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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. SIMPSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 20, 2001.

I hereby appoint the Honorable MICHAEL K. SIMPSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

Dr. Harold Bales, District Superintendent, United Methodist Church, Salisbury, North Carolina, offered the following prayer:

Eternal God, when we lift our eyes to spacious skies, we know that You are there.

When as if two lightning bolts slice hotly through the high places and plunge us by the thousands into molten, crushing caverns, we know that You are there.

When heroic spirits, roused to action, steer a chariot meant for evil to the right and make a crater of courage in the rich soil of freedom, we know that You are planted there as if a seed, the seed of life.

When wild barbarians spur their murderous winged mount into the encampment of those who serve when called to liberating strife, we know that You are there.

And when representative forces of freedom meet to do their civilizing work, grant, O God, not only Your blessing on their work but grant Your presence there.

So please, God, bless this House and those within it, that through its actions and by Your presence here, justice, mercy, love, and peace may come to reign in every house upon this earth.

Amen.

THE JOURNAL

The SPEAKER pro tempore. 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.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New York (Mr. MCNULTY) come forward and lead the House in the Pledge of Allegiance.

Mr. MCNULTY 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 a concurrent resolution of the House of the following title:

H. Con. Res. 231. Concurrent resolution providing for a joint session of Congress to receive a message from the President.

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

S. Con. Res. 67. Concurrent resolution permitting the Chairman of the Committee on Rules and Administration of the Senate to designate another member of the Committee to serve on the Joint Committee on Printing in place of the Chairman.

S. Con. Res. 68. Concurrent resolution providing for members on the part of the Senate of the Joint Committee on Printing and the Joint Committee of Congress on the Library.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that the practice of reserving seats prior to the Joint Session by placard will not be allowed.

Members may reserve their seats by physical presence only, following the security sweep of the Chamber.

WELCOMING DR. HAROLD BALES, DISTRICT SUPERINTENDENT, UNITED METHODIST CHURCH, SALISBURY, NORTH CAROLINA

(Mrs. MYRICK asked and was given permission to address the House for 1 minute.)

Mrs. MYRICK. Mr. Speaker, it is a true honor for me to have Dr. Harold Bales here to offer prayer to us at this most difficult time in our Nation's history.

Dr. Bales and his wife, Judy, have been friends of my husband, Ed, and myself for over 20 years, as well as pastor. Judy and their daughter, Suzannah, are here with him today.

He has served in many capacities in the Methodist Church, from being a pastor to organizing the World's Fair in Knoxville to administrative positions; and many years ago in Charlotte, he was among the first to recognize our growing problem with homeless people. And our church, First United Methodist, was among the first to start a program uptown to help. He was also instrumental in building our homeless shelter.

When tornados raked through North and South Carolina in 1986, Harold was one of the first responders, not only with spiritual leadership, but also in a relief and recovery effort in the basement of First Methodist, over a hundred miles away.

Recently he has battled cancer, but that has not stopped him from caring and working for others. Harold relieves

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many tense situations with his wonderful sense of humor. He always makes everyone feel comfortable, and he has always got a real story to tell that is funny as the dickens.

He also writes poetry. One of his masterpieces is called Ode to Okra. Yes, that is the vegetable. Harold loves okra.

As an instrument of reconciliation, Harold has repeatedly brought together people of diverse beliefs and different factions to celebrate their similarities in honor of God. His surgeon, who coincidentally was also my surgeon for breast cancer, recently shared something with me. She has become a dear friend, also.

Dr. Teresa Flippo told me that he always had an aura of calm about him. Whenever he would come in and when she would go in to see him, he would end up ministering to her and really being concerned about all the stresses that she underwent in her profession, had far more concern for her than he did for his own condition.

That is Dr. Bales, a true servant of God.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). The Chair will entertain 10 one-minute speeches per side.

HELPING CHILDREN AFFECTED BY SEPTEMBER 11 TERRORISM

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

Ms. ROS-LEHTINEN. Mr. Speaker, in scenes worse than a horror movie, Americans witnessed hijacked planes slam into the World Trade Center and the Pentagon and fall to the ground in Pittsburgh. In the blink of an eye, thousands of lives were snatched and Americans lost our sense of safety.

For millions who watched the carnage, the harrowing images will be imprinted forever in our memory. But for the children who lost a parent in this catastrophic act of terror, their lives will never be the same again.

Today, I am proud to join my colleague, the gentlewoman from Texas (Ms. JACKSON-LEE), in introducing H. Con. Res. 228. This resolution calls for immediate benefits for children who lost one or both parents or guardians in the multiple tragedies.

H. Con. Res. 228 will ensure that services for these children will include, but not be limited to, foster care, medical assistance, and psychological services which they so desperately need.

All the money and the services in the world could never replace the loss of their loved ones. But although money cannot heal their scars, with the passage of this resolution, we can begin to bandage their deep wound.

I hope our colleagues sign on to H. Con. Res. 228.

HELPING AIRLINES TO RECOVER

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

Mrs. CHRISTENSEN. Mr. Speaker, every day for the past 8 days, we have watched with deep respect and gratitude as our firefighters, emergency medical personnel, police, soldiers, counselors, and volunteers rescued and then continued the search and the clearing of the debris of the buildings and lives left by the terrorists.

This morning, I want to especially recognize another group of brave and caring people, our airline pilots, cockpit crews, and flight attendants who went back to work and continue to work every day to get us to our destinations safely and comfortably.

Thank you to those at American who took me to mine last weekend and those at all of the other airlines which serve the many cities in all of our districts.

In a few days, we will have the opportunity to really show our gratitude and pass a package to keep our planes flying and thousands of people in the jobs they need so they can provide for themselves and their families. Let us do it.

KEEPING FOCUSED ON KEEPING AMERICA STRONG

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

Mr. OSBORNE. Mr. Speaker, this past week the response of Congress and the American people has been tremendous. We have seen patriotism, bipartisanship, and spiritual renewal, which has been unprecedented in our lifetime.

The focus of Congress has been on the best interests of the country, not on personal ambition or party superiority. The key question is this: What will our focus be next week, next month, and next year?

The best thing that we can do as a Congress to combat terrorism is to, first, display unity of purpose, to serve the national interests above all else; second, provide total commitment, staying power over the coming months and years. This is not going to be a sprint; it is going to be an endurance race. And victory will not go to the swiftest, but to those who have the most resolve and the most commitment.

Third, I think we must support the administration and the military and avoid micromanaging. We cannot become military and tactical experts from this floor.

The Nation will be watching. Our enemies will be watching. Congress will set the tone, one way or another.

A TIME FOR WAR

(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, as was written long ago, there is a time for everything, and a season for every activity under heaven; a time to be born, and a time to die; a time to tear down, and a time to build; a time for war, and a time for peace.

Tonight, as our American President will again walk the blue carpet of this Chamber to lead our Nation in a time of war, my hope and my prayer, Mr. Speaker, is that this President will reflect the heart of the American people from this Chamber. I know there is a need to plan, to prepare, to deploy. But justice is inherently impatient, and so am I.

Mr. Speaker, I pray that the President knows in the defense of our Nation, now is the time to tear down. Now is the time for war.

REOPENING AMERICA'S AIRPORT

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

Ms. NORTON. Mr. Speaker, America's airport, National Airport, remains closed as a lasting symbol of the attack of September 11. Until it is opened, the terrorists have a temporary victory.

I would be the last to want us to be reckless. Not only do I live here, 600,000 people whom I represent live here. But they want this airport opened with security, and so does America. Part of the problem may be that there are so many issues with which our country must cope that National Airport may not be getting the attention it deserves.

The Congress and the administration must focus on National Airport because of what it means, not to the capital of the United States, but to our country. As immediate steps, the recommendation that the shuttles be opened is most important, because it would unite Washington with New York and Boston, the two cities that were the objects of attack.

