Pearce
Peterson (MN)
Pickering
Pomeroy
Sanchez, Linda T.

Sandlin	Stenholm	Turner (TX)
Slaughter	Stupak	Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded that 2 minutes remain in this vote.

□ 1110

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. POMEROY. Mr. Speaker, on October 30, 2003, I missed rollcall vote No. 582. Had I been present, I would have voted "yea" on this vote, expressing my strong support for H. Con. Res. 291.

PERSONAL EXPLANATION

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, due to a meeting within the Department of Justice, I unfortunately missed three recorded votes on the House floor earlier today.

I ask unanimous consent that my statement appear in the RECORD that had I not been unavoidably detained at this meeting, I would have voted "yes" on rollcall vote No. 580 (On Motion to Adjourn); "yes" on rollcall vote No. 581 (On Approving the Journal); and "yes" on rollcall vote No. 582 (On Motion to Suspend the Rules and Agree on H. Con. Res. 291, expressing deep gratitude for the valor and commitment of the members of the United States Armed Forces who were deployed in Operation Restore Hope to provide humanitarian assistance to the people of Somalia in 1993.

PERSONAL EXPLANATION

Mr. SANDLIN. Mr. Speaker, on Thursday, October 30, 2003, I was unavoidably detained by official business. Had I been present, I would have voted "yes" on rollcall votes 580, 581, and 582.

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Mr. Speaker, I was unavoidably detained in my district on official business on October 28, 2003. Had I been here, Mr. Speaker, on rollcall vote 569, H. Res. 577, I would have voted "aye"; on rollcall vote 570, H.R. 2359, I would have voted "no"; on rollcall vote 571, motion to instruct, H.R. 6, I would have voted "aye"; on rollcall vote 572, motion to instruct, H.R. 1308, I would have voted "aye"; and on rollcall vote 573, motion to instruct conferees, H.R. 1, I would have voted "aye".

CONFERENCE REPORT ON H.R. 3289, EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE AND FOR THE RECONSTRUCTION OF IRAQ AND AFGHANISTAN, 2004

Mr. YOUNG of Florida submitted the following conference report and statement on the bill (H.R. 3289) making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes:

CONFERENCE REPORT (H. REPT. 108–337)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3289) "making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

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

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

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2004, and for other purposes, namely:

TITLE I—NATIONAL SECURITY

CHAPTER 1

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $12,858,870,000.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $816,100,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $753,190,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $3,384,700,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $23,997,064,000.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and Maintenance, Navy", $1,956,258,000, of which up to $80,000,000 may be transferred to the Department of Homeland Security for Coast Guard Operations.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", $1,198,981,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $5,416,368,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", $4,355,452,000, of which—

(1) not to exceed $15,000,000 may be used for the CINC Initiative Fund account, to be used primarily in Iraq and Afghanistan;

(2) $32,000,000 is only for the Family Advocacy Program; and

(3) not to exceed $1,150,000,000, to remain available until expended, may be used, notwithstanding any other provision of law, for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical and military support provided, or to be provided, to United States military operations in connection with military action in Iraq and the global war on terrorism: Provided, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: Provided further, That the Secretary of Defense shall provide quarterly reports to the Committees on Appropriations on the use of these funds.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", $16,000,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", $53,000,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Air National Guard", $214,000,000.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For an additional amount for "Overseas Humanitarian, Disaster, and Civic Aid", $35,500,000.

IRAQ FREEDOM FUND

(INCLUDING TRANSFER OF FUNDS)

For "Iraq Freedom Fund", $1,988,600,000, to remain available for transfer until September 30, 2005, for the purposes authorized under this heading in Public Law 108–11: Provided, That the Secretary of Defense may transfer the funds provided herein to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; military construction; the Defense Health Program; and working capital funds: Provided further, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation or fund to which transferred: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation: Provided further, That not less than $62,100,000 shall be transferred to "Other Procurement, Army" for the procurement of Up-armored High Mobility Multipurpose Wheeled Vehicles and associated equipment: Provided further, That $10,000,000 shall be for the Family Readiness Program of the National Guard.

PROCUREMENT

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", $101,600,000, to remain available until September 30, 2006.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", $1,143,687,000, to remain available until September 30, 2006.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for ''Aircraft Procurement, Navy'', $158,600,000, to remain available until September 30, 2006.

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $76,357,000, to remain available until September 30, 2006.

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $123,397,000, to remain available until September 30, 2006.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $53,972,000, to remain available until September 30, 2006.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for ''Missile Procurement, Air Force'', $20,450,000, to remain available until September 30, 2006.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $3,438,006,000, to remain available until September 30, 2006.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $418,635,000, to remain available until September 30, 2006.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for ''Research, Development, Test and Evaluation, Navy'', $34,000,000, to remain available until September 30, 2005.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for ''Research, Development, Test and Evaluation, Air Force'', $39,070,000, to remain available until September 30, 2005.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for ''Research, Development, Test and Evaluation, Defense-Wide'', $260,817,000, to remain available until September 30, 2005.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for ''Defense Working Capital Funds'', $600,000,000.

NATIONAL DEFENSE SEALIFT FUND

For an additional amount for ''National Defense Sealift Fund'', $24,000,000, to remain available until expended.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $658,380,000 for Operation and maintenance.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Drug Interdiction and Counter-Drug Activities, Defense'', $73,000,000: Provided, That these funds may be used only for such activities related to Afghanistan: Provided further, That the Secretary of Defense may transfer the funds provided herein only to appropriations for military personnel; operation and maintenance; procurement; and research, development, test and evaluation: Provided further, That the funds transferred shall be merged with and be available for the same purposes and for the same time period, as the appropriation to which transferred: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense.

RELATED AGENCIES

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Intelligence Community Management Account'', $21,500,000, to remain available until September 30, 2005; of which $3,000,000 may be transferred to and merged with the Department of Energy, ''Other Defense Activities'', and $15,500,000 may be transferred to and merged with the Federal Bureau of Investigation, ''Salaries and Expenses''.

GENERAL PROVISIONS, THIS CHAPTER

(TRANSFER OF FUNDS)

SEC. 1101. Upon his determination that such action is necessary in the national interest, the Secretary of Defense may transfer between appropriations up to $3,000,000,000 of the funds made available to the Department of Defense in this chapter: Provided, That the Secretary shall notify the Congress promptly of each transfer made pursuant to this authority: Provided further, That the transfer authority provided in this section is in addition to any other transfer authority available to the Department of Defense: Provided further, That the authority in this section is subject to the same terms and conditions as the authority provided in section 8005 of the Department of Defense Appropriations Act, 2004, except for the fourth proviso.

SEC. 1102. Funds appropriated in this Act, or made available by the transfer of funds in or pursuant to this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

SEC. 1103. Sections 1318 and 1319 of the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108–11; 117 Stat. 571), shall remain in effect during fiscal year 2004.

SEC. 1104. From October 1, 2003, through September 30, 2004, (a) the rates of pay authorized by section 310(a) of title 37, United States Code, shall be $225; and (b) the rates of pay authorized by section 427(a)(1) of title 37, United States Code, shall be $250.

SEC. 1105. DEFENSE EMERGENCY RESPONSE FUND CLOSE-OUT AUTHORITY.—(a) Section 1313 of the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108–11; 117 Stat. 569), is amended by inserting ''unobligated'' before ''balances''.

(b) Effective November 1, 2003, adjustments to obligations that before such date would have been properly chargeable to the Defense Emergency Response Fund shall be charged to any current appropriations account of the Department of Defense available for the same purpose.

SEC. 1106. During the current fiscal year, funds available to the Department of Defense for operation and maintenance may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq: Provided, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

SEC. 1107. Notwithstanding any other provision of law, from funds made available in this Act to the Department of Defense under ''Operation and Maintenance, Defense-Wide'', not to exceed $150,000,000 may be used by the Secretary of Defense, with the concurrence of the Secretary of State, to provide assistance only to the New Iraqi Army and the Afghan National Army to enhance their capability to combat terrorism and to support U.S. military operations in Iraq and Afghanistan: Provided, That such assistance may include the provision of equipment, supplies, services, training and funding: Provided further, That the authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations: Provided further, That the Secretary of Defense shall notify the congressional defense committees not less than 15 days before providing assistance under the authority of this section.

SEC. 1108. None of the funds provided in this chapter may be used to finance programs or activities denied by Congress in fiscal year 2004 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior notification to the congressional defense committees.

SEC. 1109. In addition to amounts made available elsewhere in this Act, there is hereby appropriated to the Department of Defense $313,000,000, to be used only for recovery and repair of damage due to natural disasters including Hurricane Isabel, to be distributed as follows:

''Operation and Maintenance, Army'', $47,100,000;

''Operation and Maintenance, Navy'', $87,600,000;

''Operation and Maintenance, Marine Corps'', $6,700,000;

''Operation and Maintenance, Air Force'', $169,300,000; and

''Other Procurement, Air Force'', $2,300,000.

SEC. 1110. During the current fiscal year, from funds made available in this Act to the Department of Defense for operation and maintenance, not to exceed $180,000,000 may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program, established by the Administrator of the Coalition Provisional Authority for the purpose of enabling military commanders in Iraq to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi people, and to establish and fund a similar program to assist the people of Afghanistan: Provided, That the Secretary of Defense shall provide quarterly reports, beginning on January 15, 2004, to the congressional defense committees regarding the source of funds and the allocation and use of funds made available pursuant to the authority provided in this section.

SEC. 1111. Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report describing an Analysis of Alternatives for replacing the capabilities of the existing Air Force fleet of KC–135 tanker aircraft.

ENHANCEMENTS TO EXEMPTION FOR MEMBERS WITH COMBAT-RELATED INJURIES FROM REQUIREMENT FOR PAYMENT OF SUBSISTENCE CHARGES WHILE HOSPITALIZED

SEC. 1112. (a) EXEMPTION MADE PERMANENT.—Subsection (c) of section 1075 of title 10, United States Code (as added by section 8146(a)(2) of the Department of Defense Appropriations Act, 2004 (Public Law 108–87)), is repealed.

(b) RETROACTIVITY.—Subsection (b) of section 8146 of the Department of Defense Appropriations Act, 2004 (Public Law 108–87), is amended to read as follows:

''(b) EFFECTIVE DATE.—(1) Subsection (b)(2) of section 1075 of title 10, United States Code, as added by subsection (a), shall apply with respect to any period of hospitalization on or after September 11, 2001, because of an injury covered by that subsection that is incurred on or after that date.

''(2) The Secretary concerned (as defined in section 101 of title 37, United States Code) shall take such action as necessary to implement paragraph (1), including—

''(A) refunding any amount previously paid under section 1075 of title 10, United States Code, by a person who, by reason of paragraph (1), is not required to make such payment; and

''(B) waiving recovery of any unpaid amount for which a person has previously been charged under that section and which that person, by reason of paragraph (1), is not required to pay.''.

SEC. 1113. None of the funds available to the Department of Defense may be obligated to implement any action which alters the command responsibility or permanent assignment of forces until 270 days after such plan has been provided to the congressional defense committees.

SEC. 1114. Section 1074a of title 10, United States Code, is amended by adding at the end the following new subsection:

''(f)(1) At any time after the Secretary concerned notifies members of the Ready Reserve that the members are to be called or ordered to active duty, the administering Secretaries may provide to each such member any medical and dental screening and care that is necessary to ensure that the member meets the applicable medical and dental standards for deployment.

''(2) The Secretary concerned shall promptly transmit to each member of the Ready Reserve eligible for screening and care under this subsection a notification of eligibility for such screening and care.

''(3) A member provided medical or dental screening or care under paragraph (1) may not be charged for the screening or care.

''(4) Screening and care may not be provided under this section after September 30, 2004.''.

SEC. 1115. (a) Chapter 55 of title 10, United States Code, is amended by inserting after section 1076a the following new section:

''§ 1076b. TRICARE program: coverage for members of the Ready Reserve

''(a) ELIGIBILITY.—Each member of the Selected Reserve of the Ready Reserve and each member of the Individual Ready Reserve described in section 10144(b) of this title is eligible, subject to subsection (h), to enroll in TRICARE and receive benefits under such enrollment for any period that the member—

''(1) is an eligible unemployment compensation recipient; or

''(2) is not eligible for health care benefits under an employer-sponsored health benefits plan.

''(b) TYPES OF COVERAGE.—(1) A member eligible under subsection (a) may enroll for either of the following types of coverage:

''(A) Self alone coverage.

''(B) Self and family coverage.

''(2) An enrollment by a member for self and family covers the member and the dependents of the member who are described in subparagraph (A), (D), or (I) of section 1072(2) of this title.

''(c) OPEN ENROLLMENT PERIODS.—The Secretary of Defense shall provide for at least one open enrollment period each year. During an open enrollment period, a member eligible under subsection (a) may enroll in the TRICARE program or change or terminate an enrollment in the TRICARE program.

''(d) SCOPE OF CARE.—(1) A member and the dependents of a member enrolled in the TRICARE program under this section shall be entitled to the same benefits under this chapter as a member of the uniformed services on active duty or a dependent of such a member, respectively.

''(2) Section 1074(c) of this title shall apply with respect to a member enrolled in the TRICARE program under this section.

''(e) PREMIUMS.—(1) The Secretary of Defense shall charge premiums for coverage pursuant to enrollments under this section. The Secretary shall prescribe for each of the TRICARE program options a premium for self alone coverage and a premium for self and family coverage.

''(2) The monthly amount of the premium in effect for a month for a type of coverage under this section shall be the amount equal to 28 percent of the total amount determined by the Secretary on an appropriate actuarial basis as being reasonable for the coverage.

''(3) The premiums payable by a member under this subsection may be deducted and withheld from basic pay payable to the member under section 204 of title 37 or from compensation payable to the member under section 206 of such title. The Secretary shall prescribe the requirements and procedures applicable to the payment of premiums by members not entitled to such basic pay or compensation.

''(4) Amounts collected as premiums under this subsection shall be credited to the appropriation available for the Defense Health Program Account under section 1100 of this title, shall be merged with sums in such Account that are available for the fiscal year in which collected, and shall be available under subparagraph (B) of such section for such fiscal year.

''(f) OTHER CHARGES.—A person who receives health care pursuant to an enrollment in a TRICARE program option under this section, including a member who receives such health care, shall be subject to the same deductibles, copayments, and other nonpremium charges for health care as apply under this chapter for health care provided under the same TRICARE program option to dependents described in subparagraph (A), (D), or (I) of section 1072(2) of this title.

''(g) TERMINATION OF ENROLLMENT.—(1) A member enrolled in the TRICARE program under this section may terminate the enrollment only during an open enrollment period provided under subsection (c), except as provided in subsection (h).

''(2) An enrollment of a member for self alone or for self and family under this section shall terminate on the first day of the first month beginning after the date on which the member ceases to be eligible under subsection (a).

''(3) The enrollment of a member under this section may be terminated on the basis of failure to pay the premium charged the member under this section.

''(h) RELATIONSHIP TO TRANSITION TRICARE COVERAGE UPON SEPARATION FROM ACTIVE DUTY.—(1) A member may not enroll in the TRICARE program under this section while entitled to transitional health care under subsection (a) of section 1145 of this title or while authorized to receive health care under subsection (c) of such section.

''(2) A member who enrolls in the TRICARE program under this section within 90 days after the date of the termination of the member's entitlement or eligibility to receive health care under subsection (a) or (c) of section 1145 of this title may terminate the enrollment at any time within one year after the date of the enrollment.

''(i) CERTIFICATION OF NONCOVERAGE BY OTHER HEALTH BENEFITS PLAN.—The Secretary of Defense may require a member to submit any certification that the Secretary considers appropriate to substantiate the member's assertion that the member is not covered for health care benefits under any other health benefits plan.

''(j) ELIGIBLE UNEMPLOYMENT COMPENSATION RECIPIENT DEFINED.—In this section, the term 'eligible unemployment compensation recipient' means, with respect to any month, any individual who is determined eligible for any day of such month for unemployment compensation under State law (as defined in section 205(9) of the Federal-State Extended Unemployment Compensation Act of 1970), including Federal unemployment compensation laws administered through the State.

''(k) REGULATIONS.—The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe regulations for the administration of this section.

''(l) TERMINATION OF AUTHORITY.—An enrollment in TRICARE under this section may not continue after September 30, 2004.''.

(b) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1076a the following new item:

''1076b. TRICARE program: coverage for members of the Ready Reserve.''.

SEC. 1116. Section 1074 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d)(1) For the purposes of this chapter, a member of a reserve component of the armed forces who is issued a delayed-effective-date active-duty order, or is covered by such an order, shall be treated as being on active duty for a period of more than 30 days beginning on the later of the date that is—

''(A) the date of the issuance of such order; or

''(B) 90 days before date on which the period of active duty is to commence under such order for that member.

''(2) In this subsection, the term 'delayed-effective-date active-duty order' means an order to active duty for a period of more than 30 days in support of a contingency operation under a provision of law referred to in section 101(a)(13)(B) of this title that provides for active-duty service to begin under such order on a date after the date of the issuance of the order.

''(3) This section shall cease to be effective on September 30, 2004.''.

SEC. 1117. (a) Subject to subsection (b), during the period beginning on the date of the enactment of this Act and ending on September 30, 2004, section 1145(a) of title 10, United States Code, shall be administered by substituting for paragraph (3) the following:

''(3) Transitional health care for a member under subsection (a) shall be available for 180 days beginning on the date on which the member is separated from active duty.''.

(b)(1) Subsection (a) shall apply with respect to separations from active duty that take effect on or after the date of the enactment of this Act.

(2) Beginning on October 1, 2004, the period for which a member is provided transitional health care benefits under section 1145(a) of title 10, United States Code, shall be adjusted as necessary to comply with the limits provided under paragraph (3) of such section.

SEC. 1118. (a) At the time members of reserve components of the Armed Forces are called or ordered to active duty under Section 12302(a) of title 10, United States Code, each member shall be notified in writing of the expected period during which the member will be mobilized.

(b) The Secretary of Defense may waive the requirements of subsection (a) in any case in which the Secretary determines that it is necessary to do so to respond to a national security emergency or to meet dire operational requirements of the Armed Forces.

SEC. 1119. The authority to utilize funds appropriated for fiscal year 2003 for purposes provided by the first clause of section 1314(1) of Public Law 108–11, shall apply to the utilization of available funds appropriated for fiscal year 2004 for such purposes.

SEC. 1120. (a) Not later than April 30 and October 31 of each year, the Secretary of Defense shall submit to Congress a report on the military operations of the Armed Forces and the reconstruction activities of the Department of Defense in Iraq and Afghanistan.

(b) Each report shall include the following information:

(1) For each of Iraq and Afghanistan for the half-fiscal year ending during the month preceding the due date of the report, the amount expended for military operations of the Armed Forces and the amount expended for reconstruction activities, together with the cumulative total amounts expended for such operations and activities.

(2) An assessment of the progress made toward preventing attacks on United States personnel.

(3) An assessment of the effects of the operations and activities in Iraq and Afghanistan on the readiness of the Armed Forces.

(4) An assessment of the effects of the operations and activities in Iraq and Afghanistan on the recruitment and retention of personnel for the Armed Forces.

(5) For the half-fiscal year ending during the month preceding the due date of the report, the costs incurred for repair of Department of Defense equipment used in the operations and activities in Iraq and Afghanistan.

(6) The foreign countries, international organizations, and nongovernmental organizations that are contributing support for the ongoing military operations and reconstruction activities, together with a discussion of the amount and types of support contributed by each during the half-fiscal year ending during the month preceding the due date of the report.

(7) The extent to which, and the schedule on which, the Selected Reserve of the Ready Reserve of the Armed Forces is being involuntarily ordered to active duty under section 12304 of title 10, United States Code.

(8) For each unit of the National Guard of the United States and the other reserve components of the Armed Forces on active duty pursuant to an order to active duty under section 12304 of title 10, United States Code, the following information:

(A) The unit.

(B) The projected date of return of the unit to its home station.

(C) The extent (by percentage) to which the forces deployed within the United States and outside the United States in support of a contingency operation are composed of reserve component forces.

SEC. 1121. In addition to amounts made available elsewhere in this Act, there is hereby appropriated to the Department of Defense $100,000,000, for ''Operation and Maintenance, Army'': Provided, That these funds are available only for the purpose of securing and destroying conventional munitions in Iraq, such as bombs, bomb materials, small arms, rocket propelled grenades, and shoulder-launched missiles.

CHAPTER 2

DEPARTMENT OF HOMELAND SECURITY

UNITED STATES COAST GUARD

OPERATING EXPENSES

For an additional amount for ''Operating Expenses'', $23,183,000, for costs related to Hurricane Isabel damage.

EMERGENCY PREPAREDNESS AND RESPONSE

DISASTER RELIEF

For an additional amount for ''Disaster Relief'', $500,000,000, to remain available until expended.

GENERAL PROVISION, THIS CHAPTER

SEC. 1201. Effective upon the enactment of the Project BioShield Act of 2003, the Department of Homeland Security Appropriations Act, 2004 (Public Law 108–90) is amended under the heading ''Biodefense Countermeasures'' by striking ''securing medical countermeasures against biological terror attacks'' and inserting the following: ''procuring security countermeasures under section 319F–2(c) of the Public Health Service Act, as authorized under section 510(a) of the Homeland Security Act of 2002''.

CHAPTER 3

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

For an additional amount for ''Military Construction, Army'', $162,100,000, to remain available until September 30, 2008: Provided, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law.

MILITARY CONSTRUCTION, NAVY

For an additional amount for ''Military Construction, Navy'', $45,530,000, to remain available until September 30, 2008: Provided, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out military construction projects not otherwise authorized by law.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for ''Military Construction, Air Force'', $292,550,000, to remain available until September 30, 2008: Provided, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law.

FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Family Housing Operation and Maintenance, Army'', $11,420,000.

FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

For an additional amount for ''Family Housing Operation and Maintenance, Navy and Marine Corps'', $6,280,000.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Family Housing Operation and Maintenance, Air Force'', $6,981,000.

GENERAL PROVISION, THIS CHAPTER

SEC. 1301. (a) TEMPORARY AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR MILITARY CONSTRUCTION PROJECTS.—During fiscal year 2004, the Secretary of Defense may use this section as authority to obligate appropriated funds available for operation and maintenance to carry out a construction project outside the United States that the Secretary determines meets each of the following conditions:

(1) The construction is necessary to meet urgent military operational requirements of a temporary nature involving the use of the Armed Forces in support of Operation Iraqi Freedom or the Global War on Terrorism.

(2) The construction is not carried out at a military installation where the United States is reasonably expected to have a long-term presence.

(3) The United States has no intention of using the construction after the operational requirements have been satisfied.

(4) The level of construction is the minimum necessary to meet the temporary operational requirements.

(b) LIMITATION ON USE OF AUTHORITY.—The total cost of the construction projects carried out under the authority of this section using, in whole or in part, appropriated funds available for operation and maintenance shall not exceed $150,000,000 in fiscal year 2004.

(c) NOTIFICATIONS OF OBLIGATIONS OF FUNDS.—Within fifteen days after the date on which appropriated funds available for operation and maintenance are first obligated for a construction project under subsection (a), the Secretary of Defense shall submit to the Congressional defense committees notice of the obligation of funds and the construction project. The notice shall include the following:

(1) Certification that the conditions specified in subsection (a) are satisfied with regard to the construction project.

(2) A description of the purpose for which appropriated funds available for operation and maintenance are being obligated.

(3) Relevant documentation detailing the construction project.

(4) The total amount obligated for the construction.

(d) QUARTERLY REPORT.—(1) Not later than 30 days after the end of each fiscal-year quarter of fiscal year 2004, the Secretary of Defense shall submit to the congressional committees specified in subsection (f) a report on the worldwide obligation and expenditure during that quarter of appropriated funds available for operation and maintenance for construction projects.

(2) The report shall include with regard to each project the following:

(A) Certification that the conditions specified in subsection (a) are satisfied with regard to the construction project.

(B) A description of the purpose for which appropriated funds available for operation and maintenance are being obligated.

(C) Relevant documentation detailing the construction project.

(D) An estimate of the total cost of the construction project.

(E) The total amount obligated for the construction project as of the date of the submission of the report.

(e) RELATION TO OTHER AUTHORITIES.—The temporary authority provided by this section, and the limited authority provided by section 2805(c) of title 10, United States Code, to use appropriated funds available for operation and maintenance to carry out a construction project are the only authorities available to the Secretary of Defense and the Secretaries of the military departments to use appropriated funds available for operation and maintenance to carry out construction projects.

(f) CONGRESSIONAL COMMITTEES.—The congressional committees referred to in this section are the following:

(1) The Committee on Armed Services and the Subcommittees on Defense and Military Construction of the Committee on Appropriations of the Senate.

(2) The Committee on Armed Services and the Subcommittees on Defense and Military Construction of the Committee on Appropriations of the House of Representatives.

TITLE II—IRAQ AND AFGHANISTAN RECONSTRUCTION AND INTERNATIONAL ASSISTANCE

CHAPTER 1

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

GENERAL LEGAL ACTIVITIES

For necessary expenses for ''Salaries and Expenses, General Legal Activities'', $15,000,000.

