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**NATIONAL DEFENSE AUTHORIZATION  
ACT FOR FISCAL YEAR 2004**

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CONFERENCE REPORT

TO ACCOMPANY

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## LEGISLATIVE PROVISIONS ADOPTED

## Subtitle A—Authorization of Appropriations

*Authorization of appropriations (secs. 301–303)*

The House bill contained provisions (secs. 301–303) that would authorize fiscal year 2004 funding levels for all operation and maintenance accounts, working capital funds, and other Department of Defense programs, including the Defense Inspector General, the Chemical Demilitarization Program, and the Defense Health Program.

The Senate amendment contained similar provisions (secs. 105–107, secs. 203–204, and secs. 301–302).

The conference agreement would authorize funding levels for all operation and maintenance accounts, working capital funds, and other Department of Defense programs.

*Chemical Agents and Munitions Destruction, Defense*

The House bill contained a provision (Sec. 303(b)) that would provide a total of \$1.6 billion for Chemical Agents and Munitions Destruction, Defense (CAMD, D), including an increase of \$50.0 million for the chemical stockpile emergency preparedness project for additional enhancements to the ability of State and local governments to respond to a chemical accident or incident at chemical stockpile storage sites in Arkansas, Oregon, and Alabama.

The Senate amendment contained a provision (sec. 106) that would provide \$1.6 billion for CAMD, D.

The House recedes with an amendment that would authorize for appropriation \$1.6 billion for CAMD, D, as follows: \$1.2 billion for Operations and Maintenance; \$251.9 million for Research, Development, Test, and Evaluation; and \$79.2 million for Procurement.

The conferees strongly support the decision of the Department of Defense to request funding for the chemical agents and munitions destruction program in a Defense-wide account. Section 1521(f) of title 50, United States Code, requires that funds for this program shall not be included in the budget for any military department. Funding the destruction program in a Defense-wide account ensures that the program is subject to the appropriate level of management and oversight and ensures that the program is not subject to the internal budget priorities of one particular services.

## Subtitle B—Environmental Provisions

*Reauthorization and modification of title I of the Sikes Act (sec. 311)*

The House bill contained a provision (sec. 311) that would amend section 670f of title 16, United States Code, to reauthorize section 108 of the Sikes Act (Public Law 86–767), by striking, “fiscal years 1998 through 2003,” and in each place it appears insert “fiscal years 2004 through 2008.” The provision would also express a sense of Congress regarding the Department of Defense (DOD) outsourcing of natural resource manager functions. Finally, the provision would establish a five-year DOD pilot program for

management, control, and eradication of invasive species on military installations in Guam.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense, to the extent practicable and after consultation with the Secretary of Interior, to incorporate in an Integrated Natural Resource Management Plan the management, control, and eradication of invasive species that are not native to the ecosystem of a military installation in Guam and may harm readiness, the environment, the economy, or human health and safety.

*Clarification of Department of Defense response to environmental emergencies (sec. 312)*

The House bill contained a provision (sec. 314) that would amend sections 402, 404, and 2561 of title 10, United States Code, to clarify the authority of the Secretary of Defense to respond to environmental emergencies by providing humanitarian assistance, including the authority to transport supplies or provide assistance for the purpose of responding to or mitigating the effects of an event that threatens harm to the environment, such as an oil spill.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would give the Secretary discretionary authority to provide environmental emergency assistance if such assistance would not otherwise be available and would be subject to reimbursement.

*Repeal of authority to use environmental restoration account funds for relocation of contaminated facility (sec. 313)*

The Senate amendment contained a provision (sec. 325) that would extend for three years the authority of the Secretary of Defense or secretaries of the military departments to use funds available in the environmental restoration accounts, pursuant to section 2703 of title 10, United States Code, to permanently relocate facilities.

The House bill contained no similar provision.

The House recedes with an amendment that would repeal the authority, effective September 30, 2003, while retaining the authority to pay costs under cooperative agreements entered into prior to September 30, 2003.

*Authorization for Department of Defense participation in wetland mitigation banks (sec. 314)*

The House bill contained a provision (sec. 312) that would amend chapter 159 of title 10, United States Code, to permit the secretaries of the military departments to participate in wetland mitigation banking programs and consolidated user sites as an alternative to mitigation on Department of Defense lands for military construction projects.

The Senate amendment contained a similar provision.

The House recedes with an amendment that would require the Secretary of the Army, acting through the Chief of Engineers, to issue regulations establishing performance standards and criteria for the use of on-site, off-site, and in-lieu fee mitigation and mitigation banking as compensation for lost wetland functions in permits

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PORTER J. GOSS,  
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From the Committee on Agriculture, for consideration of secs. 1057 and 2822 of the House bill, and modifications committed to conference:

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From the Committee on Education and the Workforce, for consideration of secs. 544, 553, 563, 567, 907, 1046, 1501, 1502, and 1504–1506 of the House bill, and secs. 233, 351, 352, 368, 701, 1034, and 1036 of the Senate amendment, and modifications committed to conference:

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From the Committee on Government Reform, for consideration of secs. 315, 323, 551, 805, 822, 824, 828, 829, 1031, 1046, 1050, 1057, Title XI, Title XIV, secs. 2825 and 2826 of the House bill, and secs. 326, 801, 811, 813, 822, 831–

833, 841, 852, 853, 1013, 1035, 1102–1104, and 2824–2826 of the Senate amendment, and modifications committed to conference:

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CHRISTOPHER COX,  
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From the Committee on House Administration, for consideration of sec. 564 of the Senate amendment, and modifications committed to conference:

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JOHN B. LARSON,

From the Committee on International Relations, for consideration of secs. 1047, 1201, 1202, 1209, Title XIII, secs. 3601, 3611, 3631, 3632, and 3634–3636 of the House bill, and secs. 323, 343, 921, 1201, 1202, 1204, 1205, 1207, 1208, Title XIII, and sec. 3141 of the Senate amendment, and modifications committed to conference:

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From the Committee on Transportation and Infrastructure, for consideration of secs. 312, 601, 907, 1049, 1051, and 2824 of the House bill, and secs. 324, 601, and 2821 of the Senate amendment, and modifications committed to conference:

DON YOUNG,  
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BRAD CARSON,

From the Committee on Veterans Affairs, for consideration of sec. 565 of the House bill, and secs. 644 and 707 of the Senate amendment, and modifications committed to conference:

CHRISTOPHER H. SMITH,  
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From the Committee on Ways and Means, for consideration of sec. 701 of the Senate amendment, and modifications committed to conference:

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JAMES TALENT,  
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*Managers on the Part of the Senate.*