We must make National Airport a pilot for airport security for the Nation. To be sure, many jobs and the economy of this city and region are at stake. More important, opening the airport would be a giant symbol of our willingness to fight back.

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UNITED STATES SHOULD NOT OVERREACT

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

Mr. DUNCAN. Mr. Speaker, the attacks of last week were the most evil, tragic actions ever carried out in this country.

I have said many times that we need to take the strongest possible action

against bin Laden and other terrorists. However, we must be very careful not to overreact. If we go overboard and have an almost panic-type reaction, we will be doing just what the terrorist want us to do.

The Wall Street Journal reports today that bin Laden's fortune is nowhere close to the $300 million stated in some stories, that his fortune has been wildly exaggerated, and bin Laden's network is a ''primitive and cheap force.'' Besides that, we have just appropriated $40 billion in emergency funding, and today we start on a bill to give the military the biggest increase in history following 6 straight years of multi-billion dollar increases.

I believe bin Laden has probably been shocked by the worldwide condemnation he received even from people and countries he probably thought would support him. We need to take the terrorists' threats very seriously, but it would be a very bad mistake to greatly overreact. We need to carry on the other functions of government too, and as President Bush has urged, try to get back to normal as soon as we possibly can.

AWARDING CONGRESSIONAL GOLD MEDALS

(Mr. TANCREDO asked and was given permission to address the House for 1 minute.)

Mr. TANCREDO. Mr. Speaker, there are countless heroes that have emerged from this tragedy, firefighters, police and others who have offered themselves in aid to their fellow citizens; but a few have risen even above those, and these are the folks that through their acts of incredible valor actually saved the lives of countless others. They are Jeremy Glick, Todd Beamer, Tom Burnett, and Mark Bingham and the other members of the crew and passengers of Flight 93 that were hijacked.

These people did something so extraordinary that it deserves the attention of this Congress. The way we are able to provide that attention is to award them and the other members of the crew and the passengers of that plane who participated in the events that prevented that plane from reaching its ultimate destination and killing who knows how many other people. We should, in fact, therefore, bestow on them the Congressional Gold Medal.

Mr. Speaker, I am introducing legislation today for that purpose, and I encourage all of my colleagues to join me in that effort.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to clause 8, rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6, rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules, but not before noon today.

AMENDING CHARTER OF SOUTHEASTERN UNIVERSITY OF THE DISTRICT OF COLUMBIA

Mrs. MORELLA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2061) to amend the charter of Southeastern University of the District of Columbia.

The Clerk read as follows:

H.R. 2061

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENTS TO CHARTER OF SOUTHEASTERN UNIVERSITY REGARDING BOARD OF TRUSTEES.

(a) IN GENERAL.—Section 3 of the Act entitled ''An Act for the relief of the Southeastern University of the Young Men's Christian Association of the District of Columbia'', approved August 19, 1937 (50 Stat. 697), as amended by section 1 of the Act entitled ''An Act to amend the charter of Southeastern University of the District of Columbia'', approved October 10, 1966 (80 Stat. 883), is amended—

(1) in the first sentence, by striking '', one-third of whom'' and all that follows and inserting a period; and

(2) in the second sentence, by striking ''elected for a term'' and inserting ''elected by the board for a term''.

(b) TREATMENT OF CURRENT TRUSTEES.—The amendment made by subsection (a) shall not affect the term of office of any individual serving on the Board of Trustees of Southeastern University as of the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland (Mrs. MORELLA) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland (Mrs. MORELLA).

GENERAL LEAVE

Mrs. MORELLA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2061.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

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

Mr. Speaker, our colleague and ranking member of the subcommittee of the District of Columbia, the gentlewoman from the District of Columbia (Ms. NORTON), introduced H.R. 2061 on June 5, 2001. The subcommittee on the District of Columbia considered and marked up the bill on June 26, and the legislation was considered and ordered reported by the Committee on Government Reform on July 25.

H.R. 2061 amends the charter of Southeastern University of the District of Columbia and removes a provision in its charter requiring that one-third of the board of trustees of the university be alumni of the university. This provision would enable the university to attract a wider pool of nominees to the board.

I want to thank the gentlewoman from the District of Columbia (Ms. NORTON) for introducing this legislation on behalf of the president and board of directors of Southeastern University. I also want to recognize the dedicated work of Dr. Charlene Drew Jarvis, who has headed Southeastern University and brought it to the level of recognition that it enjoys today.

Mr. Speaker, I urge our colleagues to support H.R. 2061, a bill to amend the charter of Southeastern University of the District of Columbia, which was incorporated by an act of Congress in 1937, giving it the flexibility to appoint its board of directors from a larger group of candidates.

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

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

Mr. Speaker, I rise in support of H.R. 2061, legislation I introduced on June 5, 2001, to remove the provision of Southeastern University charter requiring that one-third of the board of trustees be Southeastern alumni.

Southeastern University President Charlene Drew Jarvis and the board of trustees asked me to introduce this corrective measure. The bill unanimously passed in both the subcommittee of the District of Columbia and the full Committee on Government Reform.

Mr. Speaker, I want to express my appreciation to the Chair of the subcommittee for the District of Columbia, the gentlewoman from Maryland (Mrs. MORELLA), for her support of H.R. 2061 and for her continuing support of all we do in the District of Columbia.

Southeastern University was incorporated in the District of Columbia by an act of Congress on October 19, 1937. Its charter contains a provision requiring that one-third of the University's board of trustees be alumni. On September 9, 1997, I received letters from Southeastern University President Charlene Drew Jarvis and board of trustees Chair Elizabeth Lisboa-Farrow asking that I introduce legislation to remove this provision.

President Jarvis and the board of trustees would like this provision removed in order to let the university draw from a wider pool of potential board nominees. Because the university was incorporated by an act of Congress, only the Congress can effectuate this change.

Southeastern University is an important and productive institution which contributes to higher education and the economy of the District of Columbia by offering undergraduate and graduate degrees geared specifically to the needs of working professionals such as accounting, banking, business management, computer science, information systems management, health services administration, government management, marketing and taxation.

Under the able leadership of Southeastern's president, Dr. Charlene Drew Jarvis, who formerly served with distinction as a member of our city council for 17 years, the university has emerged from past difficulties and reached many milestones.

For example, in 1997, the Consortium of Universities of the Washington Metropolitan Area admitted Southeastern to its membership. Since Ms. Jarvis has been president, Southeastern's enrollment has doubled. Southeastern has developed productive partnerships with local businesses that foster community involvement, while at the same time promoting educational achievement. One such partnership is D.C. Link and Learn, a technological training center founded with Southeastern's help near Southeastern's main campus. In addition, Southeastern has obtained cooperative agreements with the Washington Teachers' Union and the Greater Washington Society of Certified Public Accountants to create partnerships in support of professional development programs.

Mr. Speaker, H.R. 2061 will allow Southeastern to complement these and other efforts under way to strengthen the university's role in the life of the District of Columbia. I urge my colleagues to support this corrective measure.

Mr. Speaker, I yield back the balance of my time.

Mrs. MORELLA. Mr. Speaker, I have no further requests to speak on this very important bill, and I urge my colleagues to support H.R. 2061.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and pass the bill, H.R. 2061.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

DISTRICT OF COLUMBIA FAMILY COURT ACT OF 2001

Mrs. MORELLA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2657) to amend title 11, District of Columbia Code, to redesignate the Family Division of the Superior Court of the District of Columbia as the Family Court of the Superior Court, to recruit and retain trained and experienced judges to serve in the Family Court, to promote consistency and efficiency in the assignment of judges to the Family Court and in the consideration of actions and proceedings in the Family Court, and for other purposes.

The Clerk read as follows:

H.R. 2657

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''District of Columbia Family Court Act of 2001''.

