

EXPLANATION OF THE COMMITTEE AMENDMENTS

The committee adopted an amendment in the nature of a substitute during the consideration of H.R. 4547. The title of the bill is amended to reflect the amendment to the text of the bill. The remainder of the report discusses the bill, as amended.

PURPOSE AND BACKGROUND

The President's Budget Request for Fiscal Year 2003 included a provision for the establishment of a special reserve fund in the amount of \$10 billion exclusively for the purpose of financing the costs of the war on terrorism. The Concurrent Resolution on the Budget for Fiscal Year 2003, H. Con. Res. 353, endorsed this request by creating such a reserve fund in section 201 which stipulates that the \$10 billion in fiscal year 2003 budget authority contained in this fund would only be used to adjust the national defense function allocation "if the Committee on Appropriations or the Committee on Armed Services reports a bill... that provides new budget authority (and outlays flowing therefrom) for operations of the Department of Defense to prosecute the war on terrorism."

Accordingly, the Committee on Armed Services, in considering the defense authorization legislation for fiscal year 2003, established a two-part authorization process. The first part consisted of the baseline defense authorization bill addressing the entirety of the fiscal year 2003 defense program minus the \$10 billion war reserve fund. This bill, H.R. 4546, was reported out of committee on May 1, 2002 and passed the House on May 10, 2002. The second part involved the remaining \$10 billion of the President's request and received preliminary consideration by the committee on May 1, 2002, but complete consideration was deferred pending a detailed budget amendment request by the President. On July 3, 2002, the President transmitted to Congress such a budget amendment requesting that the Congress authorize and appropriate \$10 billion for fiscal year 2003 in a Defense Emergency Response Fund and grant the Department of Defense significant latitude in executing this fund.

On July 18, 2002, the Committee on Armed Services met and continued consideration of the H.R. 4547, the Cost of War Authorization Act of 2002, amending it to cover the totality of the remaining \$10 billion of the President's budget request. The committee amendment declines to establish the Defense Emergency Response Fund for fiscal year 2003. The committee has found this fiscal device to significantly reduce the ability of Congress to track and conduct oversight over the execution of Department of Defense funds. However, the Committee recognizes the unique challenges facing the Department as it continues to prosecute an unpredictable and unprecedented global war on terrorism. Therefore, the committee amendment provides the Department with specific authorization to execute those programs that have been specifically identified yet it also provides significant flexibility in the execution of the remaining funds. The specific mechanism the Committee recommends is detailed below.

RELATIONSHIP OF AUTHORIZATION TO APPROPRIATIONS

The bill does not generally provide budget authority. The bill authorizes appropriations. Subsequent appropriation acts provide budget authority. The bill addresses the following categories in the Department of Defense budget: procurement; research, development, test and evaluation; operation and maintenance; military personnel; and military construction.

SUMMARY OF AUTHORIZATION IN THE BILL

The President requested, by amendment, budget authority of \$10.0 billion for the national defense budget function for fiscal year 2003. Of this amount, the President requested up to \$1.9 billion for Procurement or Research, Development, Test and Evaluation accounts; up to \$2.5 billion for Military Personnel accounts; and up to \$5.6 billion for Operation and Maintenance accounts as well as Military Construction or Working Capital Funds.

The committee recommends an overall level of \$10.0 billion in budget authority.

SUMMARY TABLE OF AUTHORIZATIONS

The following table provides a summary of the amounts that would be authorized for appropriation in the bill.

(INSERT H.R. 4547 BUDGET SUMMARY TABLES)

LEGISLATIVE PROVISIONS

Section 1—Short Title; Table of Contents

This section provides that this Act may be cited as the “Cost of War Against Terrorism Authorization Act of 2002.”

Section 2—Amounts Authorized for the War on Terrorism

This section would authorize \$10 billion dollars for the conduct of operations in continuation of the war on terrorism. This section further provides that this authorization is in accordance with the Congressional Joint Resolution entitled “Authorization for Use of Military Force” (Public Law 107-40; 50 U.S.C. 1541 note). In pertinent part, this Joint Resolution authorized the President of the United States “to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorists attacks on September 11, 2001...”

