

DEPARTMENT OF DEFENSE

OPERATION AND MAINTENANCE

Operation and Maintenance, Defense-Wide

For an additional amount for "Operation and Maintenance, Defense-Wide," to remain available until expended, \$1,400,000,000, which may be used, notwithstanding any other provision of law, for payments to Pakistan, Jordan, and other key cooperating nations, for logistical and military-related support provided, or to be provided, to the United States 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 concurrence of the Secretary of State and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, and such determination is final and conclusive upon the accounting officers of the United States.

This request would fund payments to key cooperating nations (e.g., Pakistan, Jordan) providing logistical and military support to U.S. military operations in Iraq and in connection with the global war on terrorism. This request includes \$1.3 billion for payments to coalition countries participating in or providing military, logistical, or other support for military operations in Afghanistan and \$0.1 billion for military operations in Iraq. Such support includes transportation into the theater, providing supplies to coalition forces in the theater, and helping coalition forces with communications support.

DEPARTMENT OF DEFENSE

OPERATION AND MAINTENANCE

Drug Interdiction and Counter-Drug Activities, Defense

For an additional amount for "Drug Interdiction and Counter-Drug Activities, Defense," \$34,000,000: Provided, 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 shall be available for the same purposes and for the same time period, as the appropriation to which transferred: Provided further, That the transfer authority provided in this paragraph 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.

This request would fund increased operational tempo in Colombia's unified campaign against narcotics trafficking and terrorist activities.

DEPARTMENT OF DEFENSE
OPERATION AND MAINTENANCE

Defense Emergency Response Fund

For an additional amount for "Defense Emergency Response Fund," \$59,863,200,000, to remain available until expended, of which notwithstanding any other provision of law, amounts shall be available as follows:

- 1) at least \$53,346,000,000 for military operations in Iraq and the global war on terrorism;
- 2) up to \$3,700,000,000 to replenish munitions expended for military operations in Iraq and the global war on terrorism;
- 3) up to \$1,050,200,000 for research, development, testing, and evaluation (RDT&E), and procurement of equipment necessary to engage in military operations in Iraq and the global war on terrorism;
- 4) at least \$1,717,000,000 for classified programs, in addition to amounts provided herein for RDT&E and procurement; and
- 5) not to exceed \$50,000,000, to remain available until September 30, 2003, to support the military operations or activities of foreign nations in furtherance of the global war on terrorism, including equipment, supplies, services, and funding on such terms as the Secretary of Defense, with the concurrence of the Secretary of State, may determine;

Provided, That the Secretary of Defense may transfer the funds provided herein to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster Assistance, and Civic Aid; procurement; research, development, test and evaluation; military construction; the Defense Health Program; and working capital funds: Provided further, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary of Defense shall submit a report no later than 30 days after the end of each fiscal quarter to the Defense Oversight Committees of the details of any transfer of funds from the "Defense Emergency Response Fund": 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.

This request would fund personnel, personnel support, and other support costs of military operations in Iraq and the global war on terrorism. Appropriating the funding in the Defense Emergency Response Fund (DERF), with its own transfer authority, would provide the flexibility to allocate resources to Components on a timely basis despite the unpredictable scope, duration,

and intensity of these military operations. The Department of Defense (DoD) will continue to track the funding separately to ensure proper accounting for the costs of the war.

This request includes almost \$53.4 billion to cover the costs associated with: the mobilization to active duty of Reserve and National Guard personnel to support military operations on a full time basis, including pay, travel, per diem, and health care; personnel necessary to maintain critical manning at authorized levels and special pays, such as Imminent Danger Pay, Family Separation Allowance, and Foreign Duty Pay; support for active duty military personnel; and operations, such as incremental flying hours, ship steaming days, ground operations, special airlift missions, increased associated ship and aircraft maintenance, associated logistics support, fuel purchases, base support, and reconstruction. These funds also will reimburse accounts used for projects completed or underway that were necessary to prepare for military action in Iraq.

The request also includes up to \$3.7 billion to replenish munitions expended or expected to be expended as a result of actual operations in Iraq, training, and related activities in the global war on terrorism. The funding would replenish inventories and could include precision-guided weapons such as the Laser Guided Bomb, Joint Standoff Weapon, Javelin, TOW, Army Tactical Missile System, Multiple Launch Rocket System, Patriot, and conventional ammunition, which could include bomb bodies, small and medium caliber ammunition, tank ammunition, mortars, artillery, rockets, and others as necessary.