SEC. 2. REDESIGNATION OF FAMILY DIVISION AS FAMILY COURT OF THE SUPERIOR COURT.

(a) IN GENERAL.—Section 11–902, District of Columbia Code, is amended to read as follows:

''§ 11–902. Organization of the court

''(a) IN GENERAL.—The Superior Court shall consist of the Family Court of the Superior Court and the following divisions of the Superior Court:

''(1) The Civil Division.

''(2) The Criminal Division.

''(3) The Probate Division.

''(4) The Tax Division.

''(b) BRANCHES.—The divisions of the Superior Court may be divided into such branches as the Superior Court may by rule prescribe.

''(c) DESIGNATION OF PRESIDING JUDGE OF FAMILY COURT.—The chief judge of the Superior Court shall designate one of the judges assigned to the Family Court of the Superior Court to serve as the presiding judge of the Family Court of the Superior Court.

''(d) JURISDICTION DESCRIBED.—The Family Court shall have exclusive jurisdiction over the actions, applications, determinations, adjudications, and proceedings described in section 11–1101, except that those actions within the jurisdiction of the Domestic Violence Unit (a section of the Civil Division, Criminal Division, and the Family Court) pursuant to Administrative Order No. 96–25 (October 31, 1996) shall remain in that Unit.''.

(b) CONFORMING AMENDMENT TO CHAPTER 9.—Section 11–906(b), District of Columbia Code, is amended by inserting ''the Family Court and'' before ''the various divisions''.

(c) CONFORMING AMENDMENTS TO CHAPTER 11.—(1) The heading for chapter 11 of title 11, District of Columbia, is amended by striking ''FAMILY DIVISION'' and inserting ''FAMILY COURT''.

(2) Section 11–1101, District of Columbia Code, is amended by striking ''Family Division'' and inserting ''Family Court''.

(3) The item relating to chapter 11 in the table of chapters for title 11, District of Columbia, is amended by striking ''FAMILY DIVISION'' and inserting ''FAMILY COURT''.

(d) CONFORMING AMENDMENTS TO TITLE 16.—

(1) CALCULATION OF CHILD SUPPORT.—Section 16–916.1(o)(6), District of Columbia Code, is amended by striking ''Family Division'' and inserting ''Family Court of the Superior Court''.

(2) EXPEDITED JUDICIAL HEARING OF CASES BROUGHT BEFORE HEARING COMMISSIONERS.—Section 16–924, District of Columbia Code, is amended by striking ''Family Division'' each place it appears in subsections (a) and (f) and inserting ''Family Court''.

(3) GENERAL REFERENCES TO PROCEEDINGS.—Chapter 23 of title 16, District of Columbia Code, is amended by inserting after section 16–2301 the following new section:

''§ 16–2301.1. References deemed to refer to Family Court of the Superior Court

''Upon the effective date of the District of Columbia Family Court Act of 2001, any reference in this chapter or any other Federal or District of Columbia law, Executive order, rule, regulation, delegation of authority, or any document of or pertaining to the Family Division of the Superior Court of the District of Columbia shall be deemed to refer to the Family Court of the Superior Court of the District of Columbia.''.

(4) CLERICAL AMENDMENT.—The table of sections for subchapter I of chapter 23 of title 16, District of Columbia, is amended by inserting after the item relating to section 16–2301 the following new item:

''16–2301.1. References deemed to refer to Family Court of the Superior Court.''

SEC. 3. APPOINTMENT AND ASSIGNMENT OF JUDGES; NUMBER AND QUALIFICATIONS.

(a) NUMBER OF JUDGES FOR FAMILY COURT; QUALIFICATIONS AND TERMS OF SERVICE.—Chapter 9 of title 11, District of Columbia Code, is amended by inserting after section 11–908 the following new section:

''§ 11–908A. Special rules regarding assignment and service of judges of Family Court

''(a) NUMBER OF JUDGES.—The number of judges serving on the Family Court of the Superior Court at any time may not be—

''(1) less than the number of judges determined by the chief judge of the Superior Court to be needed to serve on the Family Court under the transition plan for the Family Court prepared and submitted to the President and Congress under section 3(b) of the District of Columbia Family Court Act of 2001; or

''(2) greater than 15.

''(b) QUALIFICATIONS.—The chief judge may not assign an individual to serve on the Family Court of the Superior Court unless—

''(1) the individual has training or expertise in family law;

''(2) the individual certifies to the chief judge that the individual intends to serve the full term of service, except that this paragraph shall not apply with respect to individuals serving as senior judges under section 11–1504; and

''(3) the individual certifies to the chief judge that the individual will participate in the ongoing training programs carried out for judges of the Family Court under section 11–1104(c).

''(c) TERM OF SERVICE.—

''(1) IN GENERAL.—Except as provided in paragraph (2), an individual assigned to serve as a judge of the Family Court of the Superior Court shall serve for a term of 5 years.

''(2) SPECIAL RULE FOR JUDGES SERVING ON SUPERIOR COURT ON DATE OF ENACTMENT OF FAMILY COURT ACT.—

''(A) IN GENERAL.—An individual assigned to serve as a judge of the Family Court of the Superior Court who is serving as a judge of the Superior Court on the date of the enactment of the District of Columbia Family Court Act of 2001 shall serve for a term of not fewer than 3 years.

''(B) REDUCTION OF PERIOD FOR JUDGES SERVING IN FAMILY DIVISION.—In the case of a judge of the Superior Court who is serving as a judge in the Family Division of the Court on the date of the enactment of the District of Columbia Family Court Act of 2001, the 3-year term applicable under subparagraph (A) shall be reduced by the length of any period of consecutive service as a judge in such Division as of the date of the enactment of such Act.

''(3) ASSIGNMENT FOR ADDITIONAL SERVICE.—After the term of service of a judge of the Family Court (as described in paragraph (1) or paragraph (2)) expires, at the judge's request the judge may be assigned for additional service on the Family Court for a period of such duration (consistent with section 431(c) of the District of Columbia Home Rule Act) as the chief judge may provide.

''(4) PERMITTING SERVICE ON FAMILY COURT FOR ENTIRE TERM.—At the request of the judge, a judge may serve as a judge of the Family Court for the judge's entire term of service as a judge of the Superior Court under section 431(c) of the District of Columbia Home Rule Act.

''(d) REASSIGNMENT TO OTHER DIVISIONS.—The chief judge may reassign a judge of the Family Court to any division of the Superior Court if the chief judge determines that the judge is unable to continue serving in the Family Court.''.

(b) PLAN FOR FAMILY COURT TRANSITION.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the chief judge of the Superior Court of the District of Columbia shall prepare and submit to the President and Congress a transition plan for the Family Court of the Superior Court, and shall include in the plan the following:

(A) The chief judge's determination of the number of judges needed to serve on the Family Court.

(B) The chief judge's determination of the role and function of the presiding judge of the Family Court.

(C) The chief judge's determination of the number of magistrate judges of the Family Court needed for appointment under section 11–1732, District of Columbia Code.

(D) The chief judge's determination of the appropriate functions of such magistrate judges, together with the compensation of and other personnel matters pertaining to such magistrate judges.

(E) A plan for case flow, case management, and staffing needs (including the needs for both judicial and nonjudicial personnel) for the Family Court.

(F) A description of how the Superior Court will meet the requirements of section 11–1104(a), District of Columbia Code (as added by section 4(a)), regarding the promulgation of rules to enforce the ''one family, one judge'' requirement for cases and proceedings in the Family Court.

(G) An analysis of the needs of the Family Court for space, equipment, and other physical plant requirements, as determined in consultation with the Administrator of General Services.

(H) An analysis of the success of the use of magistrate judges under the expedited appointment procedures established under section 6(d) in reducing the number of pending actions and proceedings within the jurisdiction of the Family Court (as described in section 11–902(d), District of Columbia, as amended by subsection (a)).