Section 3—Additional Authorizations

This section provides that the funds authorized to be appropriated in this Act would be in addition to amounts authorized to be appropriated for military functions of the Department of Defense for fiscal year 2003 in the National Defense Authorization Act for Fiscal Year 2003 or in any other Act.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

ITEMS OF SPECIAL INTEREST

Improving Intelligence Collection, Analysis, and Dissemination For and In the Military

The committee notes that timely collection, analysis, and dissemination of intelligence to the warfighter are essential to winning the global war on terrorism. The armed forces must be able to determine the plans and intentions of our enemies, whether they are nations, groups or individuals. Human source intelligence, combined with other sources, often provides the key insight, particularly when combating terrorism.

Given the new threats the United States faces, the committee strongly urges the Department of Defense to increase its emphasis on human source intelligence collection and analysis. This must include additional personnel assigned to human source intelligence, improving both their linguistic skills and regional expertise, and establishing a career path that incentivizes retention of the best. These capabilities take time to develop, but programs designed to improve all aspects of human source intelligence will greatly enhance our ability to combat the new array of threats that face our nation.

Military Construction for Units Activated to Support the War on Terrorism

The committee is aware that a number of military units have been activated in direct response to the September 11, 2001, attacks and the ongoing War on Terrorism. Some of these units, such as the 4th Marine Expeditionary Brigade (Anti-Terrorism), are expected to be permanent additions to the force structure of their respective military service. The committee has learned that many of these units are housed in temporary, inefficient workspaces that detract from the unit's ability to perform its primary mission. The committee is concerned that the secretaries of the military departments have not provided the necessary military construction and infrastructure to support the new unit activations, despite their direct connection to current operations. Accordingly, the committee urges the secretaries of the military departments to complete planning and design activities for any new facilities required to support these units and to advance these projects' priority in their military department's Future Years Defense Plan.

Special Operations Command Training

The committee recognizes that training is an integral part of readiness and is necessary to successfully prosecute the war on terrorism. The committee also recognizes that military aircraft normally utilized to accomplish certain types of specialized training are sometimes unavailable. Due to the recent unavailability of military aircraft, the United States Special Operations Command (USSOCOM) has been contracting with civilian aviation companies to satisfy readiness requirements, primarily airborne operations proficiency. The Department of Defense Air Transportation Quality and Safety Review Program (DOD Directive 4500.53) was recently revised to include additional administrative requirements for civilian aviation providers. The committee understands that these new administrative requirements may be impacting USSOCOMs ability to maintain airborne operations proficiency. The committee urges the Secretary of Defense to reevaluate DDOD 4500.53 to address USSOCOMs specific readiness requirements.

LEGISLATIVE PROVISIONS

Subtitle A—Authorizations to Transfer Accounts

Section 101—War on Terrorism Operations Fund

This section would authorize a fiscal year 2003 appropriation of \$3.54 billion for the Department of Defense to be used only for operations Operation Noble Eagle and Operation Enduring Freedom, and permit the Secretary of Defense to transfer the authorized funding, in amounts determined at the Secretary's discretion, to any fiscal year 2003 military personnel or operation and maintenance account of the department.

Section 102—War on Terrorism Equipment Replacement and Enhancement Fund

The committee continues to be deeply concerned over the adequacy of the current Department of Defense modernization program, particularly as it pertains to critical military capabilities essential for the successful prosecution of the war on terrorism. The

committee believes that providing the necessary resources to accomplish this task involves more than merely paying the incremental operation and military personnel costs, but also should include appropriate enhancement of combat equipment and addressing chronic shortfalls in military capabilities that are directly and materially reducing the ability of the military services to prosecute their mission in support of this wide-ranging conflict.

The Administration's July 3, 2002 budget amendment includes only \$200 million for the acquisition of selected ammunition out of the overall total of \$10 billion. The committee is disappointed that the Administration has largely excluded military equipment acquisition from its proposal. This approach results in an imbalanced and incomplete package that does not properly finance the range of war-related needs and activities of the Department of Defense.

Accordingly, the committee recommends a provision (section 102) that would establish an Equipment Replacement and Enhancement Fund. This fund would grant the Secretary of Defense both the flexibility and the resources necessary to; 1) conduct emergency replacement of equipment and munitions lost or expended as result of Operation Noble Eagle or Operation Enduring Freedom or 2) enhance critical military capabilities necessary to carry out the war on terrorism. This fund would grant the Secretary significant flexibility in executing these funds within the established parameters. The committee recommends authorization of \$1 billion for this fund.