The request includes up to \$1.1 billion for procurement and research, development, test, and evaluation requirements to support military operations in Iraq. These funds would cover critical requirements, such as command, control, communications, computer and intelligence equipment, chemical and biological detection and decontamination gear, targeting devices, and spares and repair parts needed to keep pace with increased operational tempo.

The request includes at least \$1.7 billion for classified programs, which will be further described in the classified annex to this request.

In addition, the request would fund distribution of humanitarian daily rations. Further, it would fund the repair and maintenance of work consistent with the terms of the Oman Access Agreement for U.S. caused damages to Thumrait and Masirah airports.

This DERF language also authorizes DoD, with the concurrence of the Secretary of State, to use up to \$50 million of the amount appropriated to the DERF for the limited purpose of supporting military operations or activities of foreign nations in furtherance of the global war on terrorism. The provision would permit DoD to respond to immediate requirements to support foreign military forces by sustaining their personnel and logistical operations in order to ensure that these forces can continue to engage effectively and cooperatively in military operations and activities that advance U.S. military objectives in the global war on terrorism. The provision complements the Department of State's international security assistance program, which is designed to meet peacetime requirements. The provision would enable DoD to support foreign forces rapidly, in response to emerging, unanticipated emergency requirements. The requirement for the concurrence of the Secretary of State ensures that the implementation of this authority is exercised in a manner consistent with and supportive of other foreign assistance programs.

DEPARTMENT OF DEFENSE

OPERATION AND MAINTENANCE

Natural Resources Risk Remediation Fund

For expenses necessary to address emergency fire fighting, repair of damage to oil facilities and related infrastructure and preserve a distribution capability, \$489,300,000, to remain available until expended: Provided, That the Secretary of Defense may accept from any person, foreign government, or international organization, and credit to this fund, any contribution of money for such purposes: Provided, That the Secretary of Defense may transfer these funds to other appropriations or funds of the Department of Defense to carry out such purposes, or to reimburse such appropriations or funds for expenses incurred for such purposes: Provided further, That funds so transferred shall be merged with and shall be available for the same purposes and for the same time period as the appropriation or fund 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: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided, such amounts may be transferred back to this appropriation.

This request would provide funds for emergency fire fighting, repair to damaged oil facilities, and to preserve or rebuild the fuel distribution system.

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

Military Construction, Navy

For an additional amount for "Military Construction, Navy," \$48,100,000, to remain available until expended.

This request would fund military construction projects in Guantanamo Bay, the worldwide focal point of the U.S. government for processing, interrogation, adjudication, and detention of enemy combatants captured in the global war on terrorism. Additional facilities are required for military commissions, the Criminal Investigation Task Force, a sensitive compartmented information facility, isolation and interrogation facilities, and berthing (metal panel huts) to house all guard and security forces.

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

Military Construction, Air Force

For an additional amount for "Military Construction, Air Force," \$129,400,000, to remain available until expended.

This request would fund the planning, design, and construction of several Air Force facilities: planning and design (\$5.1 million); construction of a parallel taxiway (\$25.0 million) and a C-130 aircraft parking apron (\$11.0 million) at classified locations; the construction of an explosive ordinance pad at Diego Garcia (\$3.2 million); and the construction of headquarters, billeting, medical, dining, and related facilities for military and civilian representatives of coalition partners supporting operations in Iraq (\$85.1 million).

DEPARTMENT OF DEFENSE
REVOLVING AND MANAGEMENT FUNDS

Defense Working Capital Funds

For an additional amounts for "Defense Working Capital Funds," \$430,000,000.

This request would provide for increased cost of fuel required to support military units and operations.

DEPARTMENT OF DEFENSE

GENERAL PROVISIONS

Sec. ____. Under the heading, "Operation and Maintenance, Defense-Wide," in title II of the Department of Defense Appropriations Act, 2003 (Public Law 107-248), strike "\$25,000,000" and insert "\$50,000,000". Section 166a of title 10, United States Code, is amended by striking "\$7,000,000" in subsection (e)(1)(A) and inserting "\$15,000,000"; by striking "\$1,000,000" in subsection (e)(1)(B) and inserting "\$10,000,000"; and by striking "\$2,000,000" in subsection (e)(1)(C) and inserting "\$10,000,000".

This section would provide the Secretary of Defense with additional authority for the CINC Initiative Fund (CIF) in order to support unforeseen low-cost, high-benefit initiatives that enhance joint warfighting capabilities in support of military operations in Iraq and the global war on terrorism. This provision recognizes that the environment in which today's combatant commanders operate is vastly different from that which existed prior to the global war on terrorism and the military operations against Iraq. The pace and type of current operations are such that requests for funding support for emergent/unforeseen needs by the combatant commanders have increased in number and amount. Increased CIF authority is needed immediately to reduce these risks to our soldiers, sailors, marines, and airmen.