(I) Consistent with the requirements of paragraph (2), a proposal and timetable for the disposition of actions and proceedings pending in the Family Division of the Superior Court as of the date of the enactment of this Act (together with actions and proceedings described in section 11–1101, District of Columbia Code, which were initiated in the Family Division but remain pending in other Divisions of the Superior Court as of such date) in a manner consistent with applicable Federal and District of Columbia law and best practices, including (but not limited to) best practices developed by the American Bar Association and the National Council of Juvenile and Family Court Judges.

(2) DISPOSITION AND TRANSFER OF PENDING ACTIONS AND PROCEEDINGS.—The chief judge of the Superior Court shall take such actions as may be necessary to provide for the earliest practicable disposition of actions and proceedings pending in the Family Division of the Superior Court as of the date of the enactment of this Act (together with actions and proceedings described in section 11–1101, District of Columbia Code, which were initiated in the Family Division but remain pending in other Divisions of the Superior Court as of such date), but in no event may any such action or proceeding remain pending longer than 18 months after the date the chief judge submits the transition plan required under paragraph (1) to the President and Congress.

(3) TRANSFER OF ACTIONS AND PROCEEDINGS.—The chief judge of the Superior Court shall take such steps as may be required to ensure that each action or proceeding within the jurisdiction of the Family Court of the Superior Court (as described in section 11–902(d), District of Columbia Code, as amended by subsection (a)) which is pending as of the effective date described in section 9 is transferred or otherwise assigned to the Family Court immediately upon such date.

(4) EFFECTIVE DATE OF IMPLEMENTATION OF PLAN.—The chief judge of the Superior Court may not take any action to implement the transition plan under this subsection until the expiration of the 30-day period which begins on the date the chief judge submits the plan to the President and Congress under paragraph (1).

(c) TRANSITION TO APPROPRIATE NUMBER OF JUDGES.—

(1) ANALYSIS BY CHIEF JUDGE OF SUPERIOR COURT.—The chief judge of the Superior Court of the District of Columbia shall include in the transition plan prepared under subsection (b)—

(A) the chief judge's determination of the number of individuals serving as judges of the Superior Court who meet the qualifications for judges of the Family Court of the Superior Court under section 11–908A, District of Columbia Code (as added by subsection (a)); and

(B) if the chief judge determines that the number of individuals described in subparagraph (A) is less than the number of individuals the chief judge is required to assign to the Family Court under such section, a request that the President appoint (in accordance with section 433 of the District of Columbia Home Rule Act) such additional number of individuals to serve on the Superior Court who meet the qualifications for judges of the Family Court under such section as may be required to enable the chief judge to make the required number of assignments.

(2) ONE-TIME APPOINTMENT OF ADDITIONAL JUDGES TO SUPERIOR COURT FOR SERVICE ON FAMILY COURT.—If the President receives a request from the chief judge of the Superior Court of the District of Columbia under paragraph (1)(B), the President (in accordance with section 433 of the District of Columbia Home Rule Act) shall appoint additional judges to the Superior Court who meet the qualifications for judges of the Family Court in a number equal to the number of additional appointments so requested by the chief judge, and each judge so appointed shall be assigned by the chief judge to serve on the Family Court of the Superior Court.

(3) ROLE OF DISTRICT OF COLUMBIA JUDICIAL NOMINATION COMMISSION.—For purposes of section 434(d)(1) of the District of Columbia Home Rule Act, the submission of a request from the chief judge of the Superior Court of the District of Columbia under paragraph (1)(B) shall be deemed to create a number of vacancies in the position of judge of the Superior Court equal to the number of additional appointments so requested by the chief judge. In carrying out this paragraph, the District of Columbia Judicial Nomination Commission shall recruit individuals for possible nomination and appointment to the Superior Court who meet the qualifications for judges of the Family Court of the Superior Court.

(4) JUDGES APPOINTED UNDER ONE-TIME APPOINTMENT PROCEDURES NOT TO COUNT AGAINST LIMIT ON NUMBER OF SUPERIOR COURT JUDGES.—Any judge who is appointed to the Superior Court of the District of Columbia pursuant to the one-time appointment procedures under this subsection for assignment to the Family Court of the Superior Court shall be appointed without regard to the limit on the number of judges of the Superior Court under section 11–903, District of Columbia Code. Any judge who is appointed to the Superior Court under any procedures other than the one-time appointment procedures under this subsection shall count against such limit, without regard to whether or not the judge is appointed to replace a judge appointed under the one-time appointment procedures under this subsection or is otherwise assigned to the Family Court of the Superior Court.

(d) REPORT BY COMPTROLLER GENERAL.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall prepare and submit to Congress and the chief judge of the Superior Court of the District of Columbia a report on the implementation of this Act (including the effect of the transition plan under subsection (b) on the implementation of this Act), and shall include in the report the following:

(A) An analysis of the procedures used to make the initial appointments of judges of the Family Court under this Act and the amendments made by this Act, including an analysis of the time required to make such appointments and the effect of the qualification requirements for judges of the Court (including requirements relating to the length of service on the Court) on the time required to make such appointments.

(B) An analysis of the impact of magistrate judges for the Family Court (including the expedited initial appointment of magistrate judges for the Court under section 6(d)) on the workload of judges and other personnel of the Court.

(C) An analysis of the number of judges needed for the Family Court, including an analysis of how the number may be affected by the qualification requirements for judges, the availability of magistrate judges, and other provisions of this Act or the amendments made by this Act.

(D) An analysis of the timeliness of the resolution and disposition of pending actions and proceedings required under the transition plan (as described in subsection (b)(1)(I) and (b)(2)), including an analysis of the effect of the availability of magistrate judges on the time required to resolve and dispose of such actions and proceedings.

(2) SUBMISSION TO CHIEF JUDGE OF SUPERIOR COURT.—Prior to submitting the report under paragraph (1) to Congress, the Comptroller General shall provide a preliminary version of the report to the chief judge of the Superior Court and shall take any comments and recommendations of the chief judge into consideration in preparing the final version of the report.

(e) ONGOING REPORTS ON PENDING CASES AND PROCEEDINGS.—

(1) IN GENERAL.—The chief judge of the Superior Court of the District of Columbia shall submit a status report to the President and Congress on the disposition of actions and proceedings pending in the Family Division of the Superior Court as of the date of the enactment of this Act (together with actions and proceedings described in section 11–1101, District of Columbia Code, which were initiated in the Family Division but remain pending in other Divisions of the Superior Court as of such date) and the extent to which the Court is in compliance with the requirements of this Act regarding the timetable for the disposition of such actions and proceedings.

(2) TIMING OF REPORTS.—The chief judge of the Superior Court shall submit the report required under paragraph (1) not later than 6 months after submitting the transition plan under subsection (b) and every 6 months thereafter until the final disposition or transfer to the Family Court of all of the actions and proceedings described in such paragraph.

(f) CONFORMING AMENDMENT.—The first sentence of section 11–908(a), District of Columbia Code, is amended by striking ''The

chief judge'' and inserting ''Subject to section 11–908A, the chief judge''.

(g) CLERICAL AMENDMENT.—The table of sections for chapter 9 of title 11, District of Columbia Code, is amended by inserting after the item relating to section 11–908 the following new item:

''11–908A. Special rules regarding assignment and service of judges of Family Court.''.

SEC. 4. IMPROVING ADMINISTRATION OF CASES AND PROCEEDINGS IN FAMILY COURT.

(a) IN GENERAL.—Chapter 11 of title 11, District of Columbia, is amended by adding at the end the following new sections:

''§ 11–1102. Use of alternative dispute resolution

''To the greatest extent practicable and safe, cases and proceedings in the Family Court of the Superior Court shall be resolved through alternative dispute resolution procedures, in accordance with such rules as the Superior Court may promulgate.