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING RESCISSION)

For necessary expenses for ''Diplomatic and Consular Programs'', $156,300,000, of which $35,800,000 shall remain available until September 30, 2006.

Of the funds appropriated under this heading in the Emergency Wartime Supplemental Appropriations Act, 2003, $35,800,000 are rescinded.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For necessary expenses for ''Embassy Security, Construction, and Maintenance'', $43,900,000, to remain available until expended: Provided, That funds provided under this heading do not include facilities requirements specific to the United States Agency for International Development, which are provided under the heading ''United States Agency for International Development, Operating Expenses of the United States Agency for International Development''.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for ''Emergencies in the Diplomatic and Consular Service'', $115,500,000, to remain available until expended, which may be transferred to, and merged with, the appropriations for ''Diplomatic and Consular Programs'': Provided, That of the funds made available under this heading, $65,500,000 may be transferred to, and merged with, the appropriations for ''Protection of Foreign Missions and Officials''; of which $32,000,000 is for the reimbursement of the City of New York for costs associated with the protection of foreign missions and officials during the heightened state of alert following the September 11, 2001, terrorist attacks on the United States; of which

$8,500,000 is for costs associated with the 2003 Free Trade Area of the Americas Ministerial meeting; and of which $25,000,000 is for costs associated with the 2004 Summit of the Industrialized Nations notwithstanding the limitations of 3 U.S.C. 202(10): Provided further, That of the funds previously appropriated under this heading, $2,000,000 is for rewards for an indictee of the Special Court for Sierra Leone: Provided further, That any transfer of funds provided under this heading shall be treated as a reprogramming of funds under section 605 of Public Law 108–7.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses for ''Contributions for International Peacekeeping Activities'', $245,000,000, to remain available until expended.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For necessary expenses for ''International Broadcasting Operations'', for activities related to the Middle East Television Network broadcasting to Iraq, $40,000,000.

GENERAL PROVISION—THIS CHAPTER

SEC. 2101. Funds appropriated under this chapter for the Broadcasting Board of Governors and the Department of State may be obligated and expended notwithstanding section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, and section 15 of the State Department Basic Authorities Act of 1956, as amended.

CHAPTER 2

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for ''Operating Expenses of the United States Agency for International Development'', $38,100,000, for direct support of operations in Afghanistan, to remain available until September 30, 2005.

In addition, for direct support of operations in Iraq, $1,900,000, which shall be transferred to and merged with ''Operating Expenses of the United States Agency for International Development Office of Inspector General'' for financial and performance audits of the Iraq Relief and Reconstruction Fund and other assistance to Iraq, to remain available until September 30, 2005.

CAPITAL INVESTMENT FUND

For an additional amount for ''Capital Investment Fund'', $16,600,000, to remain available until expended: Provided, That the Administrator of the United States Agency for International Development shall assess fair and reasonable rental payments for the use of space by employees of other United States Government agencies in buildings constructed using funds appropriated under this heading, and such rental payments shall be deposited into this account as an offsetting collection: Provided further, That the rental payments collected pursuant to the previous proviso and deposited as an offsetting collection shall be available for obligation only pursuant to the regular notification procedures of the Committees on Appropriations.

OTHER BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

IRAQ RELIEF AND RECONSTRUCTION FUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the purposes of the Foreign Assistance Act of 1961, for security, relief, rehabilitation and reconstruction in Iraq, $18,649,000,000, to remain available until September 30, 2006, to be allocated as follows: $3,243,000,000 for security and law enforcement; $1,318,000,000 for justice, public safety infrastructure, and civil society, of which $100,000,000 shall be made available for democracy building activities, and of which $10,000,000 shall be made available to the United States Institute for Peace for activities supporting peace enforcement, peacekeeping and post-conflict peacebuilding; $5,560,000,000 for the electric sector; $1,890,000,000 for oil infrastructure; $4,332,000,000 for water resources and sanitation; $500,000,000 for transportation and telecommunications; $370,000,000 for roads, bridges, and construction; $793,000,000 for health care; $153,000,000 for private sector development; and $280,000,000 for education, refugees, human rights, and governance: Provided, That the President may reallocate up to 10 percent of any of the preceding allocations, except that the total for the allocation receiving such funds may not be increased by more than 20 percent: Provided further, That the President may increase one such allocation only by up to an additional 20 percent in the event of unforeseen or emergency circumstances: Provided further, That such reallocations shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961 and notifications shall be transmitted at least 15 days in advance of the obligation of funds: Provided further, That funds appropriated under this heading shall be apportioned only to the Coalition Provisional Authority in Iraq (in its capacity as an entity of the United States Government), the Department of State, the Department of Health and Human Services, the Department of Treasury, the Department of Defense, and the United States Agency for International Development: Provided further, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That of the amount appropriated in this paragraph, not less than $6,000,000 shall be made available for administrative expenses of the Department of State Bureau of International Narcotics Control and Law Enforcement Affairs and not less than $29,000,000 shall be made available for administrative expenses of the United States Agency for International Development for support of the reconstruction activities in Iraq: Provided further, That of the funds appropriated under this heading, up to 10 percent of such funds that are obligated, managed, or administered by an agency of the United States Government, other than the Coalition Provisional Authority, shall be made available to such agency to fully pay for its administrative expenses: Provided further, That up to 1 percent of the amount appropriated in this paragraph may be transferred to ''Operating Expenses of the Coalition Provisional Authority'', and that any such transfer shall be in accordance with the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961: Provided further, That funds appropriated under this heading shall be used to protect and promote public health and safety, including for the arrest, detention and prosecution of criminals and terrorists: Provided further, That of the funds appropriated under this heading, assistance shall be made available for Iraqi civilians who have suffered losses as a result of military operations: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization, may be credited to this Fund and used for such purposes: Provided further, That the Administrator of the Coalition Provisional Authority shall seek to ensure that programs, projects and activities funded under this heading, comply fully with USAID's ''Policy Paper: Disability'' issued on September 12, 1997: Provided further, That the Coalition Provisional Authority shall work, in conjunction with relevant Iraqi officials, to ensure that a new Iraqi constitution preserves full rights to religious freedom and tolerance of all faiths: Provided further, That of the funds appropriated under this heading, $100,000,000 shall be transferred to and consolidated with funds appropriated by this Act for ''Economic Support Fund'' for assistance for Jordan, $100,000,000 of such funds shall be transferred to and consolidated with funds appropriated by this Act for ''International Disaster and Famine Assistance'' for assistance for Liberia, and $10,000,000 of such funds shall be transferred to and consolidated with funds appropriated by this Act for ''International Disaster and Famine Assistance'' for assistance for Sudan.

OPERATING EXPENSES OF THE COALITION PROVISIONAL AUTHORITY

For necessary expenses of the Coalition Provisional Authority in Iraq, established pursuant to United Nations Security Council resolutions including Resolution 1483, for personnel costs, transportation, supply, equipment, facilities, communications, logistics requirements, studies, physical security, media support, promulgation and enforcement of regulations, and other activities needed to oversee and manage the relief and reconstruction of Iraq and the transition to democracy, $933,000,000, to remain available until September 30, 2005: Provided, That the appropriation of funds under this heading shall not be construed to limit or otherwise affect the ability of the Department of Defense to furnish assistance and services, and any other support, to the Coalition Provisional Authority.

In addition, $50,000,000, to remain available until September 30, 2005, to be used to fulfill the reporting and monitoring requirements of this Act and for the preparation and maintenance of public records required by this Act.

ECONOMIC SUPPORT FUND

For an additional amount for ''Economic Support Fund'', $872,000,000, to remain available until December 31, 2004: Provided, That not less than $672,000,000 is available only for accelerated assistance for Afghanistan: Provided further, That these funds are available notwithstanding section 660 of the Foreign Assistance Act of 1961, and section 620(q) of that Act or any comparable provision of law: Provided further, That these funds may be used for activities related to disarmament, demobilization, and reintegration of militia combatants, including registration of such combatants, notwithstanding section 531(e) of the Foreign Assistance Act of 1961: Provided further, That the obligation of funds made available by this Act or any prior appropriations Act for the purpose of deploying and supporting senior advisors to the United States Chief of Mission in Kabul, Afghanistan, is subject to the regular reprogramming and notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961: Provided further, That $60,000,000 should be made available for assistance for Afghan women and girls and $5,000,000 shall be made available for the Afghan Independent Human Rights Commission: Provided further, That not less than $8,000,000 is available only for the provision of adequate dedicated air transport and support for civilian personnel at provincial reconstruction team sites: Provided further, That upon the receipt by the Speaker of the House of Representatives and the President of the Senate of a determination by the President that the Government of Pakistan is cooperating with the United States in the global war on terrorism, not to exceed $200,000,000 appropriated under this heading may be used for the costs, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans and guarantees for Pakistan: Provided further, That amounts that are made available under the previous proviso for the cost of modifying direct loans and guarantees shall not be considered ''assistance'' for the

purposes of provisions of law limiting assistance to a country.

INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for International Disaster and Famine Assistance utilizing the general authorities of section 491 of the Foreign Assistance Act of 1961, to respond to or prevent unforeseen complex foreign crises in Liberia and Sudan, $110,000,000, and by transfer not to exceed 0.5 percent of the funds appropriated under any other heading in this chapter, to remain available to the Secretary of State until September 30, 2005: Provided, That funds appropriated under this heading may be made available only pursuant to a determination by the President, after consultation with the appropriate congressional committees, that it is in the national interest and essential to efforts to reduce international terrorism to furnish assistance on such terms and conditions as he may determine for such purposes, including support for peace and humanitarian intervention operations: Provided further, That none of these funds shall be available to respond to natural disasters: Provided further, That funds made available under this heading to respond to or prevent unforeseen complex foreign crises shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That not less than $100,000,000 of the funds appropriated under this heading shall be made available for assistance for Liberia.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for ''International Narcotics Control and Law Enforcement'', $170,000,000, to remain available until December 31, 2004, for accelerated assistance for Afghanistan.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for ''Nonproliferation, Anti-Terrorism, Demining and Related Programs'', $35,000,000, for accelerated assistance for Afghanistan.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for the ''Foreign Military Financing Program'', $287,000,000, for accelerated assistance for Afghanistan.

PEACEKEEPING OPERATIONS

For an additional amount for ''Peacekeeping Operations'', $50,000,000, to support the global war on terrorism.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 2201. None of the funds appropriated by this Act or any unexpended funds provided in Public Law 108–11 may be used to repay, in whole or in part, principal or interest on any loan or guarantee agreement entered into by the Government of Iraq with any private or public sector entity including with the government of any country (including any agency of such government or any entity owned in whole or in part by the government of such country) or with any international financial institution, prior to May 1, 2003: Provided, That for the purpose of this section, the term ''international financial institution'' shall mean those institutions contained in section 530(b) of division E of Public Law 108–7.

SEC. 2202 (a) Notwithstanding any other provision of law, none of the funds appropriated by this Act under the heading ''Iraq Relief and Reconstruction Fund'' and under the same heading in Public Law 108–11 may be used for entering into any Federal contract (including follow-on contract) using other than full and open competition, except in accordance with the Federal Property and Administrative Procedures Act (41 U.S.C. 251 et seq.), and any exception, if deemed necessary, shall be only upon the written approval of the Administrator of the Coalition Provisional Authority and the head of the executive agency of the United States awarding and managing such contract and such authority shall not be delegated.

(b) In any case in which procedures other than full and open competitive procedures are to be used to enter into a contract, the Administrator of the Coalition Provisional Authority or the head of such executive agency of the United States shall submit not later than 7 calendar days before the award of the contract a notification to the Committees on Appropriations, and the Committees on Government Reform and International Relations of the House of Representatives, and the Committees on Governmental Affairs and Foreign Relations of the Senate. Such notification shall provide the justification for use of other than full and open competitive procedures, a brief description of the contract's scope, the amount of the contract, a discussion of how the contracting agency identified and solicited offers from contractors, a list of the contractors solicited, and the justification and approval documents (as required under section 303(f)(1) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(f)(1)) on which was based the determination of use of procedures other than full and open competitive procedures.

(c)(1) This section shall not apply to contracts of less than $5,000,000.

(2) This section also shall apply to any extension, amendment or modification of contracts entered into prior to the enactment of this Act using other than full and open competitive procedures using Iraq Relief and Reconstruction Funds in this Act and under Public Law 108–11 or funds made available in prior Foreign Operations, Export Financing and Related Programs Appropriations Acts.

(3) This section shall not apply to contracts authorized by the Small Business Act (15 U.S.C. 631 et seq.).

SEC. 2203. (a) DISCLOSURE REQUIRED.—

(1) PUBLICATION AND PUBLIC AVAILABILITY.—The Administrator of the Coalition Provisional Authority or the head of an executive agency of the United States that enters into a contract for assistance for Iraq, using funds described in paragraph (2), through the use of other than full and open competitive procedures, shall publish in the Federal Register or Federal Business Opportunities, and otherwise make available to the public, including publication on the Coalition Provisional Authority's website, not later than 7 days before the date on which the contract is entered into, the following information:

(A) The amount of the contract.

(B) A brief description of the scope of the contract.

(C) A discussion of how the executive agency and, when applicable, the Coalition Provisional Authority, identified, and solicited offers from, potential contractors to perform the contract, together with a list of the potential contractors that were issued solicitations for the offers.

(D) The justification and approval documents (as required under section 303(f)(1) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(f)(1)) on which was based the determination to use procedures other than competitive procedures.

(2) FUNDS.—The funds referred to in paragraph (1) are any funds under the heading ''Iraq Relief and Reconstruction Fund'' in this Act, and under the same heading in Public Law 108–11.

(3) APPLICABILITY.—

(A) This section shall also apply to any extension, amendment or modification of contracts entered into prior to the enactment of this Act using other than full and open competitive procedures using Iraq Relief and Reconstruction Funds in this Act and under Public Law 108–11 or funds made available in prior Foreign Operations, Export Financing and Related Programs Appropriations Acts.

(B) This section shall not apply to contracts of less than $5,000,000.

(C) This section shall not apply to contracts authorized by the Small Business Act (15 U.S.C. 631 et seq.).

(b) CLASSIFIED INFORMATION.—

(1) AUTHORITY TO WITHHOLD.—The head of an executive agency may—

(A) withhold from publication and disclosure under subsection (a) any document that is classified for restricted access in accordance with an Executive order in the interest of national defense or foreign policy; and

(B) redact any part so classified that is in a document not so classified before publication and disclosure of the document under subsection (a).

(2) AVAILABILITY TO CONGRESS.—In any case in which the head of an executive agency withholds information under paragraph (1), the head of such executive agency shall make available an unredacted version of the document containing that information to the chairman and ranking member of each of the following committees of Congress:

(A) The Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives.

(B) The Committees on Appropriations of the Senate and the House of Representatives.

(C) Each committee that the head of the executive agency determines has legislative jurisdiction for the operations of such department or agency to which the information related.

(c) RELATIONSHIP TO OTHER DISCLOSURE LAWS.—Nothing in this section shall be construed as affecting obligations to disclose United States Government information under any other provision of law.

(d) DEFINITIONS.—In this section and section 2202 of this Act, the terms ''full and open competitive procedures'' and ''executive agency'' have the meanings given such terms in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

SEC. 2204. Section 1503 of Public Law 108–11 is amended—

(1) by striking ''equipment'' and inserting in lieu thereof ''equipment, including equipment''; and

(2) by striking ''2004'' and inserting in lieu thereof ''2005''.

SEC. 2205. Section 1504 of Public Law 108–11 is amended by—

(1) in the first proviso, striking the first proviso, and inserting in lieu thereof: ''Provided, That, subject to the notification requirements of this section, exports may be authorized of lethal military equipment designated by the Secretary of State for use by a reconstituted (or interim) Iraqi military or police force, and of small arms designated by the Secretary of State for use for private security purposes:''; and

(2) in the last proviso, striking ''2004'' and inserting in lieu thereof ''2005''.

SEC. 2206. Section 202(b) of the Afghanistan Freedom Support Act of 2002 (Public Law 107–327) is amended by striking ''$300,000,000'' and inserting in lieu thereof ''$450,000,000''.

SEC. 2207. (a) The Director of the Office of Management and Budget, in consultation with the Administrator of the Coalition Provisional Authority (CPA) and the Committees on Appropriations, shall submit to the Committees on Appropriations not later than January 5, 2004 and prior to the initial obligation of funds appropriated by this Act under the heading ''Iraq Relief and Reconstruction Fund'' a report on the proposed uses of all funds under this heading on a project-by-project basis, for which the obligation of funds is anticipated during the 3 month period from such date, including estimates by the CPA of the costs required to complete each such project: Provided, That up to 20 percent of funds appropriated under such heading may be obligated before the submission of

the report: Provided further, That in addition such report shall include the following:

(1) The use of all funds on a project-by-project basis for which funds appropriated under such heading were obligated prior to the submission of the report, including estimates by the CPA of the costs required to complete each project.

(2) The distribution of duties and responsibilities regarding such projects among the agencies of the United States Government.

(3) Revenues to the CPA attributable to or consisting of funds provided by foreign governments and international organizations, disaggregated by donor, any obligations or expenditures of such revenues, and the purpose of such obligations and expenditures.

(4) Revenues to the CPA attributable to or consisting of foreign assets seized or frozen, any obligations or expenditures of such revenues, and the purpose of such obligations and expenditures.

(b) Any proposed new projects and increases in funding of ongoing projects shall be reported to the Committees on Appropriations in accordance with regular notification procedures.

(c) The report required by subsection (a) shall be updated and submitted to the Committees on Appropriations every 3 months and shall include information on how the estimates and assumptions contained in previous reports have changed.

(d) The requirements of this section shall expire on October 1, 2007.

SEC. 2208. Any reference in this chapter to the ''Coalition Provisional Authority in Iraq'' or the ''Coalition Provisional Authority'' shall be deemed to include any successor United States Government entity with the same or substantially the same authorities and responsibilities as the Coalition Provisional Authority in Iraq.

SEC. 2209. Assistance or other financing under chapter 2 of this title may be provided for Iraq and Afghanistan notwithstanding any other provision of law not contained in this Act that restricts assistance to foreign countries and section 660 of the Foreign Assistance Act of 1961: Provided, That funds made available for Iraq pursuant to the authority of this section shall be subject to the regular reprogramming notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961, except that notification shall be transmitted at least 5 days in advance of obligation.

SEC. 2210. Funds made available in chapter 2 of this title are made available notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956, as amended.

SEC. 2211. Notwithstanding any other provision of law, the Overseas Private Investment Corporation is authorized to undertake any program authorized by title IV of the Foreign Assistance Act of 1961 in Iraq: Provided, That funds made available pursuant to the authority of this section shall be subject to the regular reprogramming notification procedures of the Committees on Appropriations.

SEC. 2212. In addition to transfer authority otherwise provided in chapter 2 of this title, any appropriation made available in chapter 2 of this title may be transferred between such appropriations, to be available for the same purposes and the same time as the appropriation to which transferred: Provided, That the total amount transferred pursuant to this section shall not exceed $100,000,000: Provided further, That the Secretary of State shall consult with the Committees on Appropriations prior to exercising the authority contained in this section: Provided further, That funds made available pursuant to the authority of this section shall be subject to the regular notification procedures of the Committees on Appropriations, except that notification shall be transmitted at least 10 days in advance of the obligation of funds.

SEC. 2213. Public Law 107–57 is amended—

(1) in section 1(b), by striking ''2003'' wherever appearing (including in the caption), and inserting in lieu thereof ''2004'';

(2) in section 3(2), by striking ''Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002, as is'' and inserting in lieu thereof ''annual foreign operations, export financing, and related programs appropriations Acts for fiscal years 2002, 2003, and 2004, as are''; and

(3) in section 6, by striking ''2003'' and inserting in lieu thereof ''2004''.

SEC. 2214. The Afghanistan Freedom Support Act of 2002 (Public Law 107–327), is amended in section 108(a), by striking ''$425,000,000 for each of the fiscal years 2003 through 2006'' and inserting in lieu thereof ''$1,825,000,000 for fiscal year 2004 and $425,000,000 for each of fiscal years 2005 and 2006''.

SEC. 2215. REPORTS ON IRAQ AND AFGHANISTAN. (a)(1) The Coalition Provisional Authority (CPA) shall, on a monthly basis until September 30, 2006, submit a report to the Committees on Appropriations which details, for the preceding month, Iraqi oil production and oil revenues, and uses of such revenues.

(2) The first report required by this subsection shall be submitted not later than 30 days after enactment of this Act.

(3) The reports required by this subsection shall also be made publicly available in both English and Arabic, including through the CPA's Internet website.

(b) The Secretary of State, in consultation with the heads of other relevant Federal agencies, shall submit a report to the Committees on Appropriations not later than 90 days after enactment of this Act detailing:

(1) the amount of debt incurred by the Government of Saddam Hussein in Iraq, the impact forgiveness of such debt would have on reconstruction and long-term prosperity in Iraq, and the estimated amount that Iraq will pay, or that will be paid on behalf of Iraq, to a foreign country to service such debt during fiscal year 2004;

(2) the efforts of the Government of the United States to increase resources contributed by foreign countries and international organizations, including the United Nations, to the reconstruction and rehabilitation of Iraq and to increase international participation in peacekeeping and security efforts in Iraq;

(3) the manner in which the needs of people with disabilities are being addressed in the development and implementation of programs, projects and activities funded by the United States Government in Iraq and Afghanistan;

(4) the progress being made toward indicting and trying leaders of the former Iraqi regime for war crimes, genocide, and crimes against humanity; and

(5) the efforts of relevant Iraqi officials and legal advisors to ensure that a new Iraqi constitution preserves religious freedom and tolerance of all faiths.

(c) Title III of Public Law 107–327 is amended as follows by inserting the following new section:

''SEC. 304. REPORTS.

''The Secretary of State shall submit reports to the Committees on Foreign Relations and Appropriations of the Senate, and the Committees on International Relations and Appropriations of the House of Representatives on progress made in accomplishing the 'Purposes of Assistance' set forth in section 102 of this Act utilizing assistance provided by the United States for Afghanistan. The first report shall be submitted no later than December 31, 2003, and subsequent reports shall be submitted in conjunction with reports required under section 303 of this title and thereafter through December 31, 2004.''.

SEC. 2216. None of the funds appropriated or otherwise made available under chapter 2 of title II of this Act may be obligated or expended for any activity in contravention of Articles 1 and 4 of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts.

SEC. 2217. PARTICIPATION OF WOMEN IN AFGHANISTAN AND IRAQ RECONSTRUCTION. (a) GOVERNANCE.—Activities carried out by the United States with respect to the civilian governance of Afghanistan and Iraq shall, to the maximum extent practicable—

(1) include the perspectives and advice of women's organizations in Afghanistan and Iraq, respectively;

(2) promote the high level participation of women in future legislative bodies and ministries and ensure that human rights for women are upheld in any constitution or legal institution of Afghanistan and Iraq, respectively.

(b) POST-CONFLICT RECONSTRUCTION AND DEVELOPMENT.—Activities carried out by the United States with respect to post-conflict stability in Afghanistan and Iraq shall, to the maximum extent practicable—

(1) encourage the United States organizations that receive funds made available by this Act to provide significant financial resources, technical assistance and capacity building to counterpart organizations led by Afghans and Iraqis, respectively;

(2) increase the access of women to, or ownership by women of, productive assets such as land, water, agricultural inputs, credit, and property in Afghanistan and Iraq, respectively;

(3) provide long-term financial assistance for education for girls and women in Afghanistan and Iraq, respectively; and

(4) integrate education and training programs for former combatants in Afghanistan and Iraq, respectively, with economic development programs to—

(A) encourage the reintegration of such former combatants into society; and

(B) promote post-conflict stability in Afghanistan and Iraq, respectively.

(c) MILITARY AND POLICE.—Activities carried out by the United States with respect to training for military and police forces in Afghanistan and Iraq shall include training, designed in consultation with women's organizations in Afghanistan and Iraq, respectively, on the protection, rights, and particular needs of women.

TITLE III—INSPECTOR GENERAL OF THE COALITION PROVISIONAL AUTHORITY.

SEC. 3001. INSPECTOR GENERAL OF THE COALITION PROVISIONAL AUTHORITY.

(a) PURPOSES.—The purposes of this section are as follows:

(1) To provide for the independent and objective conduct and supervision of audits and investigations relating to the programs and operations of the Coalition Provisional Authority (CPA).

(2) To provide for the independent and objective leadership and coordination of, and recommendations on, policies designed to—

(A) promote economy efficiency, and effectiveness in the administration of such programs and operations; and

(B) prevent and detect fraud and abuse in such programs and operations.

(3) To provide for an independent and objective means of keeping the head of the Coalition Provisional Authority fully and currently informed about problems and deficiencies relating to the administration of such programs and operations and the necessity for and progress for corrective action.

(b) OFFICE OF INSPECTOR GENERAL.—There is hereby established the Office of the Inspector General of the Coalition Provisional Authority.