The committee further believes that the Secretary should give priority consideration to the following war-related equipment acquisition priorities identified by the military service chiefs in their unfunded requirements lists in determining how to allocate the funds provided by this fund:

- 1) Replacement of Global Hawk unmanned aerial vehicles lost during operations;
- 2) Replacement of munitions;
- 3) Replacement of vehicles;
- 4) Replacement of aircraft engines and spare parts;
- 5) Force protection equipment and material;
- 6) Special operations aircraft spares and equipment;
- 7) Air expeditionary equipment and material;
- 8) Combat search and air rescue vehicle upgrades; and
- 9) Aircraft self-protection and countermeasures equipment.

Section 103—General Provisions Applicable to Transfers

This section would clarify that the funds transferred from the funds established by sections 101 and 102 shall be merged with the accounts to which the funds are transferred and shall be treated in the same fashion as the funds in the receiving accounts. Further, this section would require that the Department provide the Congressional defense committees with 15 days advance notice prior to a transfer from these funds. The Committee strongly urges the Department to improve the fidelity of the information it provides for war related expenditures. While it is somewhat understandable that the Department cannot entirely predict the precise nature of future wartime expenditures, the

Committee believes no such consideration exists for providing detailed budget execution data once the funds are obligated. Finally, this section would specify that any transfers resulting from the funds established by sections 101 and 102 would be in addition to previously established general transfer authority provided to the Department.

Subtitle B—Authorizations to Specified Accounts

Section 111—Army Procurement

This section would authorize an additional \$104.7 million for fiscal year 2003 Army procurement as contained in the amended budget request.

Section 112—Navy and Marine Corps Procurement

This section would authorize an additional \$884.8 million for fiscal year 2003 Navy and Marine Corps procurement as contained in the amended budget request.

Section 113—Air Force Procurement

This section would authorize an additional \$383.25 million for fiscal year 2003 Air Force procurement as contained in the amended budget request.

Section 114—Defense-Wide Activities Procurement

This section would authorize an additional \$620.414 million for fiscal year 2003 Defense-Wide Activities procurement as contained in the amended budget request.

Section 115—Research, Development, Test and Evaluation, Defense-Wide

This section would authorize an additional \$390.1 million for fiscal year 2003 Research, Development, Test and Evaluation Defense-Wide as contained in the amended budget request.

Section 116—Classified Activities

This section would authorize a total of \$1,980,674 million for fiscal year 2003 classified programs as contained in the amended budget request.

Section 117—Global Information Grid System

This section would withhold authorization of appropriations for the Global Information Grid (GIG) until the Secretary of Defense certifies that the end-to-end GIG system is secure and protected from unauthorized access to the information transmitted through the system.

Section 118—Operation and Maintenance

This section would authorize an additional \$553.2 million for fiscal year 2003 operation and maintenance programs. Specifically, this section would authorize \$14,270,000 for contract linguists for the Army, budget activity three, Basic Skills/Advanced Training; \$5,252,500 for security, communications and information operations (JDIS/LOCE/CENTRIX) for the Navy; \$11,400,000 for security, communications and information operations for the Marine Corps; \$517,285,000 for combat air patrol operations for the Air Force; and \$5,000,000 for support to law enforcement agencies that conduct counter-drug activities, to conduct counter-terrorism activities. The budget request included all of these accounts in the Defense Emergency Response Fund (DERF), which were all subsequently transferred by the committee to their respective service and budget activity.

Concerning the combat air patrol account for the Air Force, the budget request included \$1.2 billion for these operations. In previous committee action (H.R. 4546), this account was reduced to \$900.0 million due to changes in the anticipated requirements to support combat air patrol operations. The committee understands that the current requirement is now \$522.0 million for fiscal year 2003. The committee recommends \$517.285 million for this activity.

Section 119—Military Personnel

This section would authorize a total of \$503.1 million for fiscal year 2003 military personnel accounts.

Subtitle C—Military Construction Authorizations

Section 131—Authorized Military Construction and Land Acquisition Projects

This section contains a list of authorized Army, Navy, and Air Force construction projects for fiscal year 2003 as contained in the amended budget request.

TITLE II—WARTIME PAY AND ALLOWANCE INCREASES

OVERVIEW

The war on terrorism highlighted the need to increase a series of special pays, allowances, and benefits of particular importance when troops are deployed under combat conditions. Inflation has eroded the value of these elements of the compensation system over time and has diminished their effectiveness as incentives for individual members to perform the duties involved and remain in the service.