''§ 11–1103. Standards of practice for appointed counsel

''The Superior Court shall establish standards of practice for attorneys appointed as counsel in the Family Court of the Superior Court.

''§ 11–1104. Administration

''(a) 'ONE FAMILY, ONE JUDGE' REQUIREMENT FOR CASES AND PROCEEDINGS.—

''(1) IN GENERAL.—The Superior Court shall promulgate rules for the Family Court which require all issues within the jurisdiction of the Family Court concerning one family or one child to be decided by one judge, to the greatest extent practicable, feasible, and lawful.

''(2) SPECIFIC REQUIREMENTS.—Under the rules promulgated by the Superior Court under paragraph (1), to the greatest extent practicable, feasible, and lawful—

''(A) if an individual who is a party to an action or proceeding assigned to the Family Court has an immediate family or household member who is a party to another action or proceeding assigned to the Family Court, the individual's action or proceeding shall be assigned to the same judge or magistrate judge to whom the immediate family member's action or proceeding is assigned; and

''(B) if an individual who is a party to an action or proceeding assigned to the Family Court becomes a party to another action or proceeding assigned to the Family Court, the individual's subsequent action or proceeding shall be assigned to the same judge or magistrate judge to whom the individual's initial action or proceeding is assigned.

''(b) RETENTION OF JURISDICTION OVER CASES.—Any action or proceeding assigned to the Family Court of the Superior Court shall remain under the jurisdiction of the Family Court until the action or proceeding is finally disposed. If the judge to whom the action or proceeding is assigned ceases to serve on the Family Court prior to the final disposition of the action or proceeding, the presiding judge of the Family Court shall ensure that the matter or proceeding is reassigned to a judge serving on the Family Court, unless there are extraordinary circumstances, subject to approval and certification by the presiding judge and based on appropriate documentation in the record, which demonstrate that a case is nearing permanency and that changing judges would both delay that goal and result in a violation of the Adoption and Safe Families Act of 1997 (or an amendment made by such Act).

''(c) TRAINING PROGRAM.—

''(1) IN GENERAL.—The presiding judge of the Family Court shall carry out an ongoing program to provide training in family law and related matters for judges of the Family Court, other judges of the Superior Court, and appropriate nonjudicial personnel, and shall include in the program information and instruction regarding the following:

''(A) Child development.

''(B) Family dynamics.

''(C) Relevant Federal and District of Columbia laws.

''(D) Permanency planning principles and practices.

''(E) Recognizing the risk factors for child abuse.

''(F) Any other matters the presiding judge considers appropriate.

''(2) USE OF CROSS-TRAINING.—The program carried out under this section shall use the resources of lawyers and legal professionals, social workers, and experts in the field of child development and other related fields.

''(d) ACCESSIBILITY OF MATERIALS, SERVICES, AND PROCEEDINGS; PROMOTION OF 'FAMILY-FRIENDLY' ENVIRONMENT.—

''(1) IN GENERAL.—To the greatest extent practicable, the chief judge of the Superior Court shall ensure that the materials and services provided by the Family Court are understandable and accessible to the individuals and families served by the Court, and that the Court carries out its duties in a manner which reflects the special needs of families with children.

''(2) LOCATION OF PROCEEDINGS.—To the maximum extent feasible, safe, and practicable, cases and proceedings in the Family Court shall be conducted at locations readily accessible to the parties involved.

''(e) INTEGRATED COMPUTERIZED CASE TRACKING AND MANAGEMENT SYSTEM.—The Executive Officer of the District of Columbia courts under section 11–1703 shall work with the Joint Committee on Judicial Administration in the District of Columbia—

''(1) to ensure that all records and materials of cases and proceedings in the Family Court are stored and maintained in electronic format accessible by computers for the use of judges, magistrate judges, and nonjudicial personnel of the Family Court, and for the use of other appropriate offices of the District government in accordance with the plan for integrating computer systems prepared by the Mayor of the District of Columbia under section 4(c) of the District of Columbia Family Court Act of 2001;

''(2) to establish and operate an electronic tracking and management system for cases and proceedings in the Family Court for the use of judges and nonjudicial personnel of the Family Court, using the records and materials stored and maintained pursuant to paragraph (1); and

''(3) to expand such system to cover all divisions of the Superior Court as soon as practicable.

''§ 11–1105. Social services and other related services

''(a) ON-SITE COORDINATION OF SERVICES AND INFORMATION.—

''(1) IN GENERAL.—The Mayor of the District of Columbia, in consultation with the chief judge of the Superior Court, shall ensure that representatives of the appropriate offices of the District government which provide social services and other related services to individuals and families served by the Family Court (including the District of Columbia Public Schools, the District of Columbia Housing Authority, the Child and Family Services Agency, the Office of the Corporation Counsel, the Metropolitan Police Department, the Department of Health, and other offices determined by the Mayor) are available on-site at the Family Court to coordinate the provision of such services and information regarding such services to such individuals and families.

''(2) DUTIES OF HEADS OF OFFICES.—The head of each office described in paragraph (1), including the Superintendent of the District of Columbia Public Schools and the Director of the District of Columbia Housing Authority, shall provide the Mayor with such information, assistance, and services as the Mayor may require to carry out such paragraph.

''(b) APPOINTMENT OF SOCIAL SERVICES LIAISON WITH FAMILY COURT.—The Mayor of the District of Columbia shall appoint an individual to serve as a liaison between the Family Court and the District government for purposes of subsection (a) and for coordinating the delivery of services provided by the District government with the activities of the Family Court and for providing information to the judges, magistrate judges, and nonjudicial personnel of the Court regarding the services available from the District government to the individuals and families served by the Court. The Mayor shall provide on an ongoing basis information to the chief judge of the Superior Court and the presiding judge of the Family Court regarding the services of the District government which are available for the individuals and families served by the Family Court.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Mayor of the District of Columbia for each fiscal year such sums as may be necessary to carry out this section.

''§ 11–1106. Reports to Congress

''Not later than 90 days after the end of each calendar year, the chief judge of the Superior Court shall submit a report to Congress on the activities of the Family Court during the year, and shall include in the report the following:

''(1) The chief judge's assessment of the productivity and success of the use of alternative dispute resolution pursuant to section 11–1102.

''(2) Goals and timetables to improve the Family Court's performance in the following year.

''(3) Information on the extent to which the Court met deadlines and standards applicable under Federal and District of Columbia law to the review and disposition of actions and proceedings under the Court's jurisdiction during the year.

''(4) Information on the progress made in finding and utilizing suitable locations and space for the Family Court.

''(5) Information on any factors which are not under the control of the Family Court which interfere with or prevent the Court from carrying out its responsibilities in the most effective manner possible.

''(6) Based on outcome measures derived through the use of the information stored in electronic format under section 11–1104(d), an analysis of the Court's efficiency and effectiveness in managing its case load during the year, including an analysis of the time required to dispose of actions and proceedings among the various categories of the Court's jurisdiction, as prescribed by applicable law and best practices, including (but not limited to) best practices developed by the American Bar Association and the National Council of Juvenile and Family Court Judges.

''(7) If the Court failed to meet the deadlines, standards, and outcome measures described in the previous paragraphs, a proposed remedial action plan to address the failure.''.

(b) EXPEDITED APPEALS FOR CERTAIN FAMILY COURT ACTIONS AND PROCEEDINGS.—Section 11–721, District of Columbia Code, is amended by adding at the end the following new subsection:

''(g) Any appeal from an order of the Family Court of the District of Columbia terminating parental rights or granting or denying a petition to adopt shall receive expedited review by the District of Columbia Court of Appeals and shall be certified by the appellant.''.