(c) APPOINTMENT OF INSPECTOR GENERAL; REMOVAL.—(1) The head of the Office of the Inspector General of the Coalition Provisional Authority is the Inspector General of the Coalition Provisional Authority, who shall be appointed by the Secretary of Defense, in consultation with the Secretary of State.

(2) The appointment of Inspector General shall be made solely on the basis of integrity

and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

(3) The nomination of an individual as Inspector General shall be made not later than 30 days after the date of the enactment of this Act.

(4) The Inspector General shall be removable from office in accordance with the provisions of section 3(b) of the Inspector General Act of 1978 (5 U.S.C. App.).

(5) For purposes of section 7324 of title 5, United States Code, the Inspector General shall not be considered an employee who determines policies to be pursued by the United States in the nationwide administration of Federal law.

(6) The annual rate of basic pay of the Inspector General shall be the annual rate of basic pay provided for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(d) ASSISTANT INSPECTORS GENERAL.—The Inspector General shall, in accordance with applicable laws and regulations governing the civil service—

(1) appoint an Assistant Inspector General for Auditing who shall have the responsibility for supervising the performance of auditing activities relating to programs and operations of the Coalition Provisional Authority; and

(2) appoint an Assistant Inspector General for Investigations who shall have the responsibility for supervising the performance of investigative activities relating to such programs and operations.

(e) SUPERVISION.—(1) Except as provided in paragraph (2), the Inspector General shall report directly to, and be under the general supervision of, the head of the Coalition Provisional Authority.

(2) Neither the head of the Coalition Provisional Authority, any other officer of the Coalition Provisional Authority, nor any other officer of the Department of Defense, the Department of State, or the United States Agency for International Development shall prevent or prohibit the Inspector General from initiating, carrying out, or completing any audit or investigation, or from issuing any subpoena during the course of any audit or investigation.

(f) DUTIES.—(1) It shall be the duty of the Inspector General to conduct, supervise, and coordinate audits and investigations of the treatment, handling, and expenditure of appropriated funds by the Coalition Provisional Authority in Iraq, and of the programs, operations, and contracts carried out utilizing such funds, including—

(A) the oversight and accounting of the obligation and expenditure of such funds;

(B) the monitoring and review of reconstruction activities funded by such funds;

(C) the monitoring and review of contracts funded by such funds;

(D) the monitoring and review of the transfer of such funds and associated information between and among the Coalition Provisional Authority, other departments, agencies, and entities of the Federal Government, and private and nongovernmental entities; and

(E) the maintenance of records on the use of such funds to facilitate future audits and investigations of the use of such funds.

(2) The Inspector General shall establish, maintain, and oversee such systems, procedures, and controls as the Inspector General considers appropriate to discharge the duty under paragraph (1).

(3) In addition to the duties specified in paragraphs (1) and (2), the Inspector General shall also have the duties and responsibilities of inspectors general under the Inspector General Act of 1978.

(4) In carrying out the duties, responsibilities, and authorities of the Inspector General under this section, the Inspector General shall coordinate with, and receive the cooperation of, the Inspector General of the Department of Defense.

(5) In carrying out the duties, and responsibilities, and authorities of the Inspector General under this section, the Inspector General shall coordinate with, and receive the cooperation of the Inspector General of the United States Agency for International Development.

(g) POWERS AND AUTHORITIES.—(1) In carrying out the duties specified in subsection (f), the Inspector General shall have the authorities provided in section 6 of the Inspector General Act of 1978.

(2) The Inspector General shall carry out the duties specified in subsection (f)(1) in accordance with section 4(b)(1) of the Inspector General Act of 1978.

(h) PERSONNEL, FACILITIES, AND OTHER RESOURCES.—(1) The Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the duties of the Inspector General, subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

(2) The Inspector General may obtain services as authorized by section 3109 of title 5, United States Code, at daily rates not to exceed the equivalent rate prescribed for grade GS–15 of the General Schedule by section 5332 of such title.

(3) To the extent and in such amounts as may be provided in advance by appropriations Acts, the Inspector General my enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and make such payments as may be necessary to carry out the duties of the Inspector General.

(4)(A) Upon request of the Inspector General for information or assistance from any department, agency, or other entity of the Federal Government, the head of such entity shall, insofar as is practicable and not in contravention of any existing law, furnish such information or assistance to the Inspector General, or an authorized designee.

(B) Whenever information or assistance requested by the Inspector General is, in the judgment of the Inspector General, unreasonably refused or not provided, the Inspector General shall report the circumstances to the head of the Coalition Provisional Authority and to the appropriate committees of Congress without delay.

(5) The head of the Coalition Provisional Authority shall provide the Inspector General with appropriate and adequate office space at the central and field office locations of the Coalition Provisional Authority, together with such equipment, office supplies, and communications facilities and services as may be necessary for the operation of such offices, and shall provide necessary maintenance services for such offices and the equipment and facilities located therein.

(i) REPORTS.—(1) Not later than March 30, 2004, and every calendar quarter thereafter, the Inspector General shall submit to the appropriate committees of Congress a report summarizing the activities of the Inspector General and the Coalition Provisional Authority during the 120-day period ending on the date of such report. Each report shall include, for the period covered by such report, a detailed statement of all obligations, expenditures, and revenues associated with reconstruction and rehabilitation activities in Iraq, including the following:

(A) Obligations and expenditures of appropriated funds.

(B) A project-by-project and program-by-program accounting of the costs incurred to date for the reconstruction of Iraq, together with the estimate of the Coalition Provisional Authority of the costs to complete each project and each program.

(C) Revenues attributable to or consisting of funds provided by foreign nations or international organizations, and any obligations or expenditures of such revenues.

(D) Revenues attributable to or consisting of foreign assets seized or frozen, and any obligations or expenditures of such revenues.

(E) Operating expenses of the Coalition Provisional Authority and of any other agencies or entities receiving appropriated funds.

(F) In the case of any contract described in paragraph (2)—

(i) the amount of the contract or other agreement;

(ii) a brief discussion of the scope of the contract or other agreement;

(iii) a discussion of how the Coalition Provisional Authority identified, and solicited offers from, potential contractors to perform the contract, together with a list of the potential contractors that were issued solicitations for the offers; and

(iv) the justification and approval documents on which was based the determination to use procedures other than procedures that provide for full and open competition.

(2) A contract described in this paragraph is any major contract or other agreement that is entered into by the Coalition Provisional Authority with any public or private sector entity for any of the following purposes:

(A) To build or rebuild physical infrastructure of Iraq.

(B) To establish or reestablish a political or societal institution of Iraq.

(C) To provide products or services to the people of Iraq.

(3) Not later than June 30, 2004, and semiannually thereafter, the Inspector General shall submit to the appropriate committees of Congress a report meeting the requirements of section 5 of the Inspector General Act of 1978

(4) The Inspector General shall publish each report under this subsection in both English and Arabic on the Internet website of the Coalition Provisional Authority.

(5) Each report under this subsection may include a classified annex if the Inspector General considers it necessary.

(6) Nothing in this subsection shall be construed to authorize the public disclosure of information that is—

(A) specifically prohibited from disclosure by any other provision of law;

(B) specifically required by Executive order to be protected from disclosure in the interest of national defense or national security or in the conduct of foreign affairs; or

(C) a part of an ongoing criminal investigation.

(j) REPORT COORDINATION.—(1) The Inspector General shall also submit each report under subsection (i) to the head of the Coalition Provisional Authority.

(2)(A) Not later than 30 days after receipt of a report under paragraph (1), the head of the Coalition Provisional Authority may submit to the appropriate committees of Congress any comments on the matters covered by the report as the head of the Coalition Provisional Authority considers appropriate.

(B) A report under this paragraph may include a classified annex if the head of the Coalition Provisional Authority considers it necessary.

(k) TRANSPARENCY.—(1) Not later than 60 days after the date of the submittal to Congress of a report under subsection (i), the head of the Coalition Provisional Authority shall make copies of such report available to the public upon request, and at a reasonable cost.

(2) Not later than 60 days after the date of the submittal to Congress under subsection (j)(2) of comments on a report under subsection (i), the head of the Coalition Provisional Authority shall make copies of such comments available to the public upon request, and at a reasonable cost.

(l) WAIVER.—(1) The President may waive the requirement under paragraph (1) or (3) of subsection (i) for the inclusion in a report under such paragraph of any element otherwise provided for under such paragraph if the President determines that the waiver is justified for national security reasons.

(2) The President shall publish a notice of each waiver made under this subsection in the Federal Register no later than the date on which the reports required under paragraph (1) or (3) of subsection (i) are submitted to Congress. The reports required under paragraph (1) or (3) of subsection (i) shall specify whether waivers under this subsection were made and with respect to which elements.

(m) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate; and

(2) the Committees on Appropriations, Armed Services, and International Relations of the House of Representatives.

(n) FUNDING.—(1) Of the amounts appropriated for fiscal year 2004 for the Operating Expenses of the Coalition Provisional Authority in title II of this Act, $75,000,000 shall be available to carry out this section.

(2) The amount available under paragraph (1) shall remain available until expended.

(o) The Office of Inspector General shall terminate 6 months after the authorities and duties of the Coalition Provisional Authority cease to exist.

TITLE IV—GENERAL PROVISIONS, THIS ACT

SEC. 4001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 4002. The amounts provided in this Act are designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress).

SEC. 4003. For purposes of computing the amount of a payment for an eligible local educational agency under section 8003(a) of the Elementary and Secondary Education Act (20 U.S.C. 7703(a)) for school year 2003–2004, children enrolled in a school of such agency who would otherwise be eligible to be claimed for payment under section 8003(a)(1)(B) of such Act, but due to the deployment of both parents or legal guardians, or a parent or legal guardian having sole custody of such children, or due to the death of a military parent or legal guardian while on active duty (so long as such children reside on Federal property as described in section 8003(a)(1)(B)), are no longer eligible under such section, shall be considered as eligible students under such section, provided such students remain in average daily attendance at a school in the same local educational agency they attended prior to their change in eligibility status.

This Act may be cited as the ''Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004''.

And the Senate agree to the same.

BILL YOUNG,
JERRY LEWIS,
HAL ROGERS,
FRANK WOLF,
JIM KOLBE,
JAMES T. WALSH,
JOE KNOLLENBERG,
JOHN P. MURTHA,
NITA M. LOWEY,
CHET EDWARDS,
Managers on the Part of the House.

TED STEVENS,
THAD COCHRAN,
ARLEN SPECTER,
PETE DOMENICI,
CHRISTOPHER BOND,
MITCH MCCONNELL,
CONRAD BURNS,
RICHARD C. SHELBY,
JUDD GREGG,
ROBERT F. BENNETT,
BEN NIGHTHORSE CAMPBELL,
LARRY CRAIG,
KAY BAILEY HUTCHISON,
MIKE DEWINE,
SAM BROWNBACK,
DANIEL K. INOUYE,
ERNEST P. HOLLINGS (except title II),
PATRICK J. LEAHY (except title II),
TOM HARKIN (except title II),
BARBARA A. MIKULSKI (except title II),
HARRY REID (except title II),
PATTY MURRAY (except title II),
BYRON L. DORGAN (except title II),
DIANNE FEINSTEIN (except title II),
TIM JOHNSON (except title II),
MARY L. LANDRIEU (except title II),
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3289) making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effects of the action agreed upon by the managers and recommended in the accompanying conference report.

Report language included by the House in the report accompanying H.R. 3289 (H. Rept. 108–312) and included by the Senate in the report accompanying S. 1689 (S. Rept. 108–160) should be complied with unless specifically addressed in this statement of the managers. The statement of the managers, while repeating some report language for emphasis, is not intended to negate the language referred to above unless expressly provided herein.

TITLE I—NATIONAL SECURITY

CHAPTER 1

DEPARTMENT OF DEFENSE—MILITARY

Chapter 1 of the conference agreement recommends $64,702,554,000 for the Department of Defense, instead of $64,702,854,000 as proposed by the House and $65,147,554,000 as proposed by the Senate.

The following table provides details of the supplemental appropriations in this chapter.

[In thousands of dollars]

	Request	House	Senate	Conference
Military Personnel:				
Military Personnel, Army	12,858,870	12,188,870	12,858,870	12,858,870
Military Personnel, Navy	816,100	816,100	816,100	816,100
Military Personnel, Marine Corps	753,190	753,190	753,190	753,190
Military Personnel, Air Force	3,384,700	3,384,700	3,384,700	3,384,700
Total Military Personnel	17,812,860	17,142,860	17,812,860	17,812,860
Operation and Maintenance:				
O&M, Army	24,190,464	24,257,664	24,946,464	23,997,064
O&M, Navy	2,106,258	1,934,058	1,976,258	1,956,258
O&M, Marine Corps	1,198,981	1,198,981	1,198,981	1,198,981
O&M, Air Force	5,948,368	5,598,368	5,516,368	5,416,368
O&M, Defense-Wide	4,618,452	4,485,452	4,218,452	4,355,452
O&M, Marine Corps Reserve	16,000	16,000	16,000	16,000
O&M, Air Force Reserve	53,000	53,000	53,000	53,000
O&M, Air National Guard	214,000	214,000	214,000	214,000
Overseas Humanitarian, Disaster and Civic Aid	35,500	35,500	35,500	35,500
Iraq Freedom Fund	1,988,600	2,086,600	1,988,600	1,988,600
Total Operation and Maintenance	40,369,623	39,879,623	40,163,623	39,231,223
Procurement:				
Missile Procurement, Army	6,200	.....	6,200	.....
Procurement of WTCV, Army	46,000	101,600	104,000	101,600
Other Procurement, Army	930,687	1,250,287	1,078,687	1,143,687
Aircraft Procurement, Navy	128,600	158,600	128,600	158,600
Other Procurement, Navy	76,357	76,357	76,357	76,357
Procurement, Marine Corps	123,397	123,397	123,397	123,397
Aircraft Procurement, Air Force	40,972	53,972	40,972	53,972
Missile Procurement, Air Force	20,450	20,450	20,450	20,450
Other Procurement, Air Force	3,441,006	3,418,006	3,441,006	3,438,006
Procurement, Defense-Wide	435,635	418,635	435,635	418,635
Total Procurement	5,249,304	5,621,304	5,455,304	5,534,704
Research, Development, Test and Evaluation:				
RDT&E, Navy	34,000	34,000	34,000	34,000
RDT&E, Air Force	39,070	39,070	39,070	39,070
RDT&E, Defense-Wide	265,817	195,817	265,817	260,817
Total RDT&E	338,887	268,887	338,887	333,887

[In thousands of dollars]

	Request	House	Senate	Conference
Revolving and Management Funds:				
Defense Working Capital Funds	600,000	600,000	600,000	600,000
National Defense Sealift Fund	24,000	24,000	24,000	24,000
Total Revolving & Management Funds	624,000	624,000	624,000	624,000
Other Department of Defense Programs:				
Defense Health Program	658,380	658,380	658,380	658,380
Drug Interdiction & Counter-Drug Activities, Defense	73,000	73,000	73,000	73,000
Total Other	731,380	731,380	731,380	731,380
Related Agencies:.				
Intelligence Community Management Account	21,500	21,500	21,500	21,500
General Provisions:				
Storm Damage (Sec. 1109)		413,300		313,000
Munitions Security and Destruction (Sec. 1121)				100,000
Grand Total Chapter 1	65,147,554	64,702,854	65,147,554	64,702,554

FISCAL YEAR 2004 APPROPRIATIONS REPORTING REQUIREMENTS

The conferees agree with the House report on this subject, except that the comprehensive financial analysis and update for fiscal year 2004 should be submitted to the congressional defense committees once, and no later than April 30, 2004.

CLASSIFIED PROGRAMS

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

MILITARY PERSONNEL

The conference agreement recommends $17,812,860,000 for the military personnel accounts, the amount proposed by the President's request and the Senate, instead of $17,142,860,000 as proposed by the House. The conferees' recommendation will fund incremental costs of pays and allowances for active duty and Reserve personnel deployed in support of Operation Iraqi Freedom, Operation Enduring Freedom, and Operation Noble Eagle through the end of fiscal year 2004.

The conferees do not agree to transfer $670,000,000 from Military Personnel, Army to Operation and Maintenance, Army, as proposed by the House, to support contracting for civilian security guards to replace Reserve component soldiers who are currently performing security duty for Army installations.

OPERATION AND MAINTENANCE

The conference agreement recommends $39,231,223,000 for the Operation and maintenance accounts, instead of $39,879,623,000 as proposed by the House, and $40,163,623,000 as proposed by the Senate. Adjustments to the Operation and maintenance accounts are shown below:

[In thousands of dollars]

	Change from request
Operation and Maintenance, Army:	
Unit Level Maintenance	155,000
SAPI Plates, Rapid Fielding Initiative, UXO/EOD Cleanup	300,000
Depot Maintenance Second Destination Transportation	127,600
Theater Communications	72,000
AAFES Support for Deployed Forces	10,000
CPA Admin and ops costs (transferred to Title II)	−858,000
Operation and Maintenance, Navy: Excess Increased OPTEMPO, Operations Support Costs	−150,000
Operation and Maintenance, Air Force:	
Unjustified Incremental Contingency, Operations Support Costs	−350,000
Excess Inter/Intra-Theater Airlift	−132,000
Excess DPEM	−50,000
Operation and Maintenance, Defense-Wide:	
Counter-Terrorism Train and Equip	−50,000
Reduction to Classified Programs	−28,000
Excess Support to Key Cooperating Nations	−200,000
DLA–DPAO	15,000

AAFES SUPPORT FOR DEPLOYED FORCES

The conferees recommend an additional $10,000,000 in Operation and Maintenance, Army only for Army and Air Force Exchange System support to forces deployed for Operations Iraqi Freedom, and Operation Enduring Freedom. The total amount provided in the conference agreement for Army and Air Force Exchange System support to deployed forces is $40,000,000.

REST AND RECUPERATION TRAVEL

The conferees recommend that of the funds provided in Operation and Maintenance, Army, $55,000,000 be used only for covering the travel costs of troops on rest and recuperation leave. Specifically, these funds shall be used to cover any additional costs incurred by troops returning from the Iraq or Afghanistan theaters to reach their home of record (in the United States, or its territories and commonwealths) from established disembarkation points in the United States. Department officials my use these funds to cover troop travel costs from established disembarkation points to places other than their home of record in a manner consistent with current Department of Defense travel regulations and guidelines. Further, the conferees agree that, to the maximum extent practicable, the commercial airline industry should charge Armed Forces members and their families the lowest available fares for air travel in connection with rest and recuperation leave.

FAMILY ADVOCACY PROGRAM

The conferees recommend that of the funds provided in Operation and Maintenance, Defense-Wide, $32,000,000 be used only for the Family Advocacy Program to address wartime community needs such as family counseling, domestic violence training and prevention programs, and readjustment counseling for military personnel.

NATIONAL GUARD FAMILY READINESS PROGRAM

The conferees recommend that of the funds provided in the Iraq Freedom Fund, $10,000,000 shall be used only for the Family Readiness Program of the National Guard, which provides information, referral and outreach assistance to military families during the deployment process.

PROCUREMENT

The conference agreement recommends $5,534,704,000 for the Procurement accounts, instead of $5,621,304,000 as proposed by the House and $5,455,304,000 as proposed by the Senate.

Recommendations for the Procurement accounts are shown below:

[In thousands of dollars]

	House	Senate	Conference
Missile Procurement, Army	0	6,200	0
Multiple Launch Rocket System	0		0
Weapons, Tracked Combat Vehicles, Army	101,600	104,000	101,600
Paladin	0		0
Rapid Equip Force	6,000		6,000
Rapid Fielding Initiative	26,200		26,200
Enhanced Separate Brigades	11,400		11,400
APS–5 Replenishment	58,000	58,000	58,000
Other Procurement, Army	1,250,287	1,078,687	1,143,687
Logistics Support Equipment	30,500		30,500
C2 Equipment	42,200		42,200
Radio Frequency Identification Tags	3,400		3,400
Technical Collection (Guardrail)	8,000		8,000
Enhanced Separate Brigades	122,500		122,500
Up-armored HMMWVs	177,200		177,200
Rapid Equip Force	47,100		47,100
Rapid Fielding Initiative	76,600		76,600
Base Camp Housing Units	344,687		344,687
Mobile Search Devices	12,600		12,600
Basic Language Translation Service	2,000		2,000
Packbots	5,000		5,000

[In thousands of dollars]

	House	Senate	Conference
Joint Tactical Terminals	41,100		41,100
Joint Communications Support Element	7,500		7,500
Classified	10,300		10,300
APS–5 Replenishment	190,600	84,000	84,000
Theater Stabilized Communications	83,000	64,000	83,000
Portable Radio Jammers	46,000		46,000
Aircraft Procurement, Navy	158,600	128,600	158,600
E–2C Outer Wing Panels	1,500		1,500
Aircraft Spares	59,100		59,100
EA–6B Outer Wing Panels	70,000		70,000
EA–6B Wing Center Section	15,000		15,000
F–18 Equipment	13,000		13,000
Other Procurement, Navy	76,357	76,357	76,357
C2 Equipment	5,800		5,800
OPN Spares	27,200		27,200
Explosive Ordnance Disposal Equipment	24,957		24,957
Medical Support Equipment—Fleet Hospitals	13,200		13,200
Global Broadcast Service (Shipboard)	4,500		4,500
Classified Program	700		700
Procurement, Marine Corps	123,397	123,397	123,397
M88A2 Recovery Vehicle	8,300		8,300
MK48 Light Armored Vehicle (LVS) Mod	13,100		13,100
Light Armored Vehicle	23,200		23,200
AAV Reliability, Availability, Maintainability Upgrade	78,797		78,797
Aircraft Procurement, Air Force	53,972	40,972	53,972
War Consumables Recap	35,702		35,702
Technical Collection (RC–135 and U2)	13,000		13,000
Aircraft Common Support Equipment	5,270		5,270
Missile Procurement, Air Force	20,450	20,450	20,450
Predator (Hellfire Missiles)	4,850		4,850
Classified Programs	15,600		15,600
Other Procurement, Air Force	3,418,006	3,441,006	3,438,006
Theater Deployable Communications	38,500		38,500
Other Logistics Equipment	68,700		68,700
Medical/Dental Equipment Losses	13,665		13,665
CPA Counter Intelligence Support	3,810		3,810
Replace Theater Communications	85,000		85,000
Aircraft Refueling Vehicles	25,000		25,000
Support Equipment	20,306		20,306
All-purpose Remote Transport System	1,500		1,500
Technical Collection (RC–135 and U2)	0		0
Red Horse Reconstitution	25,900		25,900
Diego Garcia Vehicles	14,625		14,625
Classified Programs	3,121,000		3,121,000
Classified Adjustment			20,000
Procurement, Defense-Wide	418,635	435,635	418,635
MC–130P Quick Engine Change Kits (SOCOM)	13,800		13,800
MH–53 Gearbox (SOCOM)	7,700		7,700
Critical C4I Equipment (SOCOM)	36,600		36,600
SOF Soldier Systems (SOCOM)	23,800		23,800
SOF Ammunition (SOCOM)	23,900		23,900
SOF Intelligence Systems (SOCOM)	13,100		13,100
Psychological Operations (PSYOP) Equipment (SOCOM)	14,800		14,800
Target Tracking and Locating Devices (SOCOM)	2,700		2,700
Inflatable Antennas	6,500		6,500
CENTRIX	17,700		17,700
Information Assurance	16,200		16,200
Worldwide Base Stations	6,000		6,000
NSC Data Replication (DISA)	3,900		3,900
Iraq Communications Backbone (DISA)	6,100		6,100
CENTCOM Global C2 System (GCCS) Joint Hardware (DISA)	1,500		1,500
Improved Imagery Capability (NIMA)	21,600		21,600
Decontamination Equipment	8,000		8,000
Collective Protection	17,535		17,535
Classified Programs	177,200	194,200	177,200
Total, Procurement	5,621,304	5,455,304	5,534,704

UP-ARMORED HMMWVS

The conferees recommend a total of $239,300,000 for Up-armored HMMWVs and associated equipment to support requirements in Iraq. This amount includes $177,200,000 in ''Other Procurement, Army'', as proposed in the budget request, and $62,100,000 from amounts made available in the Iraqi Freedom Fund. The conferees agree that this funding will provide for a total of 1,065 Up-armored HMMWVs which is an increase of 318 above the budget request.

EQUIPMENT SHORTAGES

The conferees note that, despite recent efforts by the Department of Defense to address equipment shortages, many individuals and units in the active and reserve forces continue to experience shortages in equipment that would enhance both survivability and mission effectiveness. The conferees believe that it must be the Secretary of Defense's highest priority to eliminate such shortages. Accordingly, the conferees encourage the Secretary of Defense to apply additional funds provided in this Act for the most pressing needs. The conferees also direct the Secretary of Defense to submit quarterly update reports to the congressional defense committees, starting December 31, 2003 through December 31, 2004, that identify significant soldier equipment, weapon system, or spare parts shortages in the Iraq and Afghanistan theaters of operation for all major active and reserve component units. These updates also should present the solutions and timetables for procuring and distributing equipment and parts to address any identified shortages.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

The conference agreement recommends $333,887,000 for the Research, Development, Test and Evaluation accounts, instead of $268,887,000 as proposed by the House and $338,887,000 as proposed by the Senate.