LEGISLATIVE PROVISIONS

Section 201— Increase in Rate for Family Separation Allowance

This section would increase the family separation allowance from \$100 per month to \$125 per month.

Section 202—Increase in Rates for Various Hazardous Duty Incentive Pays

This section would increase hazardous duty incentive pays from their current rates by \$50 per month.

Section 203—Increase in Rate for Diving Duty Special Pay

This section would increase diving duty special pay for officers from \$240 per month to \$290 per month, and for enlisted members from \$340 per month to \$390 per month.

Section 204—Increase in Rate for Imminent Danger Pay

This section would increase the imminent danger pay from \$150 per month to \$250 per month.

Section 205—Increase in Rate for Career Enlisted Flyer Incentive Pay

This section would increase career enlisted flyer pay by \$50 per month for each category of recipient based on years of service completed.

Section 206—Increase in Amount of Death Gratuity

This section would increase the death gratuity paid to service members who die while on active duty from \$6,000 to \$12,000.

Section 207—Effective Date

This section would establish an effective date for sections 201 through 205 as the later of the first day of the first month beginning on or after the date of enactment of this act or October 1, 2002. This section would also establish an effective date for section 206 as the later of the date of enactment of this act or October 1, 2002.

TITLE III—ADDITIONAL PROVISIONS

LEGISLATIVE PROVISIONS

Section 301—Establishment of at Least One Weapons of Mass Destruction Civil Support Team in Each State

This section would authorize the funding to establish at least one Weapons of Mass Destruction Civil Support Team in each state, the District of Columbia, Puerto

Rico, the Virgin Islands and Guam, and would require the Secretary of Defense to establish the necessary 23 additional teams not later than September 30, 2003.

Section 302—Authority for Joint Task Forces to Provide Support to Law Enforcement Agencies Conducting Counter-Terrorism Activities

This section would authorize those joint task forces (JTFs) of the Department of Defense that provide support to law enforcement agencies conducting counter-drug activities, namely JTFs 4, 5, and 6, to provide similar support to law enforcement agencies conducting counter-terrorism activities. This section would also authorize \$5 million to provide this discretionary support. Any support provided under this section must be consistent with all applicable laws and regulations, and the support may only be provided in the geographic area of responsibility of the joint task force. The committee expects that requests for JTF support to law enforcement agencies for counter-terrorism activities will follow the normal request and decision procedures established by the Department of Defense and its subordinate commands, and that this support will entail no more than the type of assistance already provided to law enforcement agencies by the JTFs for counter-drug operations, such as aviation reconnaissance, intelligence analysis, and basic skills training.

Section 303—Sense of Congress on Assistance to First Responders

This section would express the sense of Congress that, to the extent deemed appropriate, the Secretary of Defense should provide funding to assist, train, and equip local fire and police departments that would be the first responders to a domestic terrorist incident associated with the war on terrorism.

DEPARTMENTAL DATA

The White House submitted a request for an FY 2003 budget amendment for the Department of Defense, as illustrated by the correspondence set out below:

DEPARTMENT OF DEFENSE BUDGET AMENDMENT

THE WHITE HOUSE

Washington, DC, July 3, 2002

HON. J. DENNIS HASTERT,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I ask the Congress to consider the enclosed request for an FY 2003 budget amendment for the Department of Defense. This package reflects my decision to request, by program, \$10.0 billion in the Defense Emergency Response Fund for expenses relating to the war against terrorism. The budget totals proposed in my FY 2003 Budget would not be affected by this amendment.

This request is vital to protecting U.S. national security options. An essential component in the success of the global war on terrorism is sustaining our investment in intelligence capabilities. This request will improve collection, analysis, coordination, and execution of intelligence priorities and plans, as we expand into new theaters of operations and build new relationships.

This reserve will also enable the Nation to meet developing operational requirements of a fluid war environment. Under any scenario, needs associated with the operation and mobilization of guard and reserve units and operations and maintenance costs to support

Sincerely,

GEORGE W. BUSH
PRESIDENT

Enclosures.

COMMITTEE POSITION

On July 18, 2002 the Committee on Armed Services, a quorum being present, approved H.R. 4547, as amended, by a vote of. 50 – 1.