(c) PLAN FOR INTEGRATING COMPUTER SYSTEMS.—

(1) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Mayor of the District of Columbia shall submit to the President and Congress a plan for integrating the computer systems of the District government with the computer systems of the Superior Court of the District of Columbia so that the Family Court of the Superior Court and the appropriate offices of the District government which provide social services and other related services to individuals and families served by the Family Court of the Superior Court (including the District of Columbia Public Schools, the District of Columbia Housing Authority, the Child and Family Services Agency, the Office of the Corporation Counsel, the Metropolitan Police Department, the Department of Health, and other offices determined by the Mayor) will be able to access and share information on the individuals and families served by the Family Court.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Mayor of the District of Columbia such sums as may be necessary to carry out paragraph (1).

(d) CLERICAL AMENDMENT.—The table of sections for chapter 11 of title 11, District of Columbia Code, is amended by adding at the end the following new items:

''11–1102. Use of alternative dispute resolution.
''11–1103. Standards of practice for appointed counsel.
''11–1104. Administration.
''11–1105. Social services and other related services.
''11–1106. Reports to Congress.''.

SEC. 5. TREATMENT OF HEARING COMMISSIONERS AS MAGISTRATE JUDGES.

(a) IN GENERAL.—

(1) REDESIGNATION OF TITLE.—Section 11–1732, District of Columbia Code, is amended—

(A) by striking ''hearing commissioners'' each place it appears in subsection (a), subsection (b), subsection (d), subsection (i), subsection (l), and subsection (n) and inserting ''magistrate judges'';

(B) by striking ''hearing commissioner'' each place it appears in subsection (b), subsection (c), subsection (e), subsection (f), subsection (g), subsection (h), and subsection (j) and inserting ''magistrate judge'';

(C) by striking ''hearing commissioner's'' each place it appears in subsection (e) and subsection (k) and inserting ''magistrate judge's'';

(D) by striking ''Hearing commissioners'' each place it appears in subsections (b), (d), and (i) and inserting ''Magistrate judges''; and

(E) in the heading, by striking ''**Hearing commissioners**'' and inserting ''**Magistrate Judges**''.

(2) CONFORMING AMENDMENTS.—(A) Section 11–1732(c)(3), District of Columbia Code, is amended by striking '', except that'' and all that follows and inserting a period.

(B) Section 16–924, District of Columbia Code, is amended—

(i) by striking ''hearing commissioner'' each place it appears and inserting ''magistrate judge''; and

(ii) in subsection (f), by striking ''hearing commissioner's'' and inserting ''magistrate judge's''.

(3) CLERICAL AMENDMENT.—The item relating to section 11–1732 of the table of sections of chapter 17 of title 11, D.C. Code, is amended to read as follows:

''11–1732. Magistrate judges.''.

(b) TRANSITION PROVISION REGARDING HEARING COMMISSIONERS.—Any individual serving as a hearing commissioner under section 11–1732 of the District of Columbia Code as of the date of the enactment of this Act shall serve the remainder of such individual's term as a magistrate judge, and may be reappointed as a magistrate judge in accordance with section 11–1732(d), District of Columbia Code, except that any individual serving as a hearing commissioner as of the date of the enactment of this Act who was appointed as a hearing commissioner prior to the effective date of section 11–1732 of the District of Columbia Code shall not be required to be a resident of the District of Columbia to be eligible to be reappointed.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 6. SPECIAL RULES FOR MAGISTRATE JUDGES OF FAMILY COURT.

(a) IN GENERAL.—Chapter 17 of title 11, District of Columbia Code, is amended by inserting after section 11–1732 the following new section:

''§ 11–1732A. Special rules for magistrate judges of Family Court of the Superior Court

''(a) USE OF SOCIAL WORKERS IN ADVISORY MERIT SELECTION PANEL.—The advisory selection merit panel used in the selection of magistrate judges for the Family Court of the Superior Court under section 11–1732(b) shall include certified social workers specializing in child welfare matters who are residents of the District and who are not employees of the District of Columbia Courts.

''(b) SPECIAL QUALIFICATIONS.—Notwithstanding section 11–1732(c), no individual shall be appointed as a magistrate judge for the Family Court of the Superior Court unless that individual—

''(1) is a citizen of the United States;

''(2) is an active member of the unified District of Columbia Bar;

''(3) for the 5 years immediately preceding the appointment has been engaged in the active practice of law in the District, has been on the faculty of a law school in the District, or has been employed as a lawyer by the United States or District government, or any combination thereof;

''(4) has not fewer than 3 years of training or experience in the practice of family law; and

''(5) is a bona fide resident of the District of Columbia and has maintained an actual place of abode in the District for at least 90 days immediately prior to appointment (or becomes a bona fide resident of the District of Columbia and maintains an actual place of abode in the District not later than 90 days after appointment), and retains such residency during service as a magistrate.

''(c) SERVICE OF CURRENT HEARING COMMISSIONERS.—Those individuals serving as hearing commissioners under section 11–1732 on the effective date of this section who meet the qualifications described in subsection (b)(4) may request to be appointed as magistrate judges for the Family Court of the Superior Court under such section.

''(d) FUNCTIONS.—A magistrate judge, when specifically designated by the presiding judge of the Family Court of the Superior Court, and subject to the rules of the Superior Court and the right of review under section 11–1732(k), may perform the following functions:

''(1) Administer oaths and affirmations and take acknowledgements.

''(2) Subject to the rules of the Superior Court and applicable Federal and District of Columbia law, conduct hearings, make findings and enter interim and final orders or judgments in uncontested or contested proceedings within the jurisdiction of the Family Court of the Superior Court (as described in section 11–1101), excluding jury trials and trials of felony cases, as assigned by the presiding judge of the Family Court.

''(3) Subject to the rules of the Superior Court, enter an order punishing an individual for contempt, except that no individual may be detained pursuant to the authority of this paragraph for longer than 180 days.

''(e) LOCATION OF PROCEEDINGS.—To the maximum extent feasible, safe, and practicable, magistrate judges of the Family Court of the Superior Court shall conduct proceedings at locations readily accessible to the parties involved.

''(f) TRAINING.—The Family Court of the Superior Court shall ensure that all magistrate judges of the Family Court receive training to enable them to fulfill their responsibilities, including specialized training in family law and related matters.''.

(b) CONFORMING AMENDMENTS.—(1) Section 11–1732(a), District of Columbia Code, is amended by inserting after ''the duties enumerated in subsection (j) of this section'' the following: ''(or, in the case of magistrate judges for the Family Court of the Superior Court, the duties enumerated in section 11–1732A(d))''.

(2) Section 11–1732(c), District of Columbia Code, is amended by striking ''No individual'' and inserting ''Except as provided in section 11–1732A(b), no individual''.

(3) Section 11–1732(k), District of Columbia Code, is amended—

(A) by striking ''subsection (j),'' and inserting the following: ''subsection (j) (or proceedings and hearings under section 11–1732A(d), in the case of magistrate judges for the Family Court of the Superior Court),''; and

(B) by inserting after ''appropriate division'' the following: ''(or, in the case of an order or judgment of a magistrate judge of the Family Court of the Superior Court, by a judge of the Family Court)''.

(4) Section 11–1732(l), District of Columbia Code, is amended by inserting after ''responsibilities'' the following: ''(subject to the requirements of section 11–1732A(f) in the case of magistrate judges of the Family Court of the Superior Court)''.

(c) CLERICAL AMENDMENT.—The table of sections for subchapter II of chapter 17 of title 11, District of Columbia, is amended by inserting after the item relating to section 11–1732 the following new item:

''11–1732A. Special rules for magistrate judges of Family Court of the Superior Court.''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(2) EXPEDITED INITIAL APPOINTMENTS.—

(A) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the chief judge of the Superior Court of the District of Columbia shall appoint not more than 5 individuals to serve as magistrate judges for the Family Division of the Superior Court in accordance with the requirements of sections 11–1732 and 11–1732A, District of Columbia Code (as added by subsection (a)).