Recommendations for the Research, Development, Test and Evaluation accounts are shown below:

[In thousands of dollars]

	House	Senate	Conference
Research, Development, Test and Evaluation, Navy	34,000	34,000	34,000
Classified Programs	34,000		34,000
Research, Development, Test and Evaluation, Air Force	39,070	39,070	39,070
Classified Programs	39,070		39,070
Research, Development, Test and Evaluation, Defense-Wide	195,817	265,817	260,817
Classified Programs	195,817		260,817
Total, Research, Development, Test and Evaluation	268,887	338,887	333,887

GENERAL PROVISIONS—THIS CHAPTER

The conferees agree to retain and amend section 1101, as proposed by the House, which provides the Secretary of Defense with $3 billion in additional transfer authority, only for funds in this chapter. The Senate included similar language.

The conferees agree to retain section 1102, as proposed by the House, which provides that funds appropriated in this Act are deemed specifically authorized for the purposes of section 504 of the National Security Act of 1947. The Senate included similar language.

The conferees agree to retain section 1103, as proposed by the House, which extends the authorization during fiscal year 2004 of travel and transportation allowances for family members of service members who are ill or injured on active duty in support of Operation Iraqi Freedom, Operation Enduring Freedom or Operation Noble Eagle; and authorizes the Department to provide civilian clothing for wear by the service member during their hospital stay. The Senate included similar language.

The conferees agree to retain section 1104, as proposed by the House, which extends the authorization for the Department to make the higher rates of Imminent Danger Pay and Family Separation Allowance to all eligible service members during fiscal year 2004. The Senate included similar language.

The conferees agree to retain section 1105, as proposed by the House, which provides that adjustments to obligations that would have been properly chargeable to the Defense Emergency Response Fund shall be charged to any current appropriations account of the Department of Defense for the same purpose. The Senate included similar language.

The conferees agree to retain and amend section 1106, as proposed by the House and Senate, which allows the Department to use funds for supplies, services, transportation, and other logistical support of troops to support military and stability operations in Iraq and directs the Secretary of Defense to provide quarterly reports to the congressional defense committees.

The conferees agree to retain and amend section 1107, as proposed by the House, which provides $150,000,000 from funds available in ''Operation and Maintenance, Defense-Wide'' to provide training and equipment only to the New Iraqi Army and the Afghan National Army to combat terrorism and support U.S. military operations. The Senate included similar language.

The conferees agree to retain section 1108, as proposed by the House, which prohibits funds provided in this Act to finance programs or activities denied by Congress, or to initiate a new start program without prior notification to the congressional defense committees. The Senate included similar language.

The conferees agree to retain and amend section 1109, as proposed by the House, to provide $313,000,000 in funding for Operation and Maintenance and Procurement accounts, as opposed to $413,300,000 as recommended by the House, only for the military services to accomplish recovery and repair made necessary by recent natural disasters including Hurricane Isabel. These funds are allocated as follows:

Operation and Maintenance, Army	$47,100,000
Operation and Maintenance, Navy	87,600,000
Operation and Maintenance, Marine Corps	6,700,000
Operation and Maintenance, Air Force	169,300,000
Other Procurement, Air Force	2,300,000

Of the amount provided in this section for ''Operation and Maintenance, Air Force'', $6,500,000 is for repair of facilities at the NASA Langley Research Center, including facilities used for Department of Defense research programs.

The conferees agree to retain section 1110, as proposed by the House, which makes $180,000,000 from funds available in this Act for operation and maintenance for the Commander's Emergency Response Program for military commanders to respond to urgent humanitarian needs in Iraq and Afghanistan.

The conferees agree to retain section 1111, as proposed by the House, which requires the Secretary of Defense to provide a description of an Analysis of Alternatives for replacing Air Force KC–135 aircraft.

The conferees agree to retain section 1112, as proposed by the House, which exempts members of the armed forces from the requirement to pay subsistence charges while hospitalized, makes the exemption permanent, and makes the exemption retroactive to September 11, 2001. The Senate included similar language.

The conferees agree to retain and amend section 1113, as proposed by the Senate, which prohibits use of funds in this Act to alter command responsibility or permanent assignment of forces until 270 days after notification to the congressional defense committees.

The conferees agree to retain and amend section 1114, as proposed by the Senate, which authorizes administering Secretaries to provide medical or dental screening or care at no cost for all members of the Ready Reserve who are ordered to active duty.

The conferees agree to retain and amend section 1115, as proposed by the Senate, which provides the TRICARE benefit to inactive Reservists and their family members, if they are eligible for unemployment compensation or not eligible for health care benefits under an employer-sponsored health benefits plan.

The conferees agree to retain and amend section 1116, as proposed by the Senate, which amends section 1074 of title 10, U.S.C. to expand the time period a Reservist would be considered to be on active duty for the purpose of TRICARE eligibility.

The conferees agree to retain and amend section 1117, as proposed by the Senate, which amends the Transitional Assistance Medical Program (TAMP) benefit program from 60 days to 180 days beginning on the date on which the member is separated from active duty.

These four new provisions (sections 1114, 1115, 1116, and 1117) enhance TRICARE access for members of the National Guard and Reserve Components. It is the conferees' intent that these provisions constitute a one-year demonstration program to determine whether a permanent benefit beyond fiscal year 2004 should be authorized.

The conferees direct the Department of Defense to report to the congressional defense committees no later than May 30, 2004 on the implementation of this demonstration program and its associated impact on recruiting and retaining both active and reserve component personnel.

Based on information provided to the Congress from the Congressional Budget Office, the conferees have been advised that the cost of this demonstration program is approximately $200,000,000. However, the conferees recognize that these are estimates based on projected utilization rates. Accordingly, the conferees assume that not more than $400,000,000 shall be required to implement this demonstration program in fiscal year 2004.

The conferees further direct the Department of Defense, no later than April 15, 2004, to provide the congressional defense committees the cost estimates of this demonstration program based on actual and projected utilization rates.

The conferees agree to retain and amend section 1118, as proposed by the Senate, which requires the Department to notify each Reservist who is ordered to active duty in writing of the expected period during which they will be mobilized.

The conferees agree to retain and amend section 1119, as proposed by the Senate, which provides that authority in section 1314(1) of Public Law 108–11, making funds available to build an Infantry Brigade Rifle Range for the South Carolina National Guard, shall apply to the use of available funds appropriated for fiscal year 2004.

The conferees agree to include a new provision, section 1120, which directs the Secretary of Defense to submit biannual reports on Iraq and Afghanistan to the Congress.

The conferees agree to include a new provision, section 1121, which provides an additional $100,000,000 for securing and destroying conventional munitions in Iraq.

CHAPTER 2

DEPARTMENT OF HOMELAND SECURITY

UNITED STATES COAST GUARD

OPERATING EXPENSES

The conferees agree to provide an additional $23,183,000 for ''Operating Expenses'' to repair damages the Coast Guard incurred during Hurricane Isabel.

EMERGENCY PREPAREDNESS AND RESPONSE

DISASTER RELIEF

The conferees agree to provide an additional $500,000,000 for disaster relief activities associated with recently declared disasters, such as Hurricane Isabel and the California wildfires.

OTHER ACTIVITIES

Within current authorities, the conferees direct the Emergency Preparedness and Response Directorate to work expeditiously with the Borough of Versailles, Pennsylvania, and the National Energy Technology Laboratory to remediate the problem where high gas readings due to the over 600 abandoned gas wells force the evacuation of residents and businesses in Versailles.

SCIENCE AND TECHNOLOGY

The conferees are aware that the Department of Homeland Security has begun research and development on Man-Portable Air Defense Systems (MANPADS) countermeasures for commercial airliners pursuant to the ''Program Plan for the Development of an Antimissile Device for Commercial Aircraft'' prepared by the Under Secretary for Science and Technology. Upon the completion of research and development, the Department of Homeland Security should consider aircraft enrolled in the Civil Reserve Air Fleet in deployment of countermeasures.

GENERAL PROVISION, THIS CHAPTER

Sec. 1201. The conferees agree to amend the Department of Homeland Security Appropriations Act, 2004 (Public Law 108–90) to make Biodefense Countermeasures funding subject to the authorization of the Project Bioshield Act of 2003, upon the enactment of that Act.

PROVISIONS NOT ADOPTED

The conference agreement deletes section 334 of the Senate bill changing the Federal share of the cost of any disaster relief payment for damage caused by Hurricane Isabel.

The conference agreement deletes section 5008 of the Senate bill on equipping aircraft with countermeasures against the threat of shoulder-fired missiles.

CHAPTER 3

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

ITEMS OF GENERAL INTEREST

As a result of the United States' commitment to fighting the Global War on Terrorism, there has been an increase in operational requirements in the Central Command's area of responsibility. The footprint

of American military forces has expanded to include the construction and management of military facilities in overseas locations to house service members and to stage operational resources. The conferees direct the Central Command to report to the congressional defense and military construction subcommittees, in both classified and unclassified form, on its master plan for facilities in the Central Command area of responsibility, including the operational requirements and the planned disposition of equipment, aircraft and personnel, no later than December 1, 2003.

MILITARY CONSTRUCTION, ARMY

The conference agreement appropriates $162,100,000 for Military Construction, Army, instead of $185,100,000 as proposed by the House and $119,900,000 as proposed by the Senate. Of the funds appropriated, $119,900,000 is provided to finance projects required to support the Global War on Terrorism and Operation Iraqi Freedom as follows:

Location/facility	Project description	Cost
Iraq: Al Fallujuh (MEK)	Power Plant and Electrical Distribution	$8,000,000
Iraq: Baghdad—Victory Base	Entry Control Points	4,000,000
Iraq: Baghdad FOB Falcon	Power Plant and Electrical Distribution	7,000,000
Iraq: Balad Airfield	Theater-wide Postal Distribution Facility	7,000,000
Iraq: Balad Airfield	Power Plant and Electrical Distribution	16,000,000
Iraq: Balad	Base Camp Water Treatment Plant	9,800,000
Iraq: Balad	Base Camp Wastewater Treatment Plant	10,500,000
Iraq: Baghdad—Victory Base	Power Plant	11,500,000
Iraq: Baghdad—Radwaniya Palace Complex	Sensitive Compartmented Information Facility	6,000,000
Iraq: Baghdad—Radwaniya Palace Complex	Joint Operations Center	3,500,000
Iraq: Baghdad—Radwaniya Palace Complex	Training Facility	2,200,000
Iraq: Taji Military Complex	Power Plant and Electrical Distribution	16,500,000
Iraq: Tikrit—Camp Speicher	Power Plant and Electrical Distribution	15,500,000
Worldwide Various	Planning and Design	2,400,000
Total		119,900,000

An additional $42,200,000 is provided to repair facilities damaged by Hurricane Isabel at Fort Monroe, Virginia. As proposed by the House, the conferees agree to include bill language that authorizes the use of funds for planning and design and for construction. The conferees recommend a reduction of $23,000,000 from the amount proposed by the House for unspecified minor construction funds because the request was not explained in sufficient detail to justify the appropriation.

MILITARY CONSTRUCTION, NAVY

As proposed by the House, the conference agreement appropriates $45,530,000 for Military Construction, Navy, to repair two Naval facilities damaged by Hurricane Isabel. The Senate bill contained no similar provision.

MILITARY CONSTRUCTION, AIR FORCE

As proposed by the House and the Senate, the conference agreement appropriates $292,550,000 for Military Construction, Air Force, to finance various projects around the world in support of the Global War on Terrorism and Operation Iraqi Freedom. As proposed by the House, the conferees agree to include bill language that authorizes the use of funds for planning and design and for construction.

FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

The conference agreement appropriates $11,420,000 for Family Housing Operation and Maintenance, Army, instead of $8,151,000 as proposed by the House. The Senate bill contained no similar provision. These funds are provided for storm related damage caused by Hurricane Isabel at Fort Monroe, Fort Eustis, Fort Story, Fort Lee, and Fort Belvoir in Virginia. The conferees agreed to increase the amount proposed by the House in view of additional information received regarding storm damage.

FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

As proposed by the House, the conference agreement appropriates $6,280,000 for Family Housing Operation and Maintenance, Navy and Marine Corps. The Senate bill contained no similar provision. These funds are provided for storm related damage caused by Hurricane Isabel at various sites in North Carolina and Virginia.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

As proposed by the House, the conference agreement appropriates $6,981,000 for Family Housing Operation and Maintenance, Air Force. The Senate bill contained no similar provision. These funds are provided for storm related damage caused by Hurricane Isabel at Langley AFB, Virginia.

GENERAL PROVISION—THIS CHAPTER

The conference agreement includes one general provision, section 1301, as proposed by the House and modified by the Senate. This provision gives the Secretary of Defense authority to use up to $150,000,000 in operation and maintenance funds for construction projects that support Operation Iraqi Freedom or the Global War on Terrorism. The purpose of the provision is to provide troops in the field flexibility to construct emergency projects using operation and maintenance funds. The provision requires DOD to submit a quarterly report that describes the project, includes supporting documentation, and provides the amount of funds obligated for these purposes. The Senate modification requires DOD to provide Congress with notification of the project 15 days after obligation of funds.

TITLE II—IRAQ AND AFGHANISTAN RECONSTRUCTION AND INTERNATIONAL ASSISTANCE

CHAPTER 1

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

GENERAL LEGAL ACTIVITIES

The conference agreement includes $15,000,000 for ''Salaries and Expenses, General Legal Activities,'' as proposed by the House, instead of no funds as proposed by the Senate. This funding will support additional Civil Division expenses related to the administration of the September 11th Victims Compensation Program.

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

The conference agreement includes $156,300,000 under this account as proposed by the House, instead of $35,800,000 as proposed by the Senate. This funding will cover costs related to increased diplomatic and border security and opening a mission in Iraq. The conference agreement includes $109,500,000 for requirements related to the provision of consular services; $11,000,000 for increased security measures in Afghanistan; and $35,800,000, available until September 30, 2006, for costs associated with the re-establishment of a diplomatic mission in Iraq. The conference agreement rescinds $35,800,000 provided under Public Law 108–11, as proposed in both the House and Senate bills.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

The conference agreement includes $43,900,000 under this account as proposed by the House, instead of no funds as proposed by the Senate. The conference agreement includes the costs of establishing a temporary embassy annex compound in Afghanistan to support embassy surge staffing requirements associated with accelerated assistance activities. The conference agreement assumes that the funding provided under this heading, when combined with funding provided elsewhere in this Act for USAID requirements, will support the acquisition and construction of a collocated temporary embassy annex compound in Afghanistan.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

The conference agreement includes $115,500,000 under this heading, instead of $50,000,000 as proposed by the House and $90,500,000 as proposed by the Senate. The conference agreement includes $50,000,000 for anticipated costs of terrorism rewards, and includes language that allows funds under this account to be transferred to, and merged with, the Diplomatic and Consular Programs account to maintain funding levels for the fiscal year 2004 Border Security program. The conference agreement also includes $65,500,000 for costs associated with the protection of foreign missions and officials in New York City, as well as security and protection costs associated with the 2003 Free Trade in the Americas Ministerial and the 2004 Summit of the Industrialized Nations. In addition, the conference agreement includes language allowing the use of prior year funds under this heading for rewards for an indictee of the Special Court in Sierra Leone. The conferees are concerned that an indictee of the Special Court for Sierra Leone, who has been charged by the Special Court with being ''most responsible'' for the atrocities committed during Sierra Leone's civil war, is not yet in the custody of the Special Court. The conferees direct the Department to use all available means to bring about the handover of this indictee of the Special Court.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

The conference agreement includes $245,000,000 for assessed costs of United Nations peacekeeping in Liberia as proposed in the House bill, instead of no funds as proposed by the Senate.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

The conference agreement includes $40,000,000 under this heading as proposed by the House, instead of no funds as proposed by the Senate. The amount provided in the conference agreement shall be only for the initiation of Middle East Television Network broadcasting to Iraq.

GENERAL PROVISION—THIS CHAPTER

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

FOREIGN OPERATIONS, EXPORT FINANCING, RELATED AGENCIES APPROPRIATIONS

CHAPTER 2

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

The conference report recommends $40,000,000 for ''Operating Expenses of the United States Agency for International Development'', which includes $1,900,000 for the United States Agency for International Development (USAID), Office of Inspector General. This amount for Operating Expenses is the same as the House and Senate levels. The level for the Office of Inspector General is $2,100,000 less than the Senate bill; the House did not address this matter. The managers have included language reserving these funds for support of relief and reconstruction in Afghanistan, including short-term costs associated with facilities required by the USAID in the existing embassy compound or in Department of Defense facilities elsewhere in Kabul until an interim, secure compound adjacent to the embassy is available. It is the managers' intention that embassy facilities and vehicles funded by USAID be used primarily by USAID personnel, and be available for other agencies only with the prior written concurrence of the USAID mission director in Kabul and, when feasible, on a reimbursable basis.

Should United States military air transport remain scarce or unavailable to support reconstruction in Afghanistan, and to the extent required by security conditions in the field, a portion of this appropriation may be used for dedicated contract air service within Afghanistan and access to neighboring countries. The conferees expect the Department of State Coordinator for Afghan Assistance and USAID to consult with the Committees prior to obligating funds for this purpose.

The conference report provides for operating expenses of USAID in Iraq elsewhere in this chapter.

CAPITAL INVESTMENT FUND

The conference report recommends $16,600,000 for the Capital Investment Fund of the United States Agency for International Development to remain available until expended, instead of $60,000,000 as proposed by the Senate. The House bill did not address this matter.

The conferees have provided full funding for an interim secure facility in Kabul, Afghanistan, primarily for the use of United States Agency for International Development, Department of State, and other federal agencies that are implementing and evaluating United States reconstruction and security assistance for Afghanistan.

The conference agreement includes language requiring the Administrator of the United States Agency for International Development to assess fair and reasonable rental payments for the use of space by employees of other United States Government agencies in buildings constructed using funds appropriated under this heading, and provides that such rental payments shall be deposited into this account as an offsetting collection. Such rental payments shall be available for obligation only pursuant to the regular reprogramming notification procedures of the Committees on Appropriations.

IRAQ RELIEF AND RECONSTRUCTION FUND

(INCLUDING TRANSFERS OF FUNDS)

The conference report recommends $18,649,000,000, to remain available until September 30, 2006, for the ''Iraq Relief and Reconstruction Fund'' (the Fund), the same level as recommended by the House and $200,000,000 above the Senate. This figure represents a reduction of $1,655,000,000 below the request and an increase of $16,174,000,000 above the level provided in the fiscal year 2003 Emergency Wartime Supplemental Appropriations Act when this account was created. The supplemental request proposed an appropriation of $20,304,000,000 to remain available until expended.

The conference report provides $1,890,000,000 for the oil infrastructure function instead of $2,100,000,000 as proposed by the House and $1,900,000,000 as proposed by the Senate.

The following table provides amounts for functional categories and programs within categories. The total amount for these functional categories is reflected in the bill language as proposed by both the House and Senate. The following table provides the baseline for the financial plan required in section 2207 of this Act.

IRAQ RELIEF AND RECONSTRUCTION FUND

(Budget authority, dollars in millions) [1]

Category and description	Supplemental request	Conference agreement
Security and law enforcement:		
Police training and technical assistance	950	950
Traffic police	50	.....
Border Enforcement	150	150
Facilities Protection Services	67	67
Subtotal, Law enforcement	1,217	1,167
Establishment of the New Iraqi Army (NIA)	2,000	2,000
(NIA Facilities)	(745)	(745)
(NIA Equipment)	(879)	(879)
(NIA Operations and Training)	(375)	(375)
Iraq Civil Defense Corps	76	76
(Operations and Personnel)	(58.4)	(58.4)
(Equipment)	(17.2)	(17.2)
Subtotal, National Security	2,076	2,076
Total, Security and Law Enforcement	3,293	3,243
Justice, Public Safety Infrastructure and Civil Society:		
Witness Protection Program	100	75
Other technical investigative methods	10	10
Penal facilities	400	100
Reconstruction and modernization of detention facilities	109	109
Facilities protection, mine removal, fire service, and public safety facility and equipment repairs	500	400
(Demining)	(61)	(61)
Public safety training and facilities	274	199
National Security Communications Network	150	90
Investigations of crimes against humanity	100	75
Judicial security and facilities	200	150
Democracy building activities	.....	100
United States Institute of Peace	.....	10
Total, Justice, Public Safety Infrastructure and Civil Society	1,843	1,318
Electric Sector:		
Generation	2,900	2,810
Transmission	1,550	1,550
Network infrastructure	1,000	1,000
Automated monitoring and control system	150	150
Institutional strengthening	25	.....
Security	50	50
Total, Electric Sector	5,675	5,560
Oil Infrastructure:		
Infrastructure	1,200	1,200
Emergency supplies of refined petroleum products	900	690
Total, Oil Infrastructure	2,100	1,890

(Budget authority, dollars in millions)[1]

Category and description	Supplemental request	Conference agreement
Water Resources and Sanitation:		
Potable water	2,830	2,830
Water conservation	30	30
Sewerage	697	675
Solid waste management/trash trucks	153	
Other solid waste management		22
Subtotal, Public Works Projects	3,710	3,557
Pumping stations and generators	150	150
Irrigation and drainage systems	130	130
Major irrigation projects	130	130
Dam repair, rehab, and new construction	125	125
Umm Qasr to Basra water pipeline and treatment plant	200	200
Marsh projects	100	
Basra Channel Flushing	40	40
Subtotal, Water Resources projects	875	775
Total, Water Resources and Sanitation	4,585	4,332
Transportation and Telecommunications Projects:		
Airports	165	165
Umm Qasr Port rehab	45	45
Railroad rehab and restoration	303	300
Iraqi Telecom and Postal Corporation	124	100
(Postal IT ZIP Codes)	(9)	(–)
Iraqi Communications systems	109	95
(Business practices for Iraqi TV and radio)	(10)	(–)
(Numbering scheme911 initiative)	(4)	(–)
Iraqi Communications operations	89	75
Undistributed reduction, transportation and telecommunications		−280
Total, Transportation and Telecommunications Projects	835	500
Roads, Bridges, and Construction:		
Housing construction	100	
Public buildings construction and repair	130	130
Roads and bridges	240	240
Total, Roads, Bridges, and Construction	470	370
Health care:		
Nationwide hospital and clinic improvements[2]	393	493
Equipment procurement and modernization	300	300
Initiate 700m Basrah hospital project	150	
Health care partnerships	7	
Total, Health Care	850	793
Private Sector Development:		
American-Iraqi Enterprise Fund	200	
Expanded network of Employment Centers	8	8
Training	145	100
Micro-Small-Medium Enterprises		45
Total, Private Sector Development	353	153
Education, Refugees, Human Rights, Democracy, and Governance		
Migration and Refugee Assistance	105	105
Local Information Centers	90	
Property Claims Tribunal	30	30
Banking system modernizations	30	30
Business training courses	20	
Human rights	15	15
Education		90
Civic programs	10	10
Total, Education, Refugees, Human Rights, and Governance	300	300
Transferfinancing		210
Total, Iraq Relief and Reconstruction Fund	20,304	18,649

[1] Figures in parenthesis are included in amounts above.
[2] Includes $50 million for pediatric facility in Basra.

The table above indicates programs that were supported in the House and Senate and those that raised questions and concerns and were reduced or eliminated, such as the procurement of trash trucks, development of business courses, zip code and 911 projects, housing projects, and the construction of two prisons for $400,000,000 at $50,000 per bed.

The conferees have included bill language providing that the Iraq Relief and Reconstruction Fund shall be used to protect and promote public health and safety, including the arrest, detention and prosecution of criminals and terrorists.

The conference report includes bill language, as proposed by the House that allows, but limits reallocations between functional categories, so that any category can be reduced by not more than 10 percent or increased by more than 20 percent. Acknowledging the unique circumstances in Iraq, the conferees have included language that the President may increase one such allocation by up to an additional 20 percent in the event of unforeseen or emergency circumstances. Transfers and reallocations between program, project and activities in the table above, if necessary, would be made subject to the standard notification procedures of the Committees on Appropriations. The conferees note that within the functional categories none of the funds provided are available to support any program, project or activity for which funds have been denied or restricted unless the Appropriations Committees are notified 15 days in advance and approve such reprogramming of funds.

Under section 2207 of the general provisions of this chapter, the conference report includes a requirement by the Office of Management and Budget, in consultation with the CPA and the Committees on Appropriations, to submit a financial plan beginning on January 5, 2004 and quarterly thereafter. This financial plan is similar to that proposed by the House under the heading ''Iraq Relief and Reconstruction Fund''.