FISCAL DATA

Pursuant to clause 3(d) Rule XIII of the Rules of the House of Representatives, the committee attempted to ascertain annual outlays resulting from the bill during fiscal year 2003 and the following four years. The results of such efforts are reflected in the cost estimate prepared by the Director of the Congressional Budget Office under section

402 of the Congressional Budget Act of 1974, which is included in this report pursuant to clause 3(c)(3)

CONGRESSIONAL BUDGET OFFICE ESTIMATE

In compliance with clause 3(c)(3) of rule XIII of the House of Representatives, the cost estimate prepared by the Congressional Budget Office and submitted pursuant to section 402 of the Congressional Budget Act of 1974 is as follows:

July 22, 2002.

HON. BOB STUMP,
*CHAIRMAN, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES,
WASHINGTON, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4547, the Cost of War Against Terrorism Authorization Act of 2002.

The CBO staff contact is Kent Christensen, who can be reached at 226-2840. If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

Dan L. Crippen

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

H.R. 4547

Cost of War Against Terrorism Authorization Act of 2002

SUMMARY

H.R. 4547 would authorize appropriations totaling \$10 billion for fiscal year 2003 for the Department of Defense (DoD) for the conduct of operations in continuation of the war on terrorism. It also contains several provisions that would affect military compensation and that would establish additional teams within the Army National Guard to provide support to civil authorities in the event of an attack involving a weapon of mass destruction. CBO estimates that appropriation of the authorized amounts for 2003 would result in additional outlays of \$9.9 billion over the 2003-2007 period. Because it would not affect direct spending or receipts, pay-as-you-go procedures would not apply.

The bill also contains provisions that would raise the costs of discretionary defense programs over the 2004-2007 period. CBO estimates that those provisions would require additional appropriations of \$965 million over those four years.

H.R. 4547 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of H.R. 4547 is shown in Table 1. The costs of this legislation fall within budget function 050 (national defense).

TABLE 1. BUDGETARY IMPACT OF H.R. 4547, THE COST OF WAR AGAINST TERRORISM AUTHORIZATION ACT OF 2002

	By Fiscal Year, in Millions of Dollars					
	2002	2003	2004	2005	2006	2007
SPENDING SUBJECT TO APPROPRIATION						
Spending Under Current Law for Emergency Response Activities						
Budget Authority ^a	3,396	0	0	0	0	0
Estimated Outlays ^b	10,674	3,259	1,340	371	134	67
Proposed Changes						
Authorization Level	0	10,000	0	0	0	0
Estimated Outlays	0	6,162	2,445	954	260	82
Spending Under H.R. 4547 for Emergency Response Activities						
Authorization Level ^a	3,396	10,000	0	0	0	0
Estimated Outlays ^b	10,674	9,421	3,785	1,325	394	149

NOTE: This table excludes estimated authorizations of appropriations for years after 2003. (Those additional authorizations are shown in Table 3.)

1. The 2002 level is the amount appropriated to the Defense Emergency Response Fund to cover costs of the war; that appropriation is contained in the Emergency Supplemental Act, 2002 (Division B of Public Law 107-117).
2. These figures include spending from emergency response appropriations in 2001 and 2002. They do not include the effect of pending appropriations for DoD in H.R. 4775, the 2002 Supplemental Appropriations Act for Further Recovery From and Response To Terrorist Attacks on the United States, as passed by the House. If enacted, those appropriations would increase budget authority by \$15,799 million in 2002 and outlays by about \$15,710 million over the 2002-2007 period.

BASIS OF ESTIMATE

The bill would specifically authorize appropriations totaling \$10 billion in 2003 (see Table 2). The estimate assumes that the amounts authorized for 2003 will be appropriated near the beginning of fiscal year 2003. Estimated outlays are based on historical spending patterns for similar activities.