(B) APPOINTMENTS MADE WITHOUT REGARD TO SELECTION PANEL.—Sections 11–1732(b) and 11–1732A(a), District of Columbia Code (as added by subsection (a)) shall not apply with respect to any magistrate judge appointed under this paragraph.

(C) PRIORITY FOR CERTAIN ACTIONS AND PROCEEDINGS.—The chief judge of the Superior

Court and the presiding judge of the Family Division of the Superior Court (acting jointly) shall first assign and transfer to the magistrate judges appointed under this paragraph actions and proceedings described as follows:

(i) The action or proceeding involves an allegation of abuse or neglect.

(ii) The action or proceeding was initiated in the Family Division prior to the 2-year period which ends on the date of the enactment of this Act.

(iii) The judge to whom the action or proceeding is assigned as of the date of the enactment of this Act is not assigned to the Family Division.

(3) SPECIAL REFERENCES DURING TRANSITION.—During the period which begins on the date of the enactment of this Act and ends on the effective date described in section 9, any reference to the Family Court of the Superior Court of the District of Columbia in any provision of law added or amended by this section shall be deemed to be a reference to the Family Division of the Superior Court of the District of Columbia.

SEC. 7. SENSE OF CONGRESS REGARDING BORDER AGREEMENT WITH MARYLAND AND VIRGINIA.

It is the sense of Congress that the State of Maryland, the Commonwealth of Virginia, and the District of Columbia should promptly enter into a border agreement to facilitate the timely and safe placement of children in the District of Columbia's welfare system in foster and kinship homes and other facilities in Maryland and Virginia.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the District of Columbia courts such sums as may be necessary to carry out this Act and the amendments made by this Act, including sums necessary for salaries and expenses and capital improvements for the District of Columbia courthouse facilities.

SEC. 9. EFFECTIVE DATE.

The amendments made by sections 2 and 4 shall take effect on the first date occurring after the date of the enactment of this Act on which 10 individuals who meet the qualifications described in section 11–908A, District of Columbia Code (as added by section 3(a)) are available to be assigned by the chief judge of the Superior Court of the District of Columbia to serve as associate judges of the Family Court of the Superior Court (as certified by the chief judge).

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland (Mrs. MORELLA) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland (Mrs. MORELLA).

GENERAL LEAVE

Mrs. MORELLA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2657.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

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

Mr. Speaker, the gentleman from Texas (Mr. DELAY), our distinguished colleague, introduced H.R. 2657 on July 26 of this year, 2001. This bill has the original cosponsorship of the gentleman from Virginia (Mr. TOM DAVIS), the gentlewoman from the District of Columbia (Ms. NORTON), and myself and was reported out of subcommittee.

I want to thank the gentleman from Texas (Mr. DELAY) for his hard work and his sagacity in introducing and persevering with this important legislation and for being able to include the interests of numerous stakeholders that will be affected by the bill. I also want to recognize the gentleman from Indiana (Mr. BURTON), the chairman of the Committee on Government Reform, for recognizing the significance of the legislation and his interest in getting the bill to the floor expeditiously, as well as the ranking member of the full committee.

This legislation, the District of Columbia Family Court Act of 2001, is the product of a lot of collaboration, a lot of discussion, and lot of debate; but I think the final product is one that we can all be proud of.

The Family Division of the D.C. Superior Court is supposed to be a last resort, a haven, for abused and neglected children. It should be a place where caring and responsible adults make decisions that protect our most vulnerable and our most precious members of society. But too often, the court has failed in its mission. Cases take too long to process, families are shuttled from one judge to another, and unforgivable mistakes are made. The tragedy of Brianna Blackmond, who was found dead just 2 weeks after a judge removed her from a foster home and returned Brianna to her troubled mother, is the most obvious case. It is far from the only one, as we have heard during my subcommittee's June 26 hearing on the family court.

This legislation takes a huge step forward in improving family court. It adds more judges to the court, requires new judges to stay for at least 5 years, provides for ongoing judicial training, and requires the use of alternative dispute resolution, mediation, and other methods that will not only help speed up case processing but also will allow for less adversarial proceedings. It establishes the position of judge magistrates who will assist the court in reducing its case backlog. It also promotes the idea of one ''family, one judge,'' meaning that families will not have to endure the long delays when their cases are switched from one judicial calendar or judge to another.

But as I have said all along, fixing family court is only one piece of the puzzle. Any upgrades made by Congress must be accompanied by real substantial improvements on behalf of the District's Child and Family Services Agency. I hope my colleagues have had a chance to read the eye-opening Washington Post series this past week on the agency.

Here are the grim statistics: 229 children in the District died between 1993 and 2000, even though their family situation had been brought to the attention of the city's child protective services.

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The Post investigation found that at least 40 of these boys and girls ''lost their lives after government workers failed to take key preventive action or placed children in unsafe homes or institutions.''

Among the victims are Wesley Lucas, a 10-week-old who died of dehydration after he was placed in the care of a 69-year-old man who himself was dying of lung cancer; Eddie Ward, who died at the age of 13; Eddie was alone on a bus and was later found dead in a decaying house, his body riddled with insect bites; 8-year-old Sylvester Brown, left in the care of his mentally ill mother, who stabbed him so many times the medical examiner could not count the number of wounds.

The series goes on to detail some of the underlying causes for these failures, including inadequate and undertrained employees, high turnover among social workers, limited foster care options, a lack of funding, and poor oversight over the agencies responsible for protecting children.

I know this issue resonates deeply with Mayor Williams. I know he is pushing for wholesale changes in the area of Child Protective Services, and, as I have said before, I stand willing to offer any assistance that I can or our subcommittee can or this Congress can in erasing the deficiencies of this department.

Until then, what we in Congress can do is pass the District of Columbia Family Court Act of 2001. This bill will help. It will not solve all the problems concerning the District's Child Protective Services, but it will greatly strengthen the Family Court, and that is a good place to start.

I want to take a few moments again to thank the gentleman from Texas (Mr. DELAY), and to recognize the commitment of the staff member of the gentleman from Texas, Cassie Bevan, who has devoted untold hours in crafting this legislation, holding meetings with other staff, the courts, and various interested parties.

I also want to recognize Jon Bouker of the staff of the gentlewoman from the District of Columbia (Ms. NORTON); also my staff director, Russell Smith, and Victoria Proctor of the staff of the gentleman from Virginia (Mr. TOM DAVIS) who worked with Cassie Bevan to bring this bill to the floor. So it has been a collaborative effort.

Mr. Speaker, I urge our colleagues to support H.R. 2657, a bill which will be beneficial to the most vulnerable children of the District of Columbia and their families.

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

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

Mr. Speaker, I rise in strong support of H.R. 2657, the District of Columbia Family Court Act of 2001. However, I

want first to thank the current Chair of the Subcommittee on the District of Columbia, the gentlewoman from Maryland (Mrs. MORELLA), and the former chair of the subcommittee, the gentleman from Virginia (Mr. TOM DAVIS), for their contributions to the bill; also, the gentleman from Massachusetts (Mr. DELAHUNT) who assisted with this bill, even though he is not a member of our subcommittee; our full committee chairman, the gentleman from Indiana (Mr. BURTON), and the ranking member, the gentleman from California (Mr. WAXMAN), for their leadership and for expediting this bill, which needed the permission of the chair and the ranking member to come to the House floor without a full committee markup after it passed our subcommittee unanimously.

Mr. Speaker, this truncated action was necessary in order to assure that the bill was ready for the floor in time for the fiscal 2002 appropriation process.