The conferees have reinstated bill language, enacted in the fiscal year 2003 Iraq Relief and Reconstruction Fund but not included in the supplemental request, which specifies agencies that may receive apportionment from the Fund. Consistent with previous language, the conference report again lists the Department of Defense, the Department of Health and Human Services, the Department of State, the Department of Treasury and the United States Agency for International Development. The managers have added the Coalition Provisional Authority (CPA) to this list, and allow the CPA to receive direct apportionment of IRRF funds for the first time, with the understanding that the CPA establishes a Chief Financial Officer operating in accordance with the responsibilities and functions specified in the Chief Financial Officer Act .

The conferees have included bill language, similar to that in the Senate bill, that requires the Administrator of the CPA to seek

to ensure that programs in Iraq comply with the ''Policy Paper: Disability.''

The conference agreement includes a provision, similar to one in P.L. 108–11, which requires assistance to be made available to Iraqi civilians who have suffered losses as a result of military operations. The managers support medical, rehabilitation, shelter, microcredit, and other appropriate assistance to these individuals and expect all relevant agencies and organizations to coordinate efforts in providing this assistance.

The conferees have provided $29,000,000 for the ongoing operating costs of USAID and $6,000,000 for the State Department Bureau of International Narcotics Control and Law Enforcement. The managers expect the Office of Management and Budget to ensure that agencies supporting the CPA and the reconstruction effort in Iraq are fully financed for administrative expenses through the funds appropriated in the Iraq Relief and Reconstruction Fund, in an amount equal to up to 10 percent of programs administered. The conference report also includes bill language providing that up to 1 percent of the total appropriated for the Fund may be transferred to ''Operating Expenses of the Coalition Provisional Authority.''

The conference agreement includes bill language, similar to that included in House and Senate bills that the CPA shall work, in conjunction with relevant Iraqi officials, to ensure that a new Iraqi constitution preserves full rights to religious freedom and tolerance of all faiths. The conferees also expect that the CPA will work with Iraqis to include the guarantee of a number of other fundamental rights and individual freedoms, particularly basic human rights that were violated or denied during the tyrannical regime of Saddam Hussein.

The conference agreement includes language similar to that contained in the Senate bill providing $100,000,000 for democracy building activities in Iraq. The managers endorse Senate report language on the use of these funds, and believe that elections are essential to restoring Iraqi sovereignty. The conferees expect the Committees on Appropriations to be consulted on the use of democracy building and governance funds in Iraq. The conference report also includes bill language providing $10,000,000 for the United States Institute for Peace for activities to support peace enforcement, peacekeeping and post-conflict peacebuilding.

The managers include $70,000,000 for education $10,000,000 to support women's programs, and endorse Senate report language recommending $20,000,000 for media outreach activities in Iraq.

Finally, the managers have provided for the transfer of $210,000,000 to support other high priority foreign assistance programs, including $100,000,000 for Jordan, $100,000,000 for Liberia, and $10,000,000 for Sudan.

OPERATING EXPENSES OF THE COALITION PROVISIONAL AUTHORITY

The conference report recommends $983,000,000 for ''Operating Expenses of the Coalition Provisional Authority'' under this new heading as proposed by the House, instead of providing for administrative costs of the Coalition Provisional Authority (CPA) in Iraq within the total amount under the heading ''Operation and Maintenance, Army'' as requested in the supplemental request and included in the Senate bill. The conference agreement provides an amount that is $125,000,000 above the House bill, reflecting $75,000,000 for the expenses of a new CPA Inspector General and office as provided in Title III of this Act, and $50,000,000 for reporting and monitoring requirements and other supporting costs. The conferees have included language to ensure that the Department of Defense is able to continue to furnish assistance and services and any other support to the CPA.

The CPA currently oversees the reconstruction of Iraq, especially the non-military programs described in the Iraq Relief and Reconstruction Fund section of this report, from building waste water treatment systems to renovating health care centers to training law enforcement officials to providing computer training for Iraqi youth.

The conference report acknowledges CPA's leadership and role. The managers expect to be kept updated on the progress of reconstruction efforts, roles and missions of supporting agencies, and implementation of programs funded by this Act.

The managers note that transparency is crucial for ensuring efficient, accountable reconstruction activities in Iraq. Therefore, this recommendation provides for the first time a direct operating appropriation for the CPA, and, under the Iraq Relief and Reconstruction Fund, the organization is given the authority to receive direct apportionment of program/project funds. The conferees expect that the Office of Management and Budget will transmit to the Committees on Appropriations by January 5, 2004, a budget justification for this new Operating Expenses account, including information required by OMB Circular A–11, such as standard financial information, program and financing and object classification schedules, and personnel summary data.

The conference report does not alter the reporting relationship of the Administrator of the CPA to the President through the Secretary of Defense. However, it does further transparency by clarifying the operational cost of United States reconstruction efforts in Iraq as part of United States foreign assistance, and the scope of the non-military reconstruction efforts.

Since the CPA is less than a year old and it is possible that the organization could require additional operational resources during this year, the managers also have included bill language in the Iraq Relief and Reconstruction Fund that provides authority, if needed, to transfer up to 1 percent for CPA's operating expenses.

ECONOMIC SUPPORT FUND

The conference report recommends $872,000,000 for the ''Economic Support Fund'' as proposed by the House, instead of $422,000,000, as proposed by the Senate, primarily for reconstruction in Afghanistan. These funds would remain available for obligation until December 31, 2004.

The recommendation reserves $672,000,000 for accelerated assistance for Afghanistan. The managers note the increasing terrorist activity against the Government of Afghanistan, international Coalition forces, and private non-governmental organizations providing relief and reconstruction assistance within Afghanistan, and concludes that the pace of reconstruction, as well as that of security assistance provided elsewhere in this chapter, must respond to the tenuous security conditions, especially in the southern and eastern provinces of Afghanistan.

The conferees recognize that further expansion of the mandate of the International Security Assistance Force (ISAF) can help improve the security environment in Afghanistan, and strongly encourage the Administration to support such expansion of ISAF.

The conferees fully support most of the urgent programs included in the budget justification for Afghanistan civil reconstruction, including roads, education, health, power generation/private sector development, and provincial reconstruction teams. The conference agreement provides $60,000,000 for Afghan women and girls to ensure that programs, projects and activities funded in this Act include the participation of women and advance the social, economic, and political rights and opportunities of women in Afghanistan.

The State Department Coordinator of Assistance to Afghanistan and the Administrator of USAID are requested to provide the Committees not later than December 15, 2003, a fiscal year 2004 strategic and financial plan, including projected quarterly obligations by sector and major project (in excess of $250,000), for all reconstruction and related activities in Afghanistan undertaken with funds provided by prior Acts, this Act and the Foreign Operations, Export Financing and Related Programs Appropriations Act, 2004.

The conference report recommends $181,000,000 for major and provincial roads, an endeavor that is critical to both economic development and security in Afghanistan. The conferees commend those engaged in the challenging project to reconstruct and pave the major Kabul-Kandahar road by the end of 2003, recognize the dire security threat from neo-Taliban forces along its route, and urge United States Armed Forces in Afghanistan to increase surveillance of the construction areas and support for the private and Afghan national police security forces protecting the Kandahar road. The additional funding will sustain the momentum of the Kabul-Kandahar project, by financing secondary and tertiary road development, primarily in the previously neglected southern and central regions.

The conference report provides an additional $95,000,000 for schools and education in Afghanistan, $55,000,000 above the request, and $95,000,000 for private sector development and power generation, $50,000,000 above the request. The funds are expected to support market centers-industrial parks, land titling, natural resources assessment and power generation projects. The conference agreement does not include $10,000,000 for a venture capital fund. The conference agreement provides $65,000,000 to repair, rehabilitate and procure electric generation and distribution infrastructure in Afghanistan. In addition to the power requirements of Kabul already requested, the conference report has provided additional funds to rehabilitate and increase power generation from the Kajaki Dam facility that is essential to successful reconstruction in the politically sensitive Kandahar and Helmand provinces.

The conference report recommends an additional $70,000,000 for support to the Government of Afghanistan (GoA). Of the recommended $70,000,000, not less than $25,000,000 will meet key GoA infrastructure needs, especially telecommunications between Kabul and the provinces. The Ministry of Finance will use not less than $10,000,000 to improve customs collections at Afghanistan's 11 official border posts and remitting of customs to the ministry on a timely basis. An indeterminate amount will be needed to augment other donor contributions to an international trust fund to pay government salaries until economic growth increases government revenue sufficiently to meet salary costs.

The conference report recommends $69,000,000 for elections and improved governance in Afghanistan, $12,000,000 above the request. In governance, the conference report recommends that activities be undertaken to promote private investment and trade capacity building. The managers also support Senate report language recommending $15,000,000 for media outreach activities in Afghanistan.

The conferees note that women in Afghanistan continue to struggle to achieve basic rights, which they were denied under the

Taliban. Women were severely affected by their inability during those times to participate in local and national governance. The conferees have agreed to provide $60,000,000 for technical and vocational education, programs for women and girls against sexual abuse and trafficking, shelters for women and girls, humanitarian assistance for widows, support of women-led NGOs, programs to disseminate information about the rights of women, and to provide women's rights training to military, police and legal personnel. Significant funding above the Administration's request has been added for Afghanistan to accelerate reconstruction efforts. Funds have been made available for these specific purposes to ensure that programs that address these critical needs are adequately funded.

Where possible, such programs should be implemented by local civil society groups, and especially local women's groups. The managers expect USAID to provide technical and other assistance to strengthen the capacity of these groups and to support their activities. The conferees are concerned that without greater attention to the specific challenges facing women and girls in Afghanistan, the country's prospects for broad-based economic growth and democratic development will be sharply reduced.

The managers have included bill language requiring that obligation of funds made available by this Act or by prior appropriations Acts for senior advisors to the Chief of Mission in Kabul be subject to notification. This provision does not apply to U.S. officials required to design and manage a massive Afghanistan assistance program, the actual number of which is presently insufficient due to a shortage of housing and office space. Ample funds are provided in this Act to construct an interim facility to accommodate additional assistance and security personnel in Kabul. The managers urge the Departments of State and Defense and USAID to immediately accelerate efforts to provide adequate office and housing space required for the effective management and oversight of activities funded in this Act, and keep the Committees fully informed of progress toward deploying an adequately staffed mission in Kabul.

The conference agreement provides $50,000,000, as requested, for projects directly involving requirements identified by provincial reconstruction teams (PRTs) in eight to twelve provinces. In addition, $8,000,000 is provided for dedicated air service, armored vehicles, and other security enhancements for the civilians deployed to the PRTs and other assistance managers in Afghanistan.

The conferees support an additional $49,000,000 for health services in Afghanistan. If a permissive security situation is extended throughout all of Afghanistan during 2004, the additional health and road funds will accelerate achievement of the objective of bringing all Afghans within 4 hours' travel of a health clinic.

The managers expect not less than $10,000,000 in ESF assistance to be made available through appropriate humanitarian organizations for additional food, clothing, heating and cooking fuel, emergency shelter materials, and other basic necessities for displaced Afghans in and around Kabul.

The conference agreement recommends an initial $30,000,000 for disarmament, demobilization and reintegration (DDR) projects, $30,000,000 below the request. The managers note that Japan has already provided full funding for the initial pilot projects in Northern Afghanistan that will help determine the feasibility of DDR projects prior to the training and deployment of a multi-ethnic Afghan National Army that is firmly under civilian Afghan control. The managers believe that Japan and other donors will make additional contributions to DDR projects if the pilot effort is a success and is replicable in other regions.

The managers also recommend that $23,000,000, not included in the request, be provided for water projects in Afghanistan. Because of the essential role of irrigation in agriculture, and the lack of potable water in many urban areas and small towns, the managers request USAID to report not later than January 15, 2004 on the feasibility of expanding rural and urban water projects in Afghanistan.

The managers take note of the outstanding jobs that the men and women of USAID, the Departments of Defense and State and other federal agencies supporting the Embassy in Kabul and Afghanistan's reconstruction have accomplished under the most difficult of circumstances.

As the cooperation of the Government of Pakistan is vital to United States and Coalition efforts to build a stable Afghanistan, the conference agreement includes language proposed by the President to allow up to $200,000,000 from ''Economic Support Fund'' to be made available for the subsidy cost of modifying direct loans and guarantees previously issued for Pakistan. The conference report includes the $200,000,000, subject to a determination by the President that the Government of Pakistan is cooperating with the United States in the global war on terrorism.

The conference agreement also provides for the transfer to the Economic Support Fund from the Iraq Relief and Reconstruction Fund of $100,000,000 for assistance for Jordan.

INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

(INCLUDING TRANSFERS OF FUNDS)

The conference report recommends $110,000,000 for International Disaster and Famine Assistance for Liberia and Sudan, instead of $100,000,000 as proposed by the House or $200,000,000 under the heading ''Emergency Fund for Complex Foreign Crises'' as proposed by the Senate.

The managers are very concerned about the humanitarian crisis in Liberia, where approximately 800,000 refugees and internally displaced persons are living in dire conditions. The managers have provided $200,000,000 in ''International Disaster and Famine Assistance'' to address this situation. Of this amount, $100,000,000 is made available by transfer from the ''Iraq Relief and Reconstruction Fund''.

The managers are aware of the important developments that have occurred in Sudan in an attempt to end more than 20 years of civil war. The conference agreement provides $20,000,000 in ''International Disaster and Famine Assistance'' to bolster these efforts. Of this amount, $10,000,000 is made available by transfer from the ''Iraq Relief and Reconstruction Fund''.

As other funds are available to respond to natural disasters abroad, the conference agreement limits the circumstances under which these funds may be obligated to those where the President determines that the proposed United States response to a complex foreign crisis is in the national interest and essential to efforts to reduce international terrorism.

The conference agreement includes a provision authorizing the transfer of up to one half of one percent of certain other funds to this account. All proposed obligations made available under this heading are made subject to the regular notification procedures of the Committees on Appropriations.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

The conference report recommends $170,000,000 for ''International Narcotics Control and Law Enforcement'', as proposed by the House instead of $120,000,000 as proposed by the Senate, for accelerated assistance for Afghanistan. These funds would remain available for obligation until December 31, 2004.

The conferees are gravely concerned about the increasing terrorist activity against the Government of Afghanistan and private non-governmental organizations providing relief and reconstruction assistance within Afghanistan. The capacity of Afghan security forces to protect their own government and international reconstruction efforts must be expanded as rapidly as feasible, and the increased funding responds to that urgent requirement.

The conferees note the leadership role of Germany, the United Kingdom and Italy in the police training, counter-narcotics and judicial reform sectors, respectively, and encourage each of these Coalition members to accelerate its assistance efforts in Afghanistan.

In order to respond to this rapidly evolving situation, the conference agreement provides $160,000,000 to accelerate the training and equipping of the Afghan National Police and Border Police and to increase counter-narcotics law enforcement capacity. In addition, $10,000,000 is provided for the training of prosecutors, court officers and the Afghan judiciary. The managers intend that all assistance to Afghanistan be conducted on a basis of non-discrimination among its ethnic groups and include special emphasis on the rights of women and minorities.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING, AND RELATED PROGRAMS

The conference report recommends $35,000,000 for ''Nonproliferation, Anti-Terrorism, Demining and Related Programs'' as proposed by both the Senate and the House. This level would support anti-terrorism training programs and equipment needs in Afghanistan, to continue the work of disarming the staggering number of mines throughout the country, and to provide in-country support for the protection of Afghan President Karzai.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

The conference report includes $287,000,000 for the ''Foreign Military Financing Program'', instead of $222,000,000 as proposed by the Senate and $297 million as proposed by the House, for accelerated security assistance on a non-repayable basis for Afghanistan. These funds would remain available for obligation until September 30, 2004. The rapid training and deployment of an ethnically balanced, professional national army for Afghanistan is essential to the success of Coalition efforts to promote a stable and peaceful Afghanistan.

The managers encourage the President, the Secretary of State and the Secretary of Defense to continue to remind the Government of Afghanistan that United States military assistance is provided to build a new Afghanistan army that is professional, multi-ethnic, and loyal to the civilian leadership in the central government. Failure of the Government of Afghanistan to continue moving rapidly toward this common objective should not be rewarded with continuing military assistance by any agency of the United States Government to armed militias or army units that do not share these objectives.

To this end, the conferees request the Secretary of State, in consultation with the

Secretary of Defense, to provide it with periodic reports on the progress of the new Afghan army, meeting the criteria set forth in House Report 108–312.

PEACEKEEPING OPERATIONS

The conference report recommends $50,000,000 for ''Peacekeeping Operations'' as proposed by both the Senate and the House. This level would support multilateral peacekeeping needs in Iraq and Afghanistan.

GENERAL PROVISIONS—THIS CHAPTER

The managers recognize that debt incurred under the Saddam Hussein regime presents a potential challenge to the country's development. However, this supplemental appropriations act is intended to meet emergency needs, and the managers are of the opinion that paying foreign debtors out of United States funds is not among those needs. The conference report includes section 2201, a general provision included in the House bill and similar to the Senate bill, that prohibits the use of funds appropriated in this Act, or in the 2003 Iraq Supplemental Appropriations Act (P.L. 108–11), to be used to pay for any debt entered into by the Iraqi government before the defeat and overthrow of Saddam Hussein. Nothing in this provision, however, should be construed as discouraging the Departments of State and Treasury from working with lenders in reducing and restructuring Iraq's debt burden. The House addressed this matter in section 2201 and the Senate in section 2311.

Both the House and Senate bills included a number of provisions intended to require greater adherence to full and open competition. Both the House and Senate bills provide that when other than full and open competition is pursued, if necessary, then the agency using other than full and open competitive procedures must inform the Congress and the American public.

It is in the best interests of most involved, including the United States business sector and the Iraqi people, to use open and full competition for all but a very limited number of contracts. For situations in which ensuring such competition might be inappropriate—such as in cases of an emergency—the managers believe that existing federal regulations allow for adequate flexibility.

Therefore, the conference agreement includes language in sections 2202 and 2203 to limit the use of non-competitive contracts in the ''Iraq Relief and Reconstruction Fund'' in this Act and Public Law 108–11. This language is in lieu of a number of ''competition in contracting'' provisions in both the House and Senate bills. This conference agreement preserves the prerogative to waive the requirement for full and open competition in certain circumstances, as outlined in applicable federal procurement regulations. The provisions require that such a waiver be with the written approval of the Administrator of the Coalition Provisional Authority and the head of an agency of the United States Government that awards and manages the contract, and that information on the contract and the justification of the waiver be transmitted to the appropriate committees of Congress and be made available to the public. The certifications cannot be delegated, and must be transmitted to the appropriate congressional committees and made available to the public 7 days before the non-competitive contract is awarded. The provision pertains to the amendment, extension or modification of contracts entered into prior to the enactment of this Act using other than full and open competitive procedures, including so called ''limited competition'' contracts. This is intended to require notification of significant changes in scope or increased funding above award ceilings for contracts that were previously awarded under ''limited competition.'' Contracts below a value of $5,000,000 are exempted from these requirements as are small businesses as defined in 15 USC 631 et seq. The House addressed contracting issues in sections 2202, 2203, and 3007 and the Senate addressed these issues in section 5003.

In sections 2204 and 2205, the managers recommend language similar to that requested by the President to clarify, extend and broaden authorities provided in Public Law 108–11. These authorities suspend relevant provisions of the Iraq Sanctions Act and make inapplicable to Iraq certain provisions of law that restrict assistance to countries that support terrorism. They also authorize the export of arms to specific Iraqi security forces. Instead of making permanent these authorities as requested by the President, the conference report extends them for another year. The House and Senate bills each provided similar language.

Although the President, on May 7, 2003, exercised his authority under section 1503 in Public Law 108–11 as originally enacted to make permanently inapplicable to Iraq any provisions of law that apply to countries that support terrorism and to suspend relevant provisions of the Iraq Sanctions Act, the amendment in section 2204 extending the expiry date of section 1503 is necessary to ensure that laws referred to in its fourth and fifth provisos, i.e., section 307 of the Foreign Assistance Act requiring withholding of the United States proportionate share of contributions to international organizations that have programs in Iraq and provisions of law directing voting against or opposing programs, shall not apply with respect to Iraq through fiscal year 2005.

In section 2204, the conference report amends section 1504 of Public Law 108–11 to include language specifically authorizing the export of small arms to private security forces and extending the authorities of this section for another year. With regard to the export of lethal military equipment for private security purposes, the managers intend that only small arms may be exported for such purpose. For the purposes of this section, the managers understand small arms to mean all equipment listed in Category I of the International Traffic in Arms Regulations (22 CFR 120–130), and that such exports shall be made for the purposes of providing security for contractor operations during the reconstruction of Iraq. For all equipment exported under this section, the managers expect that the notification contained in this section shall contain specific information with respect to the end user and the purposes for which such equipment has been exported. The conference report does not include language requested by the President that would authorize the export of advanced conventional equipment to Iraq, such as long-range precision guided munitions, fuel air explosives, cruise missiles, laser weapons, and military satellites.

The conference report includes language in section 2206 that increases the cumulative value of military equipment that the Department of Defense may provide to Afghanistan from $300,000,000 to $450,000,000. This provision was in section 2206 of the House bill and section 301 of the Defense chapter of the Senate amendment.

The conference report includes a new general provision, section 2207, that is similar to the House language requiring the Office of Management and Budget to submit to the Committees on Appropriations a financial plan no later than January 5, 2004 and every 3 months thereafter. The managers have restricted the obligation of all but up to 20 percent of funds under the heading ''International Relief and Reconstruction Fund'' until this plan is submitted, but the managers intend that any funds spent before the plan is submitted also will be detailed in the financial plan. The managers direct that the financial plan be updated quarterly to reflect any prospective changes to estimates of future or ongoing projects, and require that the Administration notify the Committees on Appropriations 15 days prior to obligation of any increases at the project level to the financial plan between quarterly submissions. The table in this conference statement under the heading ''Iraq Relief and Reconstruction Fund'' provides functional categories as well as program activities. The managers expect the financial plan to correspond with these functional categories but also include more specific project level detail including, but not limited to, specific capital projects including bridges, railroads, training centers, roads, prisons, hospitals, and health clinics, as well as the establishment of training programs, and repatriation of refugees and internally displaced persons by implementer. For capital projects, the managers direct that the OMB include a breakdown of cost estimates that explains the assumptions and data on which the estimates were based. The managers also intend that for each line of project-level activity, the financial plan specify which United States Government agency will be expected to implement the project. The conference report requires that OMB consult with the Committees on Appropriations prior to submitting the plan. The managers view this consultation as an ongoing process, one that should start immediately after enactment of this Act and continue until the first plan is submitted, and every 3 months thereafter. The Senate had similar language in sections 2310 and 2321.

Section 2208 is the same as the general provision in the House bill that deems any successor United States Government entity to the CPA as the CPA for purposes of authorities and responsibilities in this Act. The Senate did not address this matter.

In section 2209, House bill language is included so that funds are made available for Iraq and Afghanistan notwithstanding any other provision of law not contained in this Act that restricts assistance to foreign countries, and section 660 of the Foreign Assistance Act. Such authority is subject to five days notification. The Senate addressed this matter in section 2302.

In section 2210, the conference agreement includes language that provides that funds appropriated by this chapter may be obligated and expended notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956, as proposed by both the Senate and the House.

The conference report includes language in section 2211 that allows the Overseas Private Investment Corporation to operate in Iraq notwithstanding any other provision of law. The managers support OPIC programs in Iraq, and the conference report provides language to permit the President to enter into agreements with an entity other than a host country government. However, the managers do not expect that OPIC's authority will be exercised to waive other existing statutory requirements including longstanding Congressional mandates; therefore, the conference report requires that the exercise of such authority is subject to the regular notification procedures of the Committees on Appropriations. The Senate addressed this matter in section 2307.

The managers direct the Export-Import Bank of the United States and the Trade and Development Agency to report quarterly during fiscal year 2004, beginning 90 days after enactment of this Act, to the Committees on Appropriations regarding each agency's activities in Iraq.

In section 2212, the conference report includes a provision similar to the Senate amendment that allows transfers among international assistance programs in this chapter in an amount not to exceed $100,000,000. The House did not address this matter.

Section 2213 of the conference report reflects the Senate language on extending the waiver on Pakistan sanctions. The House did not address this matter.

Section 2214 amends the authorization levels in the Afghanistan Freedom Support Act to be consistent with the levels of funding provided in this Act and H.R. 2800. The reporting requirements in section 2312 of the Senate bill are addressed in section 2215 of the conference report. The House bill did not address this matter.

Section 2215 is a new section that consolidates many of the reporting requirements of the House and Senate bills under one provision entitled ''Reports on Iraq and Afghanistan''. This includes issues relating to debts owed by the government of Saddam Hussein in Iraq, efforts of the United States to increase resources contributed by foreign countries and international organizations to the reconstruction of Iraq, the manner in which the needs of people with disabilities are being met in the development and implementation of reconstruction activities in Iraq and Afghanistan, progress made in indicting leaders of the former Iraqi regime for war crimes, and efforts by the Coalition Provisional Authority and relevant Iraqi officials to preserve religious freedoms. In addition, this provision includes a monthly reporting requirement on Iraqi oil production and oil revenues, and the use of such revenues, and progress made in accomplishing United States assistance and development goals in Afghanistan. This section reflects the requirements of House section 2207 and Senate sections 2309 and 2314.