TABLE 2. SPECIFIC AUTHORIZATIONS IN H.R. 4547

Category	By Fiscal Year, in Millions of Dollars				
	2003	2004	2005	2006	2007
Military Personnel					
Authorization Level	503	0	0	0	0
Estimated Outlays	476	24	2	1	0
Operation and Maintenance					
Authorization Level	855	0	0	0	0
Estimated Outlays	634	175	32	8	2
Procurement					
Authorization Level	3,612	0	0	0	0
Estimated Outlays	1,623	1,173	573	150	46
Research, Development, Test, and Evaluation					
Authorization Level	450	0	0	0	0
Estimated Outlays	232	180	31	6	1
Military Construction					
Authorization Level	35	0	0	0	0
Estimated Outlays	3	16	10	3	1
War on Terrorism Operations Fund					
Authorization Level	3,545	0	0	0	0
Estimated Outlays	2,891	500	106	25	9
War on Terrorism Equipment Replacement and Enhancement Fund					
Authorization Level	1,000	0	0	0	0
Estimated Outlays	303	377	200	67	23
Total					
Authorization Level	10,000	0	0	0	0
Estimated Outlays	6,162	2,445	954	260	82

The bill also contains provisions that would affect various costs, mostly for personnel, that would be covered by the fiscal year 2003 authorization and by authorizations in future years. Table 3 contains estimates of those amounts. In addition to the costs covered by the authorizations in the bill for 2003, these provisions would raise estimated costs by \$965 million over the 2004-2007 period. The following sections

describe the provisions identified in Table 3 and provide information about CBO's cost estimates for those provisions.

TABLE 3. ESTIMATED AUTHORIZATIONS OF APPROPRIATIONS FOR SELECTED PROVISIONS IN H.R. 4547

Category	By Fiscal Year, in Millions of Dollars				
	2003	2004	2005	2006	2007
COMPENSATION AND BENEFITS (DoD)					
Imminent Danger Pay	84	84	84	84	84
Other Hazardous Duty Incentive Pay	38	38	38	38	38
Family Separation Allowance	28	28	28	28	28
Crew Members Flight Pay	10	10	10	10	10
Death Gratuity	8	8	8	8	8
Career Enlisted Flyer Incentive Pay	7	7	7	7	7
Diving Duty Special Pay	4	4	4	4	4
Hazardous Duty Pay for Parachute Jumping	1	1	1	1	1
OTHER PROVISIONS					
Weapons of Mass Destruction Civil Support Teams	91	59	60	62	64
TOTAL ESTIMATED AUTHORIZATIONS					
Estimated Authorization Level	271	239	240	242	244

NOTE: For every item in this table, the 2003 levels are included in the amounts specifically authorized to be appropriated in the bill. Those amounts are shown in Table 2. Amounts shown in this table for 2004 through 2007 are not included in Table 1.

Compensation and Benefits

H.R. 4547 contains several provisions that would increase certain pay and allowances for military personnel or their survivors that are linked to the special circumstances of war. For this estimate, CBO assumes that the number of servicemembers projected by DoD to receive these benefits in 2003 will remain the same for the 2004-2007 period. CBO notes that the number of servicemembers receiving these pays and benefits could increase or decrease depending on the level of U.S. military participation in the ongoing war on terrorism and future conflicts. Based on data provided by DoD, CBO estimates that the costs of these provisions would be as follows:

- Increasing imminent danger pay by \$100 a month would cost \$84 million a year and about \$420 million over the 2003-2007 period.
- Increasing other hazardous duty pay, including pay for demolition work and flight deck duty, by \$50 a month would cost \$38 million in 2003 and \$190 million over the five-year period.
- Increasing the family separation allowance by \$25 a month would cost \$28 million in 2003 and about \$140 million over the 2003-2007 period.
- Increasing flight pay for crew members by \$50 a month would cost \$10 million in 2003 and \$50 million over the five-year period.
- Increasing the death gratuity given to survivors of those killed on duty by \$6,000 would cost \$8 million in 2003 and \$40 million over the 2003-2007 period.
- Increasing career enlisted flying incentive pay by \$50 a month would cost \$7 million in 2003 and about \$35 million over the five-year period.
- Increasing diving pay by \$50 a month would cost \$4 million in 2003 and about \$20 million over the 2003-2007 period.
- Increasing hazardous duty pay for free-fall parachute jumping by \$50 a month would cost \$1 million in 2003 and \$5 million over the 2003-2007 period.

Weapons of Mass Destruction Civil Support Teams

Section 301 would establish at least one Weapons of Mass Destruction Civil Support Team (WMD-CST) in each of the 50 states, the Virgin Islands, Guam, Puerto Rico, and the District of Columbia by September 30, 2003. A WMD-CST is an Army National Guard unit made up of 22 servicemembers who are specially trained to provide support to civil authorities in the event of an attack involving a weapon of mass destruction. DoD has created 32 of these teams under authorities provided in current law, two of which are located in the state of California. Therefore, CBO estimates that the department would need to stand up a total of 23 new teams under this provision.