Sec. ____. Under the heading, "Operation and Maintenance, Defense-Wide," in title II of the Department of Defense Appropriations Act, 2003 (Public Law 107-248), strike "\$34,500,000" and insert "\$69,000,000".

This section would also provide the Secretary of Defense with additional authority for extraordinary and emergency expenses, which cannot be anticipated, in order to support emergent requirements associated with Iraq and the ongoing war on terrorism.

Sec. ____. (a) AVAILABILITY OF AMOUNTS FOR MILITARY CONSTRUCTION RELATING TO TERRORISM. – Amounts made available to the Department of Defense from funds appropriated in this Act may be used to carry out military construction projects, not otherwise authorized by law, that the Secretary of Defense determines are necessary to respond to or protect against acts or threatened acts of terrorism.

(b) NOTICE TO CONGRESS. – Not later than 15 days before obligating amounts available under subsection (a) for military construction projects referred to in that subsection, the Secretary shall notify the appropriate committees of Congress of the following:

- (1) the determination to use such amounts for the project; and
- (2) the estimated cost of the project and the accompanying Form 1391.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED. – In this section the term "appropriate committees of Congress" has the meaning given that term in section 2801(c)(4) of title 10, United States Code.

This would provide authority for the Department of Defense to undertake military construction projects with the requirement that the Congress be provided with a description and cost estimate 15 days before obligating the amounts.

Sec. ____. Section 8005 of the Department of Defense Appropriations Act, 2003 (Public Law 107-248), is amended by striking "\$2,000,000,000", and inserting "2.5 percent of the total amount appropriated in the Department of Defense Appropriations Act, 2003 (Public Law 107-248)"; and by deleting the fourth proviso.

This section would provide the Secretary of Defense with additional general transfer authority, critical flexibility necessary to respond to emerging requirements particularly in Iraq, and would remove the deadline for submitting notification of multiple reprogrammings to the Congress, giving the Department of Defense more time to assess mid-year changes in priorities.

Sec. ____. In addition to amounts made available elsewhere in this Act for the Department of Defense, \$165,000,000 is appropriated to the Department of Defense to reimburse applicable appropriations for the value of drawdown support provided by the Department of Defense under the Afghanistan Freedom Support Act of 2002: Provided, That this appropriation shall not increase the limitation set forth in section 202(b) of that Act: Provided further, That the Secretary of Defense may transfer the funds provided herein to the applicable appropriations of the Department of Defense: Provided further, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period as the appropriation to which transferred: Provided further, That the transfer authority provided in this section is in addition to any other transfer authority available to the Department of Defense.

This provision would allow DoD to reimburse the Services for a drawdown of \$165.0 million under the Afghanistan Freedom Support Act (AFSA) of 2002. This drawdown was necessary to support emergent requirements for training and equipping the Afghan National Army (ANA) (\$150.0 million); to build a bridge between Tajikistan and Afghanistan (\$8.0 million); and to assist Jordan in its operations in Afghanistan (\$7.0 million). Under the authority of AFSA, the Military Services reduced their training and exercise accounts, as a means for DoD to absorb the ANA requirement. The \$165.0 million would be used to restore funds drawn down from the Services' FY 2003 Operation and Maintenance appropriations in the amount of \$35.0 million from the Army, \$75.0 million from the Navy, and \$55.0 million from the Air Force.

Sec. ____. 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).

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

Sec. ____. During fiscal year 2003, amounts in or credited to the Defense Cooperation Account under 10 U.S.C. 2608(b) shall be available for obligation and expenditure consistent with the purposes for which such amounts were contributed and accepted: Provided further, That such amounts shall be available for transfer by the Secretary of Defense to such appropriations or funds of the Department of Defense as he shall determine, and be available for the same period as the appropriation 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 the Secretary of Defense shall report to the Congress quarterly all transfers made pursuant to this authority.

Pursuant to the statute establishing the Defense Cooperation Account (10 U.S.C. 2608), funds in the Defense Cooperation Account may be obligated or expended only to the extent and in the manner provided in subsequent appropriations Acts. This proposal would provide the necessary appropriation for the remainder of this fiscal year.