In section 2216, the conference report prohibits funds appropriated or otherwise made available by chapter 2 of title II of this Act from being obligated for any activity in contravention of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts. This is similar to Senate section 2318, and the House did not address this matter.

Section 2217 is a new general provision that relates to women's participation in reconstruction in Afghanistan and Iraq.

The conference agreement does not include language from the Senate bill expressing the sense of Congress on certain matters. The managers endorse the intent of this language, specifically that: each country that is owed a debt by Iraq that was incurred during the regime of Saddam Hussein should forgive such debt; arbitrary deadlines should not be set for the dissolution of the Coalition Provisional Authority, and that transfer of authority should occur only after the ratification of an Iraqi constitution and the establishment of an elected government in Iraq takes place; the United States should make every effort to increase the level of financial commitment from other nations to reconstruction in Iraq, and that the United States contributions to these efforts should be done in a manner that promotes economic growth in Iraq and limits the long-term cost to American taxpayers; and, the removal of the Government of Iraq under Saddam Hussein enhanced the security of Israel and other United States allies.

The managers do not include House sections 2212 and 2213 and Senate sections 2308, 2310, 2313, 2314, 2315, 2316, 2317, 2319, and 2320.

TITLE III—INSPECTOR GENERAL OF THE COALITION PROVISIONAL AUTHORITY

The conference agreement includes a new title that establishes an Inspector General of the Coalition Provisional Authority (CPA). This title is in lieu of provisions in the Senate version of the bill to establish an Inspector General of the CPA. The House bill did not contain a comparable provision.

The Inspector General will perform oversight and promote transparency on tracking of funds; provide continuing review and accumulation of data concerning both reconstruction activities and contracting; monitor the constant flow of information, particularly the accounting of the use of funds and transfers of funds between agencies and other third parties; and establish controls and a record-keeping system that can accumulate and maintain records for future reviews, investigations, and/or audits.

Funding is provided for the Inspector General within the Operating Expenses of the Coalition Provisional Authority account in Title II of this Act.

TITLE IV—GENERAL PROVISIONS—THIS ACT

The conference agreement includes a provision, as proposed by the House, which limits the availability of funds provided in this Act.

The conference agreement includes a provision, as proposed by the Senate, designating the amounts provided in the Act as emergency requirements. The House did not include a similar provision, but did include individual emergency designations with each appropriation account.

The conference agreement contains modified language proposed by the House which ensures that schools serving the children of military personnel continue to receive Impact Aid funds when their parents are deployed or killed while on active duty and the child continues to attend the same local educational agency. The Senate bill did not include this provision.

The conference agreement does not include additional funds for the Department of Veterans Affairs. The Senate proposal included $1,300,000,000 for medical care. The House proposal did not include supplemental funds.

The conference agreement does not include a provision proposed by the Senate (Sec. 5001) requiring the President to submit to each Member of Congress a report on the projected total costs of United States operations in Iraq, including military operations and reconstruction efforts, through fiscal year 2008. The House did not include a similar provision.

The conference agreement does not include a provision proposed by the Senate (Sec. 5006) to permit personal injury claims by United States citizens and their spouses and children against a foreign state relating to such citizens being held hostage between 1979 and 1981. House did not include a similar provision.

The conference report does not include House section 3004, prohibiting funds from being provided to any unit of security forces of a foreign country if these forces credibly have been alleged to have been involved in abuses of human rights. As this is also a general provision in the annual foreign operations appropriations Acts, the managers expect these criteria to apply to all funds provided in fiscal year 2004.

The managers do not include House sections 3002, 3004, 3005, 3006, and 3007 and Senate sections 5003, 5004, 5005, and 5007.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2004 recommended by the Committee of Conference, with comparisons to the 2004 budget estimates, and the House and Senate bills for 2004 follow:

[In thousands of dollars]

Budget estimates of new (obligational) authority, fiscal year 2004	$87,039,804
House bill, fiscal year 2004	86,856,029
Senate bill, fiscal year 2004	86,449,004
Conference agreement, fiscal year 2004	87,442,198
Conference agreement compared with:	
Budget estimates of new (obligational) authority, fiscal year 2004	+402,394
House bill, fiscal year 2004	+586,169
Senate bill, fiscal year 2004	+993,194

BILL YOUNG,
JERRY LEWIS,
HAL ROGERS,
FRANK WOLF,
JIM KOLBE,
JAMES T. WALSH,
JOE KNOLLENBERG,
JOHN P. MURTHA,
NITA M. LOWEY,
CHET EDWARDS,
Managers on the Part of the House.

TED STEVENS,
THAD COCHRAN,
ARLEN SPECTER,
PETE DOMENICI,
CHRISTOPHER BOND,
MITCH MCCONNELL,
CONRAD BURNS,
RICHARD C. SHELBY,
JUDD GREGG,
ROBERT F. BENNETT,
BEN NIGHTHORSE CAMPBELL,
LARRY CRAIG,
KAY BAILEY HUTCHISON,
MIKE DEWINE,
SAM BROWNBACK,
DANIEL K. INOUYE,
ERNEST F. HOLLINGS (except title II),
PATRICK J. LEAHY (except title II),
TOM HARKIN (except title II),
BARBARA A. MIKULSKI (except title II),
HARRY REID (except title II),
PATTY MURRAY (except title II),
BYRON L. DORGAN (except title II),
DIANNE FEINSTEIN (except title II),
TIM JOHNSON (except title II),
MARY L. LANDRIEU (except title II),
Managers on the Part of the Senate.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.J. Res. 75, and that I may include tabular and extraneous material.

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

There was no objection.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2004

Mr. YOUNG of Florida. Mr. Speaker, pursuant to House Resolution 417, I call up the joint resolution (H.J. Res. 75) making further continuing appropriations for the fiscal year 2004, and

for other purposes, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of H.J. Res. 75 is as follows:

H.J. RES. 75

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 108–84 is amended by striking the date specified in section 107(c) and inserting ''November 7, 2003''.

SEC. 2. Public Law 108–84 is further amended as follows:

(1) In section 103, by inserting ''(a)'' after the section designation and by adding at the end the following new subsection:

''(b) For purposes of section 101, the term 'rate for operations not exceeding the current rate' has the meaning given such term (including supplemental appropriations and rescissions) in the attachments to Office of Management and Budget Bulletin No. 03–05 entitled 'Apportionment of the Continuing Resolution(s) for Fiscal Year 2004'.''.

(2) In section 125, by inserting before the period at the end the following:

'': *Provided,* That such amounts as may be necessary for administrative expenses of the Grants-in-aid for Airports program shall be available to the Secretary of Transportation out of the Airport and Airway Trust Fund at a rate for operations not exceeding the current rate and for which authority was made available under the Department of Transportation and Related Agencies Appropriations Act, 2003''.

(3) By striking sections 126 through 130 and by redesignating sections 131 through 135 as sections 126 through 130, respectively.

(4) In section 127, as so redesignated, by striking ''through 130, and section 134,'' and inserting ''and 129''.

SEC. 3. Section 8144(b) of the Department of Defense Appropriations Act, 2003 (Public Law 107–248), as amended by Public Law 108–84, is further amended by striking ''October 31, 2003'' and inserting ''November 7, 2003''.

The SPEAKER pro tempore. Pursuant to House Resolution 417, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to explain the bill before us. It is a continuing resolution to extend the original CR until the 7th of November, 2003. This CR is basically noncontroversial. We need this CR because we have not completed all the appropriations bills in conference, although the House passed all of our appropriations bills in the summer. But we are making progress.

After we do the CR today, we will be dealing with the conference report on the interior appropriations bill. Also, I have just filed the conference report on the Iraqi supplemental, which we expect to get a rule on and we expect to have on the floor some time this evening, and which we hope to conclude by tonight.

The CR does include a few technical corrections to the first CR and adds a provision that codifies the term ''rate for operations'' under the CR, pursuant to OMB bulletin No. 03–05.

Again, Mr. Speaker, I believe this CR is noncontroversial, and I urge the House to move this legislation to the Senate so that the government can continue to function smoothly and efficiently and so that we can continue to finish our work on the appropriations bills.

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

□ 1115

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

Mr. Speaker, as everyone knows, we are supposed to have our appropriation bills done by the beginning of the fiscal year on October 1. Right now, even if we pass the Interior bill today, the bill to which the distinguished gentleman from Florida has just referred, we will still have 9 of 13 appropriation bills that are pending, and only God knows when we are going to finish them.

This continuing resolution keeps the government open until November 7. It is a very short CR, highly unrealistic in my view, if people have any expectation that this is going to be the last CR that we need. That means that the good news is we are going to get to do this all over again next week and the following week and probably the following week. I distinctly hope that we can be finished here by Thanksgiving. I desperately hope that we can, but my experience and my instincts are beginning to tell me that that is not at all likely.

I notice that the reports this morning in the National Journal's Congress Daily, I notice the report there, and in one of the newspapers this morning, I have forgotten if it was Roll Call or The Hill, which indicated that the Speaker himself is contemplating the possibility of our adjourning until January 15 because of the inability of the House and the Senate to get together on a variety of bills, not just appropriation bills, but also bills like the energy bill and the Medicare bill.

If we wind up doing that, it will be in essence a repeat of last year. And it means that we will be still dealing with last year's business midwinter of next year, and that will put the entire system again months behind where it ought to be, and God help us, there is an election year coming up, Presidential election year which is going to chew up a good piece of July and August.

So I see here confusion and chaos. And I would point out that when this happened in the last Congress, the majority party had a convenient target. They tried to blame it all on good old TOM, TOM DASCHLE, the then-majority leader in the Senate. Well, to paraphrase what President Nixon said once, the majority party does not have the Democratic majority to kick around anymore because the party, the Republican Party is in control of both Houses. And the White House. And so any delays that we have in passing appropriation bills or other bills for that matter, any delays we are experiencing come because the Republican majority is having an argument with itself, between its House Members and its Senate Members.

I think one of the reasons that this is dragging everything behind again is because, as we all know, there has been a conscious decision, certainly on the part of the leadership of this House, there has been a conscious decision on the part of the Republican leadership to run this House on the narrowest of partisan majorities, rather than putting together bipartisan compromises on each of the 13 appropriation bills. The most spectacular example of that is the Labor Health appropriation bill. The choice has been made to try to govern with only Republican votes.

Now, if you have 300 people who are in support of a bill, it makes it a whole lot easier to get your work done because you have a much wider margin of error. But if you are only trying to run the House with a narrow margin of 220 or 230 votes, then every time you lose five or six votes, it is a big problem because that slows the train down.

So I think there is a lesson in here somewhere if the Republican Party leadership wants to hear it, and the lesson is, that if you reach out and try to reach bipartisan conclusions, the House runs more smoothly and you have a much better chance of not having every little disagreement within your own party lead to delay, delay and more delay. That is just a pragmatic observation, and I would urge that the House leadership take it to heart. I have no expectation that they will, Mr. Speaker, but I wish they would.

I think the problem that we have is that even within the Republican Party, there are a substantial number of Members, if not in this House then in the other body, who have substantial concerns about some of the appropriation bills. Example: Veterans health care has been a huge issue since the President presented his budget, and veterans groups all over the country are objecting to the inadequate level provided for veterans health care, but the VA HUD bill that left the House did not contain sufficient funding for veterans health care even to satisfy Republican Senators. So we had the Senate adopt, because they could not get the VA HUD bill to the floor, we had the Senate Republicans offer a motion which added $1.3 billion for veterans health care to, of all bills, the Iraqi supplemental.

Last night, the conference jettisoned that $1.3 billion and promised that they would put it on the VA HUD bill, but we have no idea whatsoever of how that will be done, whether it will be done by busting the caps, whether it will be done by providing emergency funding, whether it will be done by an across-the-board cut in other items in that bill. We just do not know.

And in that same bill, we have the problem of inadequate funding for local

law enforcement because the White House budget tries to pretend that it is funding homeland security items by reducing funding for the normal aid to local governments, local police departments, in the form of the Byrne Grants and other regular law enforcement programs.

We also have the problem of the Labor Health and Education bill where the education funding falls billions of dollars behind the No Child Left Behind Act which the President trumpeted so loudly just 2 years ago. We have a dispute between Republicans in both Houses over adequate funding levels for NIH, and I think there is considerable discomfort within the Republican Party, and certainly within ours, about the inadequate level of funding for special education for handicapped children.

My point is simply that we are here, late in the year certainly it is not unprecedented. It has happened before under both parties, but I do not recall in quite some time it being this chaotic. And I also believe that it would have been very easy to avoid had we had at least modest efforts at reaching a bipartisan approach to the budget resolution, for instance, which has caused the squeeze on appropriation bills.

So, Mr. Speaker, I think we have no choice but to pass this continuing resolution, but I think it is simply another small bridge to next week when we will have to pass yet another one, and I think the best way to break through this problem is not by exhorting people to reach agreement where there is no agreement. I think the best way to break through this problem is by changing the parameters so that we consider a broader-based compromise on some of these bills than has been considered to date.

That is the only way that I see that we can get out of here before Thanksgiving turkey time with any degree of satisfaction and self-respect. Certainly the gentleman from Florida was able to put his bills through the House in a timely fashion, but when such limitations have been imposed, as is the case in this session, it becomes almost impossible for the House and the Senate to reach agreement on time, even when one party is in control of all the levers of government as the majority party now is.

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

Mr. YOUNG of Florida. Mr. Speaker, I have no further requests for time, and I only have a brief closing statement. I wonder if the gentleman from Wisconsin has any additional speakers.

Mr. OBEY. Mr. Speaker, I think we have two additional speakers at this time. I yield 5 minutes to the gentleman from Arkansas (Mr. BERRY) a distinguished member of the committee.

Mr. BERRY. Mr. Speaker, I think that we have indeed on the Committee on Appropriations had good leadership. I compliment the gentleman from Florida on the great job he has done leading that committee. I compliment my own ranking member the gentleman from Wisconsin (Mr. OBEY) for the wonderful work that he does, but I think, Mr. Speaker, rather than just pass another CR and let us see how long we can stall dealing with the problems of the American people, facing up to the reality that we have got some massive problems in this country, it is time to realize that we have some serious problems, and the way to fix those problems is for us to work together like we have under the leadership of the gentleman from Florida and the gentleman from Wisconsin. Let us face our problems, come to some realistic solutions that do not involve enriching our friends, do not involve enriching large corporations, do not involve further enriching the pharmaceutical industry in this country.

One of the things that is holding up the completion of this year's work is the Medicare reform bill. One of the things that is holding it up is the massive debt that we are creating for our children and grandchildren with absolutely no plan, no plan whatsoever to deal with it. Our seniors do not have the medicine that they need, and we know how to fix this problem. We can actually fix this problem without spending a large amount of government money.

We should not leave this Chamber again until we solve these problems or at least come to some mutual agreement as to how we are going to work to try to get this done. We should stay in this Chamber day and night for as long as it takes to get the job done for the American people.

This is not about Republicans. It is not about Democrats. The senior citizens in the 1st District of Arkansas do not give a hoot whether it is Republicans or Democrats, but they do care about the fact that they get robbed by the prescription drug manufacturers of this country to the point where they cannot buy their own food and they are not going to be able to heat their homes this winter. They care about that, and I care about it for them.

It is time that we face the reality of the problems and quit trying to take care of those that have patronized us and work in a cooperative way between the parties, with the leadership of good men like the gentleman from Florida and the gentleman from Wisconsin, to lead us through these efforts and get the job done for the American people.

Let us work together to do this, but let us not leave this Chamber again until it is done.

□ 1130

Mr. OBEY. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman for yielding me this time.

I do not believe that either the chairman of the committee, and I certainly know that the ranking Democrat on the committee is not comfortable with this process, not comfortable with the allocations that have been put forward for crucial legislation for the American people.

At issue and still hanging out there are everything that goes to Health and Human Services and Education that the government does, things crucial to the health of our people, crucial to the education of many; also the issue of veterans health care, as the gentleman from Wisconsin said. We still have not adequately funded and taken care of identified problems with veterans health care, and yet money to do that in the bill coming up later today was stripped from the legislation late in the night.

We have the issue of homeland security. I serve on the Select Committee on Homeland Security, and we know that we are not meeting the needs adequately of aviation security; of port security; of the other aspects of homeland security; of first responders, those who we are going to call on, our fire, our police, and others in our home States who do not have the tools they need to respond day to day, let alone to potentially catastrophic emergencies and terrorist attacks. Yet here we find ourselves again on the floor of the House, yet again continuing through a temporary measure the operations of the government.

I guess things would not be this way if the Republicans held the White House and controlled both the House and the Senate. Oh, well, actually, they do. That is right, I forgot. So it must be the Democrats that are holding things up. Maybe it is Bill Clinton who is responsible for this. I think maybe it is his fault, actually, because he left us with a surplus and now we have a $500 billion deficit and we do not have the money to adequately fund these programs, so we are hung up and cannot get the votes together to pass anemic bills that will not meet the needs of homeland security, will not meet the needs of America's young people, will not meet the needs of our veterans or our seniors. We just do not have the money to do it. We do not have any money at all. We are just stuck here.

Except, wait a minute, later today we are going to take up a bill to borrow $87 billion to continue the conflict in Iraq and to build Iraq; to build an economy for Iraq, to build an infrastructure that is gold plated, a wonderful gold-plated infrastructure; but we do not have money here in the United States to perform some of the same functions. We are going to put another $50 million into the Port of Umm Qasr. I cannot get $8 million to dredge the ports in my district. The President says we are simply out of money. But we can borrow $50 million for the Port of Umm Qasr, and we will be voting on that later today.

Mr. Bremer, the proconsul in charge of Iraq, is appalled that many people

get their water through lines from open canals. He thinks they need a modern water system. The city of Albany in my State is doing a bond measure to meet Federal mandates for water supply because they get their water supply through an open unlined ditch, but they cannot get a penny from the Federal Government to help with that project; but we can borrow the money to do it in Iraq.

How is it we can borrow money for all these projects in Iraq and we cannot find enough money here, under arbitrary limits, to fund education programs for Americans, to fund veterans health care programs, to fund homeland security? What is wrong with this picture? Well, it turns out that the Republicans themselves cannot agree, between the White House and the House and the Senate. So we find week after week we do these temporary bills, temporary bill after temporary bill; and yet they do not deliberate toward any real result.

I am certainly not on this esteemed committee, but I am on another committee that will be the subject of debate later today; and I was just involved in a conference committee, except the conference committee never met. The result was dictated by the White House, something that I believe will jeopardize public health and safety, and it was accepted by the majority party. But then they found they could not get the votes to do what the House was dictating they should do. Same thing is happening here with our education programs, with our veterans health care, with our first responders, with our homeland security. The dictates have come down from above the level of this committee that say this is all the money there is.

We can borrow money for Iraq, but we cannot borrow money to fund these vital programs here in the United States of America; and we put a higher priority on cutting taxes. Therefore, we cannot get the bills passed. The votes are not here. This is a very sad state of affairs.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Pennsylvania (Mr. MURTHA), the ranking Democrat on the Subcommittee on Defense of the Committee on Appropriations.

Mr. MURTHA. Mr. Speaker, I want to ask the chairman a question. Why are we only doing this for a week? We are going to have to do this whole thing in another week? We get up here with all this debate, but could the gentleman tell me why? He knows we are not going to get done in a week; he knows it will take until Thanksgiving. Why are we only doing this for a week? Can the gentleman tell me?

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. MURTHA. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, the answer is that I agree with the gentleman, that we will not conclude our work prior to the 7th and we will need another CR. But that will not be due to any problems in the House. That will be because we are having some very difficult negotiations in the conference on the remaining bills, and also the fact that the other body has not even passed four of the bills in their own House.

So I would suspect that the gentleman is correct, that we will need another CR; and maybe I can have a better explanation at that point.

Mr. MURTHA. Mr. Speaker, reclaiming my time, I just do not understand. We know it is going to take longer. I do not understand why we would be forced to go through this same administrative procedure every week. We know we are going to pass the CR. I just do not understand. Are we controlling this from the appropriation side, or is this above our pay grade?

Mr. YOUNG of Florida. If the gentleman will continue to yield, I would say that the resolution before us today is the resolution that the chairman of the committee has presented, and that was a decision that was made at my level and at other levels.

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

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

Mr. LEWIS of California. Mr. Speaker, I very much appreciate the gentleman from Pennsylvania yielding to me.

I might mention, because the chairman certainly would not say this, that we are going through this routine, I know in large part, or maybe in small part, because for 40 years the Democrats ran the place and that gave us time to learn a lot by watching what they did. And from time to time they were even smart enough to understand that there was a need to put pressure on the other body, because that other body operates in a way that is hard for me to imagine.

Mr. MURTHA. Mr. Speaker, reclaiming my time, if the gentleman would not mind, let me just respond that I always went for the longest possible CR. I did not want ever to bring up a CR where we had to go through this every week, every 7 days, every 10 days. It is always easier to get it done in a reasonable time. But I understand what the gentleman is saying.

Mr. LEWIS of California. Mr. Speaker, if my friend from Pennsylvania would continue to yield, I know that he is one of the smartest guys in this place, and the leadership has difficulty getting everybody to be as smart as he is. And I would note, Mr. Speaker, that the gentleman from Pennsylvania is speaking today longer than I have seen him speak in the entire time I have been in the Congress. That is how smart he is. And it is a pleasure doing business with him.

Mr. MURTHA. Mr. Speaker, reclaiming my time once again, I know the chairman wanted to extend this, but I just wanted to needle him a bit about doing this every week.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

Let me simply say, Mr. Speaker, in response to the gentleman from California, that the last year the Democrats were in control, I was chairman. We finished every appropriation bill before the end of the fiscal year, not because there was anything special about me, but because my party leadership allowed me to walk across the aisle to work out a bipartisan allocation between the 13 subcommittees. Even then, we had two-thirds of the Republicans voting against the final product much of the time. But at least I was allowed to put together a bipartisan allocation of dollars, and that is why we were able to finish it on time.

That is in contrast to the instruction that the gentleman from Florida has unfortunately been given by his leadership, which has led to the fact that the Republicans at this point in the House and the Republicans in the Senate are losing an argument with themselves. That is the problem.

Mr. Speaker, how much time do we have remaining?

The SPEAKER pro tempore (Mr. THORNBERRY). The gentleman from Wisconsin has 7 minutes remaining.

Mr. OBEY. Mr. Speaker, I yield 5 minutes to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, let me thank the gentleman from Wisconsin for yielding me this time and acknowledge the fact that the work done by the distinguished chairman of the Committee on Appropriations and the ranking minority member in moving the appropriation bills through this body has been on time. We understand that. And we understand that there is a political process that must go forward in order to reconcile the differences.

I agree completely with the ranking member that the parameters in which we are operating under make it very difficult for us to work this out, and we should acknowledge that sooner rather than later so that we can finish the appropriation bills.

I also understand it is unlikely we will finish all our work by November 7. But, Mr. Speaker, I would think that we would use this time to get our work done, rather than a very short week and not dealing with the business that needs to be done. The committee I serve on, the Committee on Ways and Means, has two very important issues we have to resolve before Congress adjourns, and yet we are not doing any work as a collective body on those two issues.

One of the two issues I refer to is unemployment insurance, which is scheduled to expire at the end of December; and yet our committee has not even held a hearing or done any work at all on extending the unemployment insurance bill. One would think that we would use this time in order to make sure that we do not do what we did last Christmas and adjourn leaving those people who cannot find employment

without the help they need and deserve through monies that are held in the Federal unemployment trust account. There is $20 billion there. We should be using this time to extend the unemployment insurance system for people who are going to need that help. Instead, another week goes by with no action at all.

Mr. Speaker, let me mention the second issue which my friend from Arkansas mentioned earlier, and that is the prescription drug issue. Since last week, I have had three or four town hall meetings in my district in which the seniors have asked me what is going on on the prescription drug issue, and I have to tell them I do not know because the conference has not met in the open. The House Democrats have been excluded from the conference. I do not know why that is true. After all, one would think that this is an issue that we would want to get completed this year, where we have a real benefit within the Medicare system for our seniors to cover their prescription drug needs.

In my district, there are literally thousands of seniors who cannot afford their prescription drugs. They are cutting their pills in half. They are taking a pill every other day when they should be taking it every day. We need to get that done before Congress adjourns. But the only way, as my friend from Arkansas pointed out, that that is going to be done is if we have a true, open conference in which Democrats and Republicans can work together to bring out a bill that really provides a real benefit within the Medicare system to get our work done.

So I understand we are going to extend the CR for another 7 days so that Congress can try to work its will on the appropriation bills. I also understand we are nearing the end of the session, whether it is Thanksgiving or Christmas; and one of the, I would hope, must-do bills is the prescription drug bill. But not just any bill; not a bill that will hurt seniors, not a bill that is going to affect those who already have prescription drugs and they are going to find out their employer is going to terminate their prescription drug coverage because of what we are doing here; not a prescription drug bill that has no true benefit our seniors can rely on; not a prescription drug bill that has gaps in coverage where seniors are wondering why they are paying high premiums and not getting any benefits; not a prescription drug bill that does not do something to bring down the cost of prescription drugs in our country. That is not what they want.