Based on data provided by DoD, CBO estimates that it would cost about \$2.5 million in 2003 to train and operate each new WMD-CST. In addition, each new team would incur start-up cost in 2003 to purchase new equipment, such as mobile laboratories, which CBO estimates would cost about \$1.5 million a team. After adjusting for inflation, CBO estimates that the cost to establish and operate the 23 new WMD-CSTs would total about \$91 million in 2003 and \$336 million over the 2003-2007 period.

PAY-AS-YOU-GO CONSIDERATIONS None.

INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

H.R. 4546 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

ESTIMATE PREPARED BY:

Federal Costs:

Defense Outlays: Kent Christensen (226-2840)

Military Personnel: Michelle Patterson (226-2840)

Operations and Support: Matthew Schmit (226-2840)

Impact on State, Local, and Tribal Governments: Greg Waring (225-3220)

Impact on the Private Sector: Sally S. Maxwell (226-2900)

ESTIMATE APPROVED BY:

Peter H. Fontaine

Deputy Assistant Director for Budget Analysis

COMMITTEE COST ESTIMATE

Pursuant to clause 3(d) of rule XIII of the Rules of the House of Representatives, the committee generally concurs with the estimates as contained in the report of the Congressional Budget Office.

OVERSIGHT FINDINGS

With respect to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, this legislation results from hearings and other oversight activities conducted by the committee pursuant to clause 2(b)(1) of rule X.

With respect to clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this legislation does not include any new spending or credit authority, nor does it provide for any increase or decrease in tax revenues or expenditures. The bill does, however, authorize appropriations. Other fiscal features of this legislation are addressed in the estimate prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

With respect to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the committee has not received a report from the Committee on Government Reform and Oversight pertaining to the subject matter of H.R. 4547.

GENERAL PERFORMANCE GOALS AND OBJECTIVES

With respect to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, this legislation would address several general and outcome-related performance goals and objectives. The general goal and objective of this legislation is to authorize funds for activities necessary for the prosecution of the war on terrorism.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to Rule XIII, clause 3 (d)(1) of the Rules of the House of Representatives, the committee finds the authority for this legislation in Article I, Section 8 of the United States Constitution.

STATEMENT OF FEDERAL MANDATES

Pursuant to section 423 of Public Law 104-4, this legislation contains no federal mandates with respect to state, local, and tribal governments, nor with respect to the private sector. Similarly, the bill provides no federal intergovernmental mandates.

RECORD VOTES

In accordance with clause 3(b) of rule XIII of the Rules of the House of Representatives, record and voice votes were taken with respect to the committee's consideration of H.R. 4547. The record of these votes is attached to this report.

The committee ordered H.R. 4547 reported to the House with a favorable recommendation by a vote of 50 - 1, a quorum being present.

[GPO – PLEASE SHOOT ROLL CALL VOTES HERE]

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

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

ADDITIONAL VIEWS ON H.R. 4547

We appreciate the language that the Committee has included in section 2, pertaining to the scope of the authorization in this bill.

Section 2 states that the \$10 billion authorized in this legislation “are authorized for the conduct of operations in continuation of the war on terrorism *in accordance with* the Authorization for Use of Military Force (Public Law 107-40; 50 USC 1541 note) and, to the extent appropriations are made pursuant to such authorizations, shall only be expended in a manner *consistent with* the purposes in section 2(a) thereof.”

Section 2(a) of the Use of Force resolution authorizes the President “to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations, or persons.”

Therefore, we conclude that the Committee intends that funds authorized in this bill are only to be used for military operations against entities responsible for the September 11 attacks, or entities that harbor those responsible.

Likewise, we believe funds in this bill cannot be used to expand the war on terrorism to other nations, absent evidence that a nation was responsible for the 9/11 attacks or is harboring those responsible, unless subsequently authorized for such a purpose by Congress.