If I may say so, Mr. Speaker, Cassie Bevan and Jon Bouker, Cassie Bevan of the staff of the gentleman from Texas (Mr. DELAY) and Jon Bouker of my staff, did much of the heavy lifting to get this bill to the point that we find it today. We very much appreciate their hard work.

I would particularly like to thank the majority whip of the House, the gentleman from Texas (Mr. DELAY), whose interest, energy, and commitment has been an indispensable force behind the Family Court Act.

The gentleman from Texas (Mr. DELAY) and I are not of the same party, but he and I share an overriding concern for the children of this country and for children caught in the District's foster care system.

The concern and involvement of the gentleman from Texas did not end with this bill, or with seeking to have it reach the floor expeditiously. The gentleman from Texas (Mr. DELAY) is chiefly responsible for the millions of dollars that are now part of the D.C. appropriation that will fund the reforms that this bill mandates.

I also appreciate the support of the gentleman from Texas (Mr. DELAY) for the return of the agency responsible for foster care in the District, the Child and Family Services Agency, to the D.C. government from a failed Federal court receivership.

The need to update the Family Division became a priority as a result of the tragic death of Brianna Blackmond, an infant who was allowed to return to her troubled mother without a hearing after it was alleged that lawyers representing all the parties, the social workers, and the guardians ad litem all certified that the child should be returned.

Several important investigations followed the child's death, especially concerning the agency chiefly responsible, the Child and Family Services Agency, then under a Federal court receivership. Because a Federal court had jurisdiction, we held hearings in the Subcommittee on the District of Columbia on the District's child welfare system. My staff and I commenced a detailed investigation of best practices of family courts and family divisions here and around the country, and began writing a bill, because D.C. local courts are Federal courts not under the jurisdiction of the D.C. government.

Meanwhile, the gentleman from Texas (Mr. DELAY) and his staff also were working on a bill, and we soon began working together to produce a single product, with support and assistance from our Chair, the gentlewoman from Maryland (Mrs. MORELLA), from the gentleman from Virginia (Mr. TOM DAVIS), and other interested Members.

The Family Court Act is the result of this joint effort, the culmination of a collegial process spanning several months. The subcommittee held a hearing on the Family Court Act on June 26, 2001, prior to reporting it unanimously to the full committee.

It must be noted that the D.C. City Council is far more familiar with the children and families of the city than we in the Congress, and are best qualified to write such a bill. However, when the Home Rule Act was passed in 1973, Congress withheld jurisdiction over Federal courts from the city. The District of Columbia needs to have the same control of its courts as other cities.

In the meantime, at my request, the council passed a resolution in support of the reforms in this bill, after scrutinizing it and offering their own recommendations for changes. We have also worked closely with Mayor Anthony Williams and Chief Judge Rufus King and the judges of the Superior Court in writing this bill.

The D.C. Family Court Act of 2001 is the first overhaul of our Family Division since 1970, when it was upgraded to be part of the Superior Court of the District of Columbia. The old Family Court, then called Juvenile Court, was a stand-alone court that had become a place apart, in effect a ghetto court, to which the city's most troubled children and families were sent, away from the real judicial system and out of sight, which left children and families out of mind until the Juvenile Court was abolished as hopelessly ineffective and poorly funded.

All agree that the Family Division has proved to be a vast improvement over the Juvenile Court, despite the increasing number of abused and neglected children, troubled juveniles, and families in crisis typical of big cities and of foster care systems in rural areas, suburbs, and cities alike today.

However, no court or other institution should go a full 30 years without a close examination of its strengths and weaknesses. The Family Division increasingly has been taxed by intractable societal problems, and, in addition, must depend on an outside agency, the Child and Family Services Agency, which only recently had been adjudged so dysfunctional that it had been taken over by the Federal courts and placed in receivership.

Our bill incorporates what we found in our investigation to be the best practices from successful independent family courts and family divisions as a part of family courts across the country.

These courts have in common several basic reforms: creating an independent family court or division; providing ample family court judges to handle family matters; mandating terms for judges in family court; requiring family court judge magistrate judges and other court personnel to have training or expertise in family law; requiring ongoing training of family court judges and other personnel; employing alternative dispute resolution and mediation in family cases; adhering to the standard of ''one family one judge'' in family cases; retaining family cases in the Family Court and the Family Court alone; using magistrate judges to assist family court judges with their caseloads; and dedicating special magistrate judges to assist judges with current pending cases. The D.C. Family Court Act incorporates all of these best practices.

As important as our bill is, the major problem for children and families in the District is not the court but the Child and Family Services Agency. The court needs more resources and it needs modernization. CFSA needs a complete makeover. Yet, after 6 years in a family court receivership, CFSA is returning to the District largely because the receivership failed, not because that agency has been revitalized.

No matter what we achieve in our Family Division bill, children and families are unlikely to notice much difference in their lives unless CFSA is fundamentally changed. Courts are the back end of the process when all else has failed, the last resort when people must be compelled to do what they are required to do. Our bill assures that the city has a full-time staff liaison onsite at the court, but inevitably the court will be handicapped by the condition of CFSA in the first years of the agency's return to the District.

Assuring that CFSA and the new Family Court of the Superior Court are seamless in their response to our children and families is a formidable challenge for both the city and the court. Because the court has been generally well run and responsive to children and families, I believe that with new resources and additional and updated functions, the court can do the job.

The city's challenge to both reform the CFSA and realign the agency with the court is more serious. However, Mayor Williams' careful work in management reform and accountability and the council's diligent oversight encourages optimism. The mayor's own background as a foster child will surely encourage dedication.

Mr. Speaker, let me conclude by saying that although I strongly support

this bill, the speed with which we have had to bring the bill to the floor precluded me from offering several amendments to sharpen various provisions of the act. These amendments are important to ensure, for example, that the necessary work of disposing of a large volume of pending cases and continuing intake of new cases coming into the new Family Court does not overwhelm the court while it meets timetables mandated in the bill.

In addition, my amendments will ensure that the jurisdiction of the court's successful domestic violence unit is not undermined by the bill.

It is also critical to strengthen language in the bill calling on Maryland and Virginia to enter foster care agreements with the District to ensure rapid placement of our children, without undue expense to our State partners or harmful delay to our children.

We have all agreed that these and other matters should be discussed with our Senate partners as we move forward in our negotiation to produce a consensus bill. The Senate has been wonderfully cooperative and collaborative with us in all aspects of this bill.

I want to once again thank the gentleman from Texas (Mr. DELAY) for his tireless work and partnership with me on this bill, and the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Virginia (Mr. TOM DAVIS) for their special efforts on this important piece of legislation.

I urge all of our colleagues to support the bill.

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

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

Mr. Speaker, I thank the gentlewoman from the District of Columbia (Ms. NORTON) for her wonderful comments, but even beyond that, for the work that has been done through the years to make this bill possible. As was mentioned time and time again, this has been a collaborative effort. But all collaborative efforts have to have a leader. They have to have somebody who is going to guide, watch over, and make sure and bring the parties together.

Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Texas (Mr. DELAY), who is that person and that leader.

(Mr. DELAY asked and was given permission to revise and extend his remarks and to include extraneous material.)

Mr. DELAY. Mr. Speaker, I thank the gentlewoman for yielding time to me, and for her kind remarks. I thank the gentlewoman from Washington, D.C. (Ms. NORTON) for her kind remarks.

Mr. Speaker, this is the first day of the rest of reform in the child welfare system in Washington, D.C. This is not the end of reform, as the gentlewoman from the District of Columbia (Ms. NORTON) has so eloquently stated. This is an ongoing effort. It is going to take everybody in Washington, D.C., as well as in Congress, to do what is necessary to save the kids of the District.

Mr. Speaker, the purpose of the District of Columbia Family Court Act of 2001 is to save lives of children in the District. We do this by creating a specialized