The only way we are going to make sure that we carry out our commitment on prescription drugs is we openly meet, with the public looking at what we are doing, and resolve these differences in a way that makes sure that we get our job done well and right.

So, Mr. Speaker, I hope that we use these next 7 days not only to reconcile the differences on the nine remaining appropriation bills that should have been passed by October 1, which we should have done well before this date, but we reconcile our differences on the other mandatory bills before Congress adjourns to provide prescription drug benefits for seniors who desperately need it within the Medicare system, a real benefit, a benefit that they know will help them deal with the ever-increasing costs of prescription medicines, and a bill that will extend the unemployment benefits not just to those 80,000 Americans every week who are exhausting their State benefits, but also the million and a half who already have exhausted their Federal benefits that need extra weeks that are included in the legislation that has been filed by the gentleman from New York (Mr. RANGEL) and me.

□ 1145

Mr. Speaker, I thank the gentleman from Wisconsin (Mr. OBEY) for yielding me this time so we can put this particular legislation in context. It is not just about extending government, it is also giving us an opportunity to get our work done before we adjourn this session of Congress.

Mr. OBEY. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, since I first came to this body in 1969, we have had divided control of government for all but 6 years. The only time we have had Democratic control of all of the power levels of government was the 4 year period under President Carter and the first 2 years under President Clinton. For the rest of that time, we have had divided government until the Republicans took the whole shebang in the last election.

It is clear that regardless of what we want to talk about in yesterday's chapters, the chapter being written today makes clear that the majority party is in control of all of the power levers of government, and they are in a very big debate with themselves. As a consequence, we again, as was the case last year, do not have the work done. That is not the fault of the gentleman from Florida. I do believe it is the fault of those who have decided that every issue will be decided within the Republican caucus rather than trying to work out more broad-based bipartisan bills.

Nonetheless, that having been said, we have no choice but to pass this resolution. I would hope that we would have a sense of realism about how to get the job done between now and Thanksgiving. I doubt that we are going to, so I am afraid the gentleman from Florida (Mr. YOUNG) and I will be back on the floor next week and the following week pursuing these week-to-week extensions. Sooner or later, we simply have to change the mind-set which has allowed this drift to continue.

Mr. Speaker, I ask for an ''aye'' vote on the resolution.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself the balance of my time.

First, I want to needle the gentleman from Pennsylvania (Mr. MURTHA) and then I am going to compliment the gentleman from Wisconsin (Mr. OBEY), and then I am going to have a few comments about the issues on the CR.

When the gentleman from Pennsylvania (Mr. MURTHA) said in a friendly way that he was going to needle me, I want the gentleman to know that I have been needled so many times there is not much room left to put needles in, but I am prepared, willing, and able.

Mr. Speaker, I want to compliment the gentleman from Wisconsin (Mr. OBEY) for several reasons. The truth of the matter is that the House's part of this appropriations process has worked very well. The gentleman from Wisconsin (Mr. OBEY) has been a major player in making this process work. Now, I would say we do not always agree with each other. In fact, we disagree a lot. But occasionally we agree with the gentleman from Wisconsin and we support what he wants to do. But when we do not agree, we do not agree; and we are the majority so we can outvote him.

The year when the gentleman from Wisconsin (Mr. OBEY) was chairman, we did not have any CRs. All 13 appropriations bills were passed by October 1, which is the beginning of the fiscal year, and I compliment the gentleman for that because that does not happen very often. In fact, in the last 16–18 years, it has only happened twice. Once was under the watch of the gentleman from Wisconsin (Mr. OBEY), and he deserves a lot of credit for that. But I would also remind the gentleman that he had 82 more Democrats than Republicans, and that made his life a lot easier.

Mr. Speaker, the House has been very successful this year. Let me just relate quickly what we have done in the House. The gentleman from Wisconsin (Mr. OBEY) said he did not want a repeat of last year, and I say Amen to that. We do not want a repeat of last year when we could not even get our bills brought to the floor, although we had marked them up in committee.

So at the beginning of this year, we completed 11 of last year's 13 appropriations bills. We completed, conferenced, and passed them, and they were signed into law. We have also completed, in the House and conference, one major supplemental. We have passed all 13 of our regular fiscal year 2004 bills. We have also passed a mini-supplemental that has been conferenced and sent to the President which has now been signed. We have filed the major Iraqi supplemental, which we will take up in the House this afternoon. So we have had a very, very busy year on the Committee on Appropriations front, here in the House of Representatives.

Our work is not done yet. When we pass the Department of Interior bill today, that will be only four of the 13

bills completed. There are four more in conference: military construction, energy and water, Labor-HHS and transportation. We expect to send to conference the foreign operations bill next week. There are still four bills in the Senate waiting action by the full Senate, Commerce-State-Justice, the Veterans and HUD appropriation bill, the District of Columbia appropriation bill, and the agriculture appropriation bill. We cannot go to conference until they pass those bills.

But to suggest, as one Member did, that there is hardly any action at all, this Committee on Appropriations has been pretty busy and pretty effectively busy.

Another Member suggested that Democrats are excluded from our conferences. I only go to conferences on appropriations bills, but since I have had the privilege of chairing this committee, no Member of either party has been excluded from the work we are doing or from our conferences.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, what the previous Member said was not in any way directed at the Committee on Appropriations. The Member was pointing out in a number of the authorizing committee conferences, that Members of the minority were excluded; and I might point out in the process, probably the public interest was excluded as well.

Mr. YOUNG of Florida. Mr. Speaker, I appreciate the gentleman's comments, and he is exactly right. On the Committee on Appropriations bills, the gentleman from Wisconsin (Mr. OBEY) and I communicate on a regular basis. I try to make sure that the gentleman and the minority are aware of anything that we are planning. We often consult and ask them how they would deal with issues. On the appropriations process, we have a good arrangement and I think we provide a good product. We do not exclude Members.

I know there are some strong feelings about a 7-day CR or a 15-day CR, and probably it would have been more realistic to go a little later into the month when I think we could conclude our bills. I know Members are anxious to adjourn, but for Members on either side who want to complain about getting done so we can get out of here, I have to remind them, that we get paid 12 months a year, and the people should expect us to work 12 months a year. And if it takes 12 months, we are going to do it. Members sign up to get their paychecks every month, and should be prepared to work. We are still not at the end of the year. We will conclude our business before then, but if someone is really anxious to get out of here, maybe they should look for different employment.

Mr. Speaker, I yield back the balance of my time and ask for a yes vote on the CR.

The SPEAKER pro tempore (Mr. THORNBERRY). All time for debate has expired.

The joint resolution is considered read for amendment, and pursuant to House Resolution 417, the previous question is ordered.

The question is on engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 406, nays 13, not voting 15, as follows:

[Roll No. 583]

YEAS—406

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carter
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—13

Capuano
Conyers
DeFazio
Filner
Ford
Jackson-Lee (TX)
Kucinich
Lee
McDermott
Miller, George
Paul
Stark
Waters

NOT VOTING—15

Akin
Bradley (NH)
Carson (OK)
Case
DeLay
Fletcher
Gephardt
Gutierrez
Isakson
McCollum
McCotter
Miller (NC)
Pearce
Sanchez, Linda T.
Stupak

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. THORNBERRY) (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1216

Ms. WATERS and Ms. LEE changed their vote from ''yea'' to ''nay.''

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2510

Mr. DOOLITTLE. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 2510.

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

There was no objection.

MOTION TO ADJOURN

Mr. BERRY. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Arkansas (Mr. BERRY).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. BERRY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 76, noes 328, not voting 30, as follows:

[Roll No. 584]

AYES—76

Ackerman
Alexander
Allen
Baldwin
Bell
Berkley
Berry
Brown, Corrine
Capuano
Carson (IN)
Carson (OK)
Clay
Conyers
Cummings
Davis (IL)
DeFazio
DeLauro
Dingell
Doggett
Evans
Filner
Frank (MA)
Grijalva
Hastings (FL)
Hill
Hinchey
Hinojosa
Holt
Honda
Hoyer
Jackson (IL)
Jefferson
Johnson, E. B.
Kaptur
Kennedy (RI)
Kilpatrick
Kleczka
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lewis (GA)
Lipinski
Lowey
Maloney
Markey
McGovern
McIntyre
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Nadler
Neal (MA)
Oberstar
Pallone
Pascrell
Payne
Pelosi
Pomeroy
Rodriguez
Ruppersberger
Sanchez, Loretta
Sanders
Sandlin
Slaughter
Snyder
Solis
Thompson (MS)
Towns
Udall (CO)
Velazquez
Waters
Woolsey

NOES—328

Abercrombie
Aderholt
Andrews
Baca
Bachus
Baird
Baker
Ballance
Barrett (SC)
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Bonilla
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Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carter
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Flake
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
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Green (TX)
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Gutknecht
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Hulshof
Hyde
Inslee
Israel
Issa
Istook
Jackson-Lee (TX)
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
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Kennedy (MN)
Kildee
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King (IA)
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Lewis (CA)
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Lucas (KY)
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McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McKeon
McNulty
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
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Obey
Olver
Ortiz
Osborne
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Otter
Oxley
Pastor
Paul
Pence
Peterson (MN)
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Petri
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Platts
Pombo
Porter
Portman
Price (NC)
Putnam
Quinn
Radanovich
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Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
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Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
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Ryan (OH)
Ryan (WI)
Ryun (KS)
Saxton
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Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
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Sessions
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Upton
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Wilson (SC)
Wolf
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Young (AK)
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NOT VOTING—30

Akin
Ballenger
Bartlett (MD)
Bradley (NH)
Case
Crane
DeLay
Fletcher
Foley
Gephardt
Gutierrez
Harris
Hunter
Isakson
Manzullo
Marshall
McCotter
McDermott
Miller (NC)
Moran (VA)
Owens
Pearce
Pickering
Pryce (OH)
Sabo
Sanchez, Linda T.
Schakowsky
Stupak
Tierney
Whitfield

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SWEENEY) (during the vote). Members are advised there are 2 minutes remaining on this vote.

□ 1234

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2115, VISION 100—CENTURY OF AVIATION REAUTHORIZATION ACT

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 422 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 422

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2115) to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

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

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

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, House Resolution 422 is a rule providing for consideration of the conference report accompanying H.R. 2115, the Vision 100—Century of Aviation Reauthorization Act.

Mr. Speaker, I would briefly remind this Congress of the essential authorizations provided through this bill. First and foremost, the legislation reauthorizes the FAA for 4 years and $3.4 billion in fiscal 2004, increasing by $100 million each year thereafter. The FAA is, of course, primarily responsible for the safety of the Nation's skies through activities ranging from the continued monitoring by air traffic controllers to the development of new airspace technologies.

The district that I am honored to represent contains Miami International Airport, consistently one of

the Nation's busiest, both for international and domestic travel. I am always impressed by the level of public-private cooperation between such organizations as the FAA and Miami International. This cooperation is evident, as well, through many provisions in this legislation, for example, $500 million for airport security improvements at airports; grants and tax credits for low emissions; compensation to general aviation for losses from security mandates; and war risk insurance to the airlines through March 30, 2008.

This Congress was quick to assist airlines after the tragedy of 9–11, and rightfully so. The economic benefits from the movement of people and goods the airlines provide obviously demanded our attention. However, we must also consider those smaller aircraft which were restricted for months. Accordingly, this Congress will act through the underlying legislation to help general aviation return to financial stability by providing compensation for the hardships on their business. This bill authorizes $100 million for these general aviators that were greatly affected by increased security restrictions.

I would like to thank the gentleman from Alaska (Chairman YOUNG) and the gentleman from Florida (Chairman MICA) for their extraordinary leadership on this important reauthorization, and I urge my colleagues to support this important rule and the underlying legislation.

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

Mr. MCGOVERN. Mr. Speaker, I thank my friend from Florida for yielding me the customary 30 minutes, and I yield myself 5 minutes.

Mr. Speaker, I rise in strong opposition to this rule, and I urge my colleagues to vote it down. Just when I think I have seen everything, the Republican leadership comes up with a new surprise. We are seeing appropriation bills that no one can amend. We have seen huge multibillion dollar omnibus spending bills being written in secret and shoved through the House. We have seen twisted arms and broken promises. But tomorrow is Halloween and the leadership has come up with a brand-new trick: the invisible conference committee.

As everyone knows, just 2 days ago, the Republican leadership, after nearly 5 weeks of delay, finally brought up a rule to send the seriously flawed FAA conference report back to the conference committee. The House, in a bipartisan way, approved that rule, with the hope that the flaws in this bill could be fixed and we could reauthorize important aviation and safety programs. Instead, the invisible conference committee did not hold a single public meeting, a violation of House rules, and did not give Democratic members any opportunity for input or amendment. In fact, Democratic members of the conference were never even notified that a conference was taking place, and they were never notified that a new report was ready until after this new conference report was filed.

Now, I do not even know if Republican members of the conference committee met, or if some leadership aide or some lobbyist changed the bill himself on the back of a napkin.

Mr. Speaker, this is outrageous.

When we shared our concerns with the chairman of the Committee on Rules last night, he told us that he understood where we were coming from and that he would talk to his leadership about it. With all due respect, Mr. Speaker, it is not enough to feel our pain. What we are looking for is fairness. Last night, the Committee on Rules Republicans could have stood with Democrats and demanded that the House rules and procedures be respected. They had their chance to make their actions match their rhetoric. But sadly, they chose, once again, to follow their leaders, rather than follow the rules.

Again, this is not an isolated incident; this is part of a continuing pattern of disregard for the rules of this House, disregard for other points of view, disregard for open debate, disregard for bipartisanship, and disregard for the American people.

As I have said before, I understand that the majority has the responsibility to manage the House and that the Committee on Rules can be a tool in that effort. But under this Republican leadership, the Committee on Rules has become not a tool, but a weapon, a weapon used to smother, stifle, and suppress; a weapon used to cover up bad behavior and undermine the democratic process.

These matters, Mr. Speaker, are not just ''inside baseball.'' They are matters that directly impact the American people. In this case, the conference report for the FAA bill does not just directly contradict the expressed bipartisan will of both the House and the Senate; it also jeopardizes the safety of the people we represent.

The bill still allows for the privatization of air traffic control, despite the fact that both the House and the Senate voted to prohibit privatization. If this provision becomes law, it will begin the dismantling of the air traffic control system as we know it.

We cannot allow our air traffic control system to be farmed out to the lowest bidder. Safety must come first, and we cannot do it on the cheap.

A while back, some Republican Members claimed that they opposed privatization so strongly that they pledged to vote against the conference report. I hope they follow through with that promise today.

And the bill, Mr. Speaker, still changes antiterrorism training for flight crews from mandatory to discretionary. The Homeland Security Act of 2002 directed the Transportation Security Administration to issue security training guidelines for flight crews. Section 603 of the FAA conference report guts this directive in order to give air carriers the authority to establish those training requirements at their discretion. The TSA has developed the training for Federal flight deck officers and the Federal air marshals. It only makes sense that the TSA should be responsible for developing the antiterrorism training for flight attendants so that there is a coordinated response from the entire flight crew in the event of a terrorist attack. To do anything less, Mr. Speaker, is to place special interests above passenger safety, and that is absolutely unacceptable.

Mr. Speaker, this is not the way the people's House is supposed to run. What has happened with this conference report is an outrage and an insult, not only to Members of both parties, but to the people we represent. I strongly urge my colleagues to defeat the previous question and defeat the rule.

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

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

I certainly have not seen it all, but I am learning a lot this morning, hearing the debate. Approximately 150 towers were privatized during the Clinton years. This legislation does not mandate any privatization of towers, and yet trying to reconcile with this reality and these facts, what I am hearing.

Mr. Speaker, at this time, in order to elicit some information and some facts about what the legislation is doing, I yield such time as he may consume to the gentleman from Alaska (Mr. YOUNG), the chairman of the Committee on Transportation.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Speaker, again, I would like to thank the gentleman from Florida (Mr. MICA) for carrying this load. I had to come to this floor because there has been a lot of misunderstanding about this legislation.

All the way through this legislation the gentleman from Minnesota (Mr. OBERSTAR) and his staffer, Stacy, were involved in this legislation as it passed from the committee and to this House floor. I was charged as chairman of the committee to meet with the Senate, and it is a two-way street, and the Senate and the House did meet.

By the way, in this bill, for the other side, the Democrat side, the provision included a special rule to maintain the minimum AIP entitlement at small airports that had lost passengers. That was the gentleman from Massachusetts' (Mr. MCGOVERN) piece of legislation. It included a sense of Congress on fifth freedom and seventh freedom flights. That was the gentleman from Illinois (Mr. LIPINSKI). Increase the Metropolitan Planning Organization, MPO, participation in airport planning

process; that was the gentleman from Oregon (Mr. BLUMENAUER). A requirement to provide additional information to families affected by aircraft accidents, that was from the gentleman from New York (Mr. WEINER). Restrictions on flights to Teterboro Airport, that was the gentleman from New Jersey (Mr. ROTHMAN). Flight attendant certification; deadline of issuance of stage 4 noise reduction rule; curriculum standards for maintenance technicians; provision on foreign repair station security. All of these came from the other side, and they are in the bill.

The conference did meet at the request of the Senate side and, at that time, the Democrats offered an amendment to prohibit the FAA from contracting out any more air traffic control towers and it lost.

□ 1245

And it lost. And I have to remind everybody in our bill I protected 95 percent of the control towers. Sixty-nine could have been contracted out; sixty-nine. Under of the Clinton administration 194 were contracted out. And no one said a word, privatized and no one said a word. I protected 95 percent of it. But because of the misinformation, the cry of anguish, now we went back to the old law, existing law, the way it existed for the last 10 years. And that is the law we had that was stripped out of this provision.

And, very frankly, I was disappointed that there was nobody signing the conference report from the other side. We tried to finalize it before it expired, this act itself, and now we are on the floor today. And I ask my colleagues, the good in this bill far outweighs what is said bad about it. It allows our airports to function. It improves our airports, and it improves safety all the way through this legislation.

I know there has been a lot of disinformation, and, unfortunately, I cannot control everything that happens in this House. I wish I could. I would like to be given about 20 minutes as a dictator, I would straighten everything out. But that will not happen. This is a democracy.

But this, overall, is a good piece of legislation. Yes, I even arrived at a solution with the delegation from D.C. and Virginia on the slots, an agreement we made. So there are not that many slots requested from the Senate. And I prevailed on the House side.

So I hope with the information that is given us in the debate on the rule, and the debate itself, you understand that this bill is, overall, a good piece of legislation with the bodies on both sides of the aisle having to work together to arrive at a solution.

Now, we can demagog this more and more; we can rattle on about it more and more. But in reality, the legislation before you today should become law, and I hope it will be passed on.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PASCRELL), a member of the committee.

PARLIAMENTARY INQUIRY

Mr. PASCRELL. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. SWEENEY). The gentleman will state his parliamentary inquiry.

Mr. PASCRELL. Mr. Speaker, has there been a violation of the House rules, the rules of this House and the integrity of this House in convening the conference on the FAA bill? That is my inquiry.

The SPEAKER pro tempore. Under the precedents of the House, a conference report must be the product of an actual meeting of the managers appointed by the two Houses.

Mr. PASCRELL. Mr. Speaker, has that been the case with this bill?

The SPEAKER pro tempore. The pending resolution proposes to waive all points of order against the conference report. Members may debate the necessity or advisability of doing so.

Mr. PASCRELL. Mr. Speaker, so in other words, the Committee on Rules made their statement, therefore, that is the answer to the question, really. Correct, Mr. Speaker?

The SPEAKER pro tempore. The Chair will just reiterate what was just stated.

Mr. PASCRELL. Mr. Speaker, let me say this: That on 9/11, this public system that we have in the United States was able to land 700 planes in a very short period of time. They cleared the air in 2 hours. And as the ranking member of this committee has stated most eloquently, if the control of the national air space and the safety of the traveling public is not a governmental function, one has to question what is. And I think that sums it up in a nutshell.

We have had a failure of privatized baggage screening in this country, and that is why we moved into the public sector. And while those on the opposition would say that this does not, this does not advocate privatization, we know what the agenda is down the street, a part-timing of the workforce in this country, no question about it, and trying to do everything we can to undermine organized labor. My colleagues know it and I know it, regardless of where one stands on this legislation.

If one says this has nothing to do with this legislation, then what are we debating for? Why did this House vote 418 to 8, which is a pretty startling number, 418 to 8, the Committee on Transportation and Infrastructure voted, they made their decision very clear. And it is an absolute abomination that we have taken that vote and tried to strain it, cleanse it, to do everything we possibly could to it, to bring back to this floor legislation that could have had bipartisan support, that did have bipartisan support, in order to divide this Chamber. Division, division, division. Because you have in sight your objective, and your objective is to part-time the workforce in America. You have not gone far enough. And you are afraid to talk head-on to it.

This is not the end of it. There is going to be more than adjournments, it is going to be more than debates. It is a central issue in American politics today.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Florida (Mr. MICA), chairman of the Subcommittee on Aviation.

(Mr. MICA asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. MICA. Mr. Speaker, I am pleased to respond to some of the points that have been raised on this particular rule. Having participated in the development of this legislation on this conference report, I am familiar with some of the details that I think we should, again, separate fact from fiction.

First of all, the conference did meet. I have a copy of the transcript of the conference. Let me say, first of all, in the development of the bill, I have heard comments about this not being a bipartisan effort. I can say that I have been in the Congress for 11 years. And I was in the minority, and I saw how things operated in an oppressed fashion, being part of the minority I said that would never happen when I was given the opportunity to be in a leadership position.

So I conducted more hearings on the reauthorization of AIR–21, FAA reauthorization, than we did on AIR–21's original hearings. And I have a list of all of the hearings that we conducted. I went into the home district of the ranking member and conducted a hearing. I can tell you with every single issue in this piece of legislation, the minority was consulted.

The chairman of the committee, the gentleman from Alaska (Mr. YOUNG), just got up and told you that much of this legislation, in fact, is the work product of the minority. Opportunities I could not have dreamed of when I was in the minority.

So to say that somehow this has been unfairly conducted, or some opportunity not given, is not correct. It is not factual.

Then we get to the point of the conference. A conference was held and the major issue, there has only been one point of contention on this legislation from the beginning. That is the question of the contract towers. We held a hearing and we had an actual vote on the issue.

Here is the vote. Here is the transcript. Let me read: ''Mr. OBERSTAR. Mr. Chairman, if I am recognized for the purpose of a motion, I move to adopt the language I have referenced with respect to the language of air traffic control privatization and the air traffic control tower language.'' There was a vote and they lost.

We put in the provision 69 towers. It was done in an open meeting. They were given an opportunity for a vote. This is the vote.

Mr. Speaker at this point I will insert this into the RECORD.

Mr. OBERSTAR. Mr. Chairman, if I am recognized for the purpose of a motion, I move to adopt the language I have referenced with respect to the language on air traffic control privatization and the air traffic control tower language.

Mr. YOUNG. On the House side, all in favor, signify by saying aye.

All opposed, signify by saying no.

The noes have it.

So this was done in fairness.

Now, I do not remember too many conference reports that have been filed and been out there. We filed this the July 24. The conference has been out there. And we would have taken this up the week that we left, but we did not have time on the floor.

And in the meantime, NATCA has spent, I am told, I do not know if this is accurate, but I am told $6 to $7 million in a campaign of disinformation to take this provision out. Now, what we have done is we won in an open conference, and now we have recommitted the bill and we have agreed to take out the objectionable provision. So we lost. We gave again to the side to take out the provision, and they still are not happy. They say they are not being treated fairly.

We had a vote, we had an open conference, and we have taken out the issue of contention. All the other issues, every issue, was debated, every issue was discussed in hearings. And I have copies of all the hearings. I would be glad to have them made part of the RECORD.

So, again, the question of unfairness is unfair. Let me say to the gentleman from New Jersey (Mr. PASCRELL) who just spoke, and I have the greatest respect for the gentleman, the planes that landed September 11 that the FAA brought down, half the towers in the country, almost half the towers in the country, 219 are contract towers. They are supervised by the Federal Aviation Administration. They are managed by private contractors. So on September 11, those people performed well.

The issue of the 69 towers, the 69 towers we did not pick out of the vacuum, out of the sky to put in the bill to look at for possible conversion to contract towers. Those FAA towers were examined in the year 2000 by the Inspector General. Not by the CBO, not by some partisan group, but by the Inspector General.

The Inspector General looked at those towers. He compared them in 2000 and found that the all FAA towers had 2.5 times more safety errors than their counterparts, the contract towers. And the cost was substantially more.

This did not satisfy the union, so they asked for another restudy. So we asked for a restudy requested by NATCA. They reviewed it in 2002 and 2003. Here is the report. In the report they said you did not do the right comparison. You have to compare the flights, the number of flights, hours of operation. So they did that. And they just completed that. You know what? An even more exact comparison found, that there is five times the error rate in the FAA towers. So they are less safe. And they cost, look at it, the report, an average of 12 of them, $917,000 more to run.