TOM ALLEN
SUSAN DAVIS
ELLEN TAUSCHER
LANE EVANS
IKE SKELTON
JAMES LANGEVIN

DISSENTING VIEWS OF CONGRESSWOMAN CYNTHIA MCKINNEY

The attacks of September 11th, 2001 caused significant changes throughout our society. For our military services, this included increased force protection, greater security, and of course the deployment to and prosecution of the War on Terrorism in Afghanistan and elsewhere. Sadly, one of the first acts of our President was to waive the high deployment overtime pay of our servicemen and women who are serving on the front lines of our new War. The Navy estimates that the first year costs of this pay would equal about 40 cruise missiles. The total cost of this overtime pay may only equal about 300 cruise missiles, yet this Administration said it would cost too much to pay our young men and women what the Congress and the previous Administration had promised them.

In another ironic twist, the War on Terrorism has the potential to bring the US military into American life as never before. A Northern Command has been created to manage the military's activity within the continental United States. Operation Noble Eagle saw combat aircraft patrolling the air above major metropolitan areas, and our airports are only now being relieved of National Guard security forces. Moreover, there is a growing concern that the military will be used domestically, within our borders, with intelligence and law enforcement mandates as some now call for a review of the Posse Comitatus Act prohibitions on military activity within our country.

In the 1960s, the lines between illegal intelligence, law enforcement and military practices became blurred as Americans wanting to make America a better place for all were targeted and attacked for political beliefs and political behavior. Under the cloak of the Cold War, military intelligence was used for domestic purposes to conduct surveillance on civil rights, social equity, antiwar, and other activists. In the case of Dr. Martin Luther King, Jr., Operation Lantern Spike involved military intelligence covertly operating a surveillance operation of the civil rights leader up to the time of his assassination. In a period of two months, recently declassified documents on Operation Lantern Spike indicate that 240 military personnel were assigned in the two months of March and April to conduct surveillance on Dr. King. The documents further reveal that 16,900 man-hours were spent on this assignment. Dr. King had done nothing more than call for black suffrage, an end to black poverty, and an end to the Vietnam War. Dr. King was the lantern of justice for America: spreading light on issues the Administration should have been addressing. On April 4, 1968, Dr. King's valuable point of light was snuffed out. The documents I have submitted for the record outline the illegal activities of the FBI and its CoIntelPro program. A 1967 memo from J. Edgar Hoover to 22 FBI field offices outlined the COINTELPRO program well: "The purpose of this new counterintelligence endeavor is to expose, disrupt, misdirect, or otherwise neutralize" black activist leaders and organizations.

As a result of the Church Committee hearings, we later learned that the FBI and other government authorities were conducting black bag operations that included illegally breaking and entering private homes to collect information on individuals. FBI activities included "bad jacketing," or falsely accusing individuals of collaboration with the authorities. It included the use of paid informants to set up on false charges targeted individuals. And it resulted in the murder of some individuals. Geronimo Pratt Ji Jaga spent 27 years in prison for a crime he did not commit. And in COINTELPRO

documents subsequently released, we learn that Fred Hampton was murdered in his bed while his pregnant wife slept next to him after a paid informant slipped drugs in his drink.

Needless to say, such operations were well outside the bounds of what normal citizens would believe to be the role of the military, and the Senate investigations conducted by Senator Frank Church found that to be true. Though the United States was fighting the spread of communism in the face of the Cold War, the domestic use of intelligence and military assets against its own civilians was unfortunately reminiscent of the police state built up by the Communists we were fighting.

We must be certain that the War on Terrorism does not threaten our liberties again. Amendments to H.R. 4547, the Costs of War Against Terrorism Act, that would increase the role of drug interdiction task forces to include counter intelligence, and that would increase the military intelligence's ability to conduct electronic and financial investigations, can be the first steps towards a return to the abuses of constitutional rights during the Cold War. Further, this bill includes nearly \$2 billion in additional funds for intelligence accounts. When taken into account with the extra-judicial incarceration of thousands of immigration violators, the transfer of prisoners from law enforcement custody to military custody, and the consideration of a 'volunteer' terrorism tip program, America must stand up and protect itself from the threat not only of terrorism, but of a police state of its own.

There does exist a need to increase personnel pay accounts, replenish operations and maintenance accounts and replace lost equipment. The military has an appropriate role in protecting the United States from foreign threats, and should remain dedicated to preparing for those threats. Domestic uses of the military have long been prohibited for good reason, and the same should continue to apply to all military functions, especially any and all military intelligence and surveillance. Congress and the Administration must be increasingly vigilant towards the protection of and adherence to our constitutional rights and privileges. For, if we win the war on terrorism, but create a police state in the process, what have we won?

CYNTHIA McKINNEY