Sec. ____. Of the amounts available to the Department of Defense, (1) \$63,500,000 may be used to reimburse applicable appropriations for the value of support provided by the Department of Defense under the Iraq Liberation Act of 1998: Provided, That this appropriation shall not increase the limitation set forth in section (4)(a)(2)(B) of that Act; and

(2) not to exceed \$150,000,000 to remain available until September 30, 2003, may be used to support indigenous forces assisting United States military operations or activities relating to the global war on terrorism, on such terms and conditions as the Secretary of Defense, with the concurrence of the Secretary of State, may determine: Provided, That such support may include equipment, supplies, services, and funding:

Provided further, That the Secretary of Defense shall provide quarterly reports on the use of these funds to the Committees on Appropriations: Provided further, That the Secretary of Defense may transfer the funds provided herein to the applicable appropriations of the Department of Defense: Provided further, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period as the appropriation to which transferred: Provided further, That the transfer authority provided in this section is in addition to any other transfer authority available to the Department of Defense.

In addition, section (4)(a)(2) of the Iraq Liberation Act of 1998 is amended by adding the following new subparagraph at the end:

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

The first provision would authorize reimbursement funding from DoD to the Services for \$63.5 million under the Iraq Liberation Act of 1998. This support was necessary to address emergent requirements for training and equipping the Free Iraqi Forces (FIF). The Military Services reduced their training and exercise accounts as a means for DoD to absorb the FIF requirement. The \$63.5 million would be used to restore the drawdown of \$29.0 million from the Army, \$11.0 million from the Navy, \$23.4 million from the Air Force, and \$0.1 million from

the FY 2003 Operation and Maintenance, Defense-Wide appropriation (required for the Special Operations Command).

The second provision would make up to \$150 million of funds appropriated to DoD available for support to indigenous forces that assist U.S. military forces in carrying out military operations or activities, including those in furtherance of the global war on terrorism, and activities necessary to prepare for participation in active military operations. The term "indigenous forces," as used in this provision, refers to irregular forces and resistance movements that act in concert with U.S. military forces during U.S. military operations. Indigenous forces generally conduct military and para-military operations in enemy-held or hostile territory and conduct direct offensive low-visibility, covert, or clandestine operations.

The provision complements existing authorities under which the Department of State administers the foreign security assistance program in support of sovereign nations. Those authorities permit the acquisition or transfer of defense articles and services to foreign nations in order to facilitate their self-defense and participation in multinational security efforts. The proposed provision is designed to provide distinct authority to support foreign indigenous forces rapidly in response to emerging, unanticipated emergency requirements that arise with increasing frequency in the current wartime security environment. The provision would clarify DoD's authority to promote military cooperation in the global war on terrorism or other urgent military operations or activities by sustaining friendly indigenous forces through flexible military assistance that includes funding the operation and maintenance and personnel costs of these forces. The requirement that the Secretary of State concur with the implementation of this authority ensures that the temporary, emergency authority will be exercised in a manner consistent with and supportive of foreign assistance programs.

The last provision amends Section 4 of the Iraq Liberation Act of 1998 to permit DoD to draw down up to \$150 million of DoD's appropriations.

Sec. ____ . Expanded Use of Cooperative Threat Reduction Funds.

(a) IN GENERAL.—(1) Notwithstanding any other provision of law, during fiscal years 2003 and 2004 the President may use Cooperative Threat Reduction funds, including Cooperative Threat Reduction funds for a prior fiscal year that remain available for obligation as of the date of the enactment of this Act, for proliferation threat reduction projects and activities outside the states of the former Soviet Union if the President determines that such projects and activities will: (A) assist the United States in the resolution of critical emerging proliferation threats; or (B) permit the United States to take advantage of opportunities to achieve long-standing nonproliferation goals.

(2) The amount that may be obligated under paragraph (1) in each fiscal year for projects and activities described in that paragraph may not exceed \$50,000,000.

(b) AUTHORIZED USES OF FUNDS.—The authority under subsection (a) to use Cooperative Threat Reduction funds for a project or activity includes authority to provide equipment, goods, and services for the project or activity.

This provision would authorize the President to use each fiscal year up to \$50 million in Cooperative Threat Reduction funds outside the states of the former Soviet Union, including Iraq, if the President determines such funds would assist the United States resolve critical emerging proliferation threats or otherwise would permit the United States to take advantage of opportunities or requirements, including those related to the Global War on Terrorism, to achieve long-standing nonproliferation goals. Existing law limits the use of such funds to the states of the former Soviet Union. The provision would allow the President to provide equipment, goods, and services for a project or activity. To the extent possible, such assistance will be provided to the recipient states pursuant to international agreements with terms similar to those in existing international agreements concerning the provision of Cooperative Threat Reduction assistance to states of the former Soviet Union.