So, we have taken out the provision that was objectionable to the other side, and they still are not happy. This reminds me of that song, the Hokie Pokie: You put your right foot in. What else can we do?

So we are here today, folks, to stop the Hokie Pokie. This is very serious because our aviation system depends on it. Our improvements of our airports depend on it, and that is in this legislation. The security improvements depend on it, and many of our airports are lacking those security improvements. They are being held up because this bill is not passing.

Essential air service to our small and rural communities, never before have we produced a piece of legislation that will do more to expand air service with an aviation system that now has been under such duress that we have nursed it back. This will do more of the job to create employments and opportunities for all Americans.

So the argument that we have not given a fair opportunity to the other side is bogus. The argument that is trying to be posed here today that we somehow did something in the dark, without consultation, here is the record. This is the record. We have been fair. We have been open. We have even acquiesced to their number one demand and to what the union has spent $7 million on in an unprecedented campaign of lies and distortion and misinformation, so we can move this legislation forward, so we can help our ailing aviation industry.

□ 1300

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. DEFAZIO), who is the ranking Democrat on the committee.

Mr. DEFAZIO. Mr. Speaker, that was a wonderful exercise in obfuscation.

The critical thing is that the House voted unanimously to send a failed bill, a bill which had inserted privatization into a system that no one voted to privatize when the bill passed the House and the Senate will taken up and a majority voted to not privatize, and they had a press conference and then they brought the bill back. I was supposedly a member of that conference committee. There was no conference committee. We did not meet. We found out from the press that they had reported back the conference.

The conference in July, which was called in a very hurried way, yes, we actually had one meeting. We were to meet again after we had a series of votes. We are still waiting for that meeting. The point is, suddenly after both the House and the Senate had voted in the interest of public health and safety and control of the national air space and national security to prohibit the privatization of air traffic control of the United States of America, both bodies had voted overwhelmingly to not privatize. Suddenly a Senator shows up with an amendment to privatize 71 air traffic control towers.

When asked about it, he said, this was a de minimis sort of amendment. The chairman objected, the gentleman from Alaska (Mr. YOUNG), because it included Alaska. So suddenly this great principle of privatizing 71 was dropped down to 69 like that.

Here is what the gentleman from Alaska (Mr. YOUNG) said recently about this: ''My hotel room is on the top floor of the Sheridan and the airplanes take right off towards my hotel room. Every morning I look out and there is one coming right at me. It is an interesting experience and I want to make sure everything is done right in that field.''

So somehow in Alaska, nowhere near as busy as many of the other airports in question here, it is not safe to privatize, but somehow it is safe to privatize other major facilities. In fact, what the majority has done is they took out these 69 airports and they have opened the door wide because they have stripped the original exclusion of the House and the Senate on privatization from air traffic control from the bill entirely.

So now the President has determined that the air traffic control of this country, the control of our air space, the safety of the traveling public, is not an inherently governmental function. That is what the President has done, reversing an executive order of the previous President. That has opened the door to privatize the entire system or, worse yet, to fragment it up and cherry-pick out some profitable areas to be subcontracted or contracted to Halliburton or others.

That is what this is all about. We have the most productive and safest air traffic control system in the world, bar none. What problem are we fixing? We are fixing the problem that nobody is making money on it. It is run by the government. That is the problem. We should put this on the model of the private security we had at airports before 9/11.

Have we so soon forgotten the firms, Argenbright and others, who hired and maintained on staff known felons to provide screening at airports, paid minimum wage, had a turnover of 140 percent, that would be the model for our air traffic control system? They want to cheapen it, dummy it down. As one of my colleagues said, rent-a-controller.

Maybe we can get temporaries. Maybe we could transmit all the data to India and have the people there do our aircraft spacing. Come on. This is the safest, best run, most efficient system in the world, bar none. What problem are you fixing here? You are not

fixing a problem, unfortunately. You are attempting to open the door for someone to make money and to allow the airplanes, perhaps, to dictate how the system runs.

Maybe we can get those planes closer together. We do not really have to worry about wake turbulence. Maybe we could taxi them a little quicker. We do not really have to worry about collisions on runways. Maybe there are other places we could squeeze the system.

Every one of those things would jeopardize the safety of the American public which I put paramount and this bill does not, and this process is absolutely corrupt.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Georgia (Mr. ISAKSON).

Mr. ISAKSON. Mr. Speaker, I thank the gentleman from Florida (Mr. MICA), and I thank the gentleman from Florida (Mr. LINCOLN DIAZ-BALART), and I thank the members of the conference committee, and I particularly thank the chairman.

There were some difficulties following the conference committee meeting when I was there and others were there. There was a conference committee meeting and there was some argument over the 69 towers, and the bill before us today corrects that argument.

Now, what I would like to correct for a second are two facts or two statements that I have just heard.

First of all, this bill is about the safety of the American people and a failure to adopt this conference committee would be turning the back on the safety of the American people. That is number one.

Number two is about if you represent a major airport in this country, an airport that is gone through the trauma of the post 9/11 period, an airport that is now working with the CX 9000 equipment and the other equipment we are mandating. This bill puts into statute the conference committee report, the reimbursements in law that those airports will receive. It removes us from last-minute supplemental appropriations with cries for needs of money from airports and the moving of the shell game.

This conference committee report addresses the rural and smaller airports in this country. This conference committee report is all about safety, notwithstanding what one's policy may have been on the issue that took us to the controversy that caused the bringing back of this conference report and for it to be rewritten.

The fact of the matter is it is obfuscation if someone stands here in this House and says that this bill continues what has been corrected. This bill corrects the deficiency. This bill is an investment in the safety of the American people that fly; and a vote against this rule or against this bill would be a vote against their safety. So I commend the chairman. I commend the gentleman from Florida (Mr. MICA), and I commend all the Members of this House who care about the safety of the American people, the safety and security of our airports, and the continued great aviation industry we have. I urge Members to vote for the rule and for the final report.

The SPEAKER pro tempore (Mr. SWEENEY). The Chair will notify Members that the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) has 9½ minutes remaining. The gentleman from Massachusetts (Mr. MCGOVERN) has 19 minutes remaining.

Mr. MCGOVERN. Mr. Speaker, I yield 3½ minutes to the distinguished gentlewoman from the District of Columbia (Ms. NORTON), who is a member of the committee.

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding me time.

I can identify with the frustration of the gentleman from Alaska (Mr. YOUNG) and the gentleman from Florida (Mr. MICA) because you really did do your job. You have gotten a good bipartisan bill out of committee, and I know it because up close there were things that both chairmen worked with me on together.

Their bipartisan bill did not have privatization. It is really hard to find out who are the folks that are for privatization because you will not find them in the committee, and you will not find them in the House and the Senate, and that is who I thought we were. This breaks my heart because both chairmen worked so closely with me to get changes in this bill that I wanted and some of them were controversial. An example is the slots, very controversial.

I did not get all I wanted, but instead of the proposed 36, it is down to 20 and we worked together to get that. I worked with the gentleman from Florida (Mr. MICA) and the gentleman from Alaska (Mr. YOUNG) because general aviation here had not been reimbursed and everybody else had been reimbursed. They said we will work with you and they did. There is $100 million in here for the small airports that were not reimbursed the way the big airlines were.

D.C. was hit especially hard because we are not open yet. They worked with me on that and there is language in there instructing the Department of Homeland Security to develop and implement a plan to open to general aviation, including charters, to the airports so that they can come in.

They worked with them on language to get airplanes here, state-of-the-art airplanes that take more passengers, but they are quieter and more fuel efficient. My only regret in this bill for myself is that the Metropolitan Airport Authority has to come here to ask for grant funds that everybody else gets automatically. Having all of that good stuff and it is full of other good stuff for the entire country in here, the chairman did not want privatization here. We have privatization messing up the bill and causing a huge controversy in this House.

First, the small airports will be the guinea pigs. The poor 69 airports they have come and screamed to high heaven. Many of us were nervous because we thought after the guinea pigs the rest of us would follow. The problem, I want to say to my good friend, the gentleman from Florida (Mr. MICA), is once the language is bare, it leaves the impression, and I think that most of us have the impression, that anything can be privatized now. It leaves the impression that instead of improving the bill, we have gone from bad to worse.

I know what we went through with security guards. If we believe that security guards are inherently governmental, and that is the language here, we surely have corrupted the concept if air traffic controllers are not governmental. 9/11 changed everything. It is a bright line. We are not willing to risk anything in the air.

We are no longer willing to risk anything in the air. I would defy the other side to stand up when I am through and give me an example of something that is inherently governmental if air traffic controllers are not. After 9/11 we would not leave anything to chance in the air space of our country, and the problem with the private sector is they are in the business of making money. They have got to cut corners if it gets tight. This bill fails the indispensable test of guarding our air space as we promised in the post-9/11 period.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 3½ minutes to the gentleman from New Jersey (Mr. MENENDEZ), who is also a member of the Committee on Transportation and Infrastructure.

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

Mr. MENENDEZ. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, this conference report which is the subject of the rule represents only the second time in modern history that a conference report filed by the Committee on Transportation and Infrastructure does not include a single Democrat signature. The first time this happened was the first conference report on this same bill which subsequently had to be recommitted, and this last conference report is no better; and we will be back here again because this bill will simply not pass the Senate.

Now, the House rules governing conference committee requires that at least one conference committee be held and what that means is that all of the conferees, all of the conferees get invited in democracy, my friends, in a democracy which we try to promote throughout the world. We stand here and resolution after resolution promote it throughout the world. We are

in Iraq. We are in Afghanistan, but here in the greatest democracy in the world, Democrats representing 134 million Americans in this country through the 206 members of the Democratic Caucus do not get invited to a conference to have those Americans' views on this important air safety issue.

That is outrageous and it is the corruption of the process and the corruption of the House rules. You are supposed to have a conference committee that brings all to the table. Not only did you corrupt the House rules and the conference, you corrupted the will of the House that voted overwhelmingly in a bipartisan manner on this question of air privatization of air traffic controllers.

The House clearly said we do not want rent-a-controllers. The chairman of the full committee in the first conference report did not want it for Alaska. So if it is not good for Alaska, it is not good for any other State of the Nation. I agree with him and his wisdom.

Also, you corrupt the process when you do not permit the opportunity for our colleagues to participate on behalf of those 134 million Americans. After September 11 we did not privatize screeners; we Federalized them. We federalized them. And on the September 11 day, it was these air traffic controllers that brought to the ground hundreds and hundreds of planes across the country in a very incredibly short period of time in order to ensure the safety of those who were traveling on those planes and the safety of all Americans should those airplanes be used as they were used in New York and in the Pentagon as weapons of mass destruction.

So let us give to air traffic controllers in a privatized function the responsibility for air security as well.

□ 1315

America cannot afford, in terms of the traveling public's safety once they are in the air, to have those airplanes which we have seen can be turned into weapons of mass destruction, ultimately be controlled by some privatized entity.

We need to continue to keep it as it is. It is the safest, most reliable system in the world. I simply do not know why we are trying to undo that, and I certainly do not know what is so terrible about the marketplace of ideas that my colleagues cannot have us in the conference room and the opportunity to make sure that the rest of America knows what they are doing.

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

I sympathize with my good friends on the other side of the aisle. When I arrived in this Congress along with the gentleman from Florida (Mr. MICA) 11 years ago, I was in the minority, and I remember what it was not to have the votes, the majority of the votes to get one's ideas passed and to come into law. So I sympathize when now our colleagues on the other side of the aisle do not have the majority of the votes, how they must feel, but I think it is important that some facts now be put on the record, Mr. Speaker.

This legislation before us mandates no privatization of towers. During the years of the Clinton Presidency, approximately 150 such towers were privatized. I do not recall my friends protesting, but this legislation, which obviously they are complaining about today, mandates no such privatization of towers, like we had 150 during the Clinton years.

Despite the fact that we on this side of the aisle have the majority of the votes, it is important to point out that in the writing of the bill and the original conference report, our friends on the other side of the aisle were intimately involved. Many provisions, in fact, were included in the bill at the request of our friends on the other side of the aisle.

For example, a special rule to maintain the minimum AIP entitlement at small airports that have lost passengers, I am told the gentleman from Massachusetts (Mr. MCGOVERN) came forth with that idea.

A sense of Congress on 5th freedom and 7th freedom flights, I believe the distinguished gentleman from Illinois (Mr. LIPINSKI) brought forth that idea.

An increase in the MPO participation in the airport planning process, I believe the gentleman from Oregon (Mr. BLUMENAUER) had that idea.

Requirement to provide additional information to families affected by aircraft accidents, I believe the gentleman from New York (Mr. WEINER) had that idea.

Restriction on flights at Teterboro airport, I believe the gentleman from New Jersey (Mr. ROTHMAN) had that idea.

Flight attendant certification, deadline for issuance of Stage 4 noise reduction rule, curriculum standards for maintenance technicians, provision on foreign repair station security, all of these ideas came from our friends on the other side of the aisle.

So it is important for the facts to be known. There is frustration in being in the minority. I remember my first term here, but let us not negate the facts that in the fairness of the majority, many ideas of the minority were included. So I think that is required. I think that is required by democracy, respect for the minority, and we see in this legislation the fruits of much respect for the minority, but in addition to ideas that were brought forth by the minority, there are many ideas brought forth, I would say many more, by the majority that are very important to the safety of aviation in this country, Mr. Speaker, and that is why we must pass this legislation today.

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

Mr. MCGOVERN. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished member of the Committee on Rules for yielding me the time.

I thank the Speaker and I guess my good friend on the other side of the aisle, a good friend of mine, but if I must answer the question about our frustration, it is because democracy has been hijacked. The simple question is on this FAA reauthorization is why this could not have been sent back to the conference committee.

Right now, without giving further details, we have an incidence on this campus dealing with some potential danger. We are living in a new climate, Mr. Speaker. We are living where Americans are afraid because we suffered through 9/11 and the tragic loss of life. What an outrage to suggest that in this climate, we will begin to privatize air traffic controllers, the most crucial aspect of flight operation, and to my good friend, the 150 privatized that he alleges under the Clinton administration, that is wrong. They were not under FAA authorization, Mr. Speaker. We are grabbing these from FAA authorization.

Let me just say, Mr. Speaker, in concluding, we do not have trained flight attendants. My colleagues have taken out the language about settling the question of 65-year-old pilots.

This is a bad bill. They have hijacked democracy. We should vote no for this, and the other side realizes that it has treated us unfairly. This rule should be voted down.

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

Just to reiterate, we reiterate some facts that I attempted to bring out before. First of all, with regard to the towers privatized, airports privatized, during the Clinton administration, about 100 of them were former FAA staffed towers. I reiterate again, that in the legislation brought forth today, there is mandated no privatization of towers.

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

Mr. MCGOVERN. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Speaker, I rise on behalf of the largest general aviation airport in this country, Van Nuys airport, and the million people who live in its environs. This bill is designed to selectively privatize air traffic control. That is unsafe, and it is inherently going to be political.

The chairman of the committee said, ''my hotel room is on the top floor of the Sheraton, and airplanes take off right towards that room.'' That is why Alaska was not going to be included in earlier drafts of this bill. The gentleman from Florida (Mr. MICA) announced to the Aviation Daily that he was going to selectively include and exclude airports based upon which political support he needed for the bill. But at least the prior drafts of this bill

represented an open, corrupt, political process for deciding which constituents must live with unsafe conditions, that the chairman of the committee would not subject himself to.

This bill [in its final form] provides us with opaque, political decision-making, with the White House doing everything [which air traffic control towers to privatize] behind closed doors. Vote against the rule, and against the bill.

Mr. MCGOVERN. Mr. Speaker, can I inquire how much time is remaining on both sides?

The SPEAKER pro tempore (Mr. SWEENEY). The gentleman from Massachusetts (Mr. MCGOVERN) has 10 minutes remaining. The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) has 6 minutes remaining.

Mr. MCGOVERN. Mr. Speaker, I yield 4½ minutes to the distinguished gentleman from Minnesota (Mr. OBERSTAR) who is the ranking Democrat on the Committee on Transportation and Infrastructure.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding the time.

I am somewhat bemused by the quaint reconstruction of history to which we have been treated by the chairman of the subcommittee, reconstruction of what took place in the House-Senate conference that met for 1 day July 24 and has not met since.

The gentleman also said there was only one issue, only one amendment offered. It was a conceptual amendment that I offered to a concept to which we had been treated but for which we did not have paper. And so since we did not have, and contrast every conference I have previously participated in over 24 years, I offered an amendment in concept, and we had a cursory discussion of the subject matter which was to reinstate the Senate language, and that was voted down.

We were notified of votes in the House and in the Senate. The conference adjourned with a reference by the chairman of the conference that we might meet again, if we could somehow get together, but it was urgent and important to get this bill through conference, to the House and Senate floor, so that it could be passed before the August recess. The reason there was only one subject discussed was that is all that we were given time to discuss.

There are at least four major issues. One, the air traffic control privatization which has been said time and again in this Chamber and the House voted clearly to prohibit the privatization of the air traffic control system; the other body did the same. And yet the conference report that appeared the next day, after this very urgent, important meeting that we had to conclude the work of the conference and never met again that night, magically a document appeared, and the item that had been voted on and recorded votes in the House and Senate, just disappeared, vanished.

We never had, in the conference, an opportunity to discuss other issues such as mandatory training of flight attendants. We never had an opportunity to discuss the cabotage issue in Alaska, and we never had an opportunity to discuss the matter that the gentleman from Pennsylvania (Mr. PETERSON), the day before yesterday, so forcefully brought up on this floor, which was essential air service and requiring small communities to pay for air service, never had that discussion in that conference, and this document appeared full blown from the head of Zeus, magically.

Why we could not have documentation at the conference 24 hours earlier is beyond me, but that did not happen. So then 94 days expired without that urgent bill being brought to the House floor, and then finally the majority decided that either there were not the votes in the Senate or there were not the votes in the House to pass the document as reported from the committee of conference. So they came back to the Committee on Rules. The Committee on Rules brought a bill to the floor. We all voted, recorded vote, unanimous on both sides, urged all Members on our side, vote for it.

This is exactly what we had asked for to go back to conference, and we had a gentlemanly discussion about conference and then it did not happen.

That is unprecedented in our committee, and I think an insult to the Members of the House, and I take it personally. I have served 40 years on the Committee on Transportation and Infrastructure. Never have I seen this happen. Voices were stifled. I see the gentleman from Illinois who presided at the event honoring the previous minority leader with the words, The greatest speaker who never was, Mr. MICA, who said at that ceremony, I never felt in the minority that I was excluded because the rules of the House protect the voice of the minority.

The rules of the House were suppressed, absconded with when they the majority failed to reconvene the conference as the rules of the House require. That is what is wrong.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. MICA), the distinguished chairman of the Subcommittee on Aviation.

Mr. MICA. Mr. Speaker, as we conclude the debate on this rule, again I urge my colleagues to pass the rule. We have tried to be fair in this process. I have tried to be fair. There is one issue. I mean we can talk about a host of other issues, and in this system of 435 Members, I have over 40 Members on the subcommittee. There are over 70 on the full Committee on Transportation and Infrastructure. We all know that we all do not get all of our ways.

We heard the gentlewoman from the District of Columbia (Ms. NORTON) give a very eloquent reminder of her contributions and our working together. This bill does represent 99.9 percent of us working together to solve issues and move our aviation industry forward.

□ 1330

It does boil down to, unfortunately, this one issue that has divided us. We have acquiesced to the other side. We did put in 69 towers out of the 71 towers identified.

The two from Alaska, and please do not pick on my chairman, the gentleman from Alaska (Mr. YOUNG), he represents an area that is just unbelievable. You have to go see Alaska to believe it. It takes 3½ hours by jet from one end of the State to the other. And the two towers that were named in this report, first of all, the gentleman from Alaska (Mr. YOUNG) has probably more contract towers than any 10 States put together, but the two that were mentioned in this, one is being converted to a capstone, that is the Juneau, Alaska, tower; and the other one, if you go and look at the Anchorage tower, it is quite unique. It has a combination of military, private sector, and FAA operations. So they really do not fit into this program. And that is why that was exempted. But what we have done here is we have taken out all 69.

Now, yes, I offered if anyone wanted to read this report that says that a contract tower which is FAA supervised and privately managed is 4½ times safer, really it has 4½ times less error than an all-FAA tower and it costs less. Heaven forbid in Congress we should deal with saving the taxpayer money and have something that is safer and costs less, like this report identifies. I suggested we give the other side the opportunity, but they do not want to do that. I said I will give that opportunity. If people want to do that, fine.

The conference participants really have decided what the issue was. There is one issue. Here is the record. So it has, in fact, boiled down to that. We have taken out the 69 towers from any potential of privatization. There is no mention of privatization in this bill. We gave them basically what they want, and they are still not happy. So, again, it boils down to a vote. We have to vote on this measure.

Again, the question of the executive order, President Clinton, for 7 years and 9 months practically, had the ability to look at any of these towers. He made some of them private with contract arrangements, and then he changed it. We know why he changed it, a huge amount of money, look at the record, you see what happens in campaigns and elections; and this President changed it back to where it was where President Clinton had it.

And this is the safest system. We have 219 contract towers in the United States. Almost half of the towers in the United States are contract towers, and they are safe. And they also helped in taking down the planes safely on September 11. So do not bash the current system.

That is what we are asking for, plus all the good things that we have

worked together on to make this a better piece of legislation for our country and our American aviation system.

Mr. MCGOVERN. Mr. Speaker, I yield 30 seconds to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, the gentleman has raised several issues. This bill opens the door even wider to privatization. The original House and Senate bills prohibited privatization. This bill does not. The President has determined that air traffic control is not an inherently governmental function. They want to contract it out. They want to make it into private for profit.

And on the so-called operational areas, guess what. They are voluntarily reported. And of the 219 contract towers, only eight of them voluntarily reported an error. To say they had a very low error rate, the GAO determined, the IG determined that this was not a valid study, because we do not have mandatory reporting. We do not know whether there were errors or not. We cannot say they are 4½ times safer.

And to say that we did this because of contributions is outrageous, and I should have had the gentleman's words taken down.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, may I inquire how much time we have remaining.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Massachusetts (Mr. MCGOVERN) has 5 minutes remaining and the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) has 2 minutes remaining.

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

RECESS

The SPEAKER pro tempore. Without objection, the House stands in recess subject to the call of the Chair.

There was no objection.

Accordingly (at 1 o'clock and 40 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1500

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LAHOOD) at 3 p.m.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 3289, EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE AND FOR THE RECONSTRUCTION OF IRAQ AND AFGHANISTAN, 2004

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 108–338) on the resolution (H. Res. 424) waiving points of order against the conference report to accompany the bill (H.R. 3289) making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes, which was referred to the House Calendar and ordered to be printed.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2115, VISION 100—CENTURY OF AVIATION REAUTHORIATION ACT

The SPEAKER pro tempore. The Chair would announce that the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) has 2 minutes remaining on the rule, and the gentleman from Massachusetts (Mr. MCGOVERN) has 5 minutes remaining.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve the balance of my time.

MOTION TO ADJOURN

Mr. MCGOVERN. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Massachusetts (Mr. MCGOVERN).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. MCGOVERN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 68, nays 346, not voting 20, as follows:

[Roll No. 585]

YEAS—68

Ackerman
Allen
Baird
Baldwin
Ballance
Bell
Berman
Berry
Brown, Corrine
Capps
Capuano
Carson (IN)
Clyburn
Conyers
Cummings
Davis (IL)
DeFazio
DeLauro
Deutsch
Dingell
Doggett
Evans
Filner
Frank (MA)
Frost
Grijalva
Hastings (FL)
Hill
Hinchey
Hinojosa
Honda
Hoyer
Jefferson
Johnson, E. B.
Kennedy (RI)
Kleczka
Lampson
Larsen (WA)
Lee
Lewis (GA)
Lowey
Maloney
Markey
McDermott
McGovern
McIntyre
Meek (FL)
Meeks (NY)
Miller, George
Neal (MA)
Oberstar
Pallone
Payne
Pelosi
Pomeroy
Rodriguez
Sandlin
Schakowsky
Scott (VA)
Slaughter
Solis
Thompson (MS)
Tierney
Towns
Velazquez
Waters
Wexler
Woolsey

NAYS—346

Abercrombie
Aderholt
Alexander
Andrews
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berkley
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carson (OK)
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McKeon
McNulty
Meehan
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pascrell
Pastor
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Loretta
Sanders
Saxton
Schiff
Schrock
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry

Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—20

Akin
Bradley (NH)
Case
Clay
DeLay
Dooley (CA)
Edwards
Fletcher
Gephardt
Gutierrez
Majette
McCotter
Miller (NC)
Paul
Pearce
Pickering
Sanchez, Linda T.
Stupak
Thomas
Wamp

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD) (during the vote). Members are advised there are 2 minutes to vote.

□ 1524

Mr. LEWIS of Kentucky, Mrs. JOHNSON of Connecticut and Mr. RUPPERSBERGER changed their vote from ''yea'' to ''nay.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

NOTICE

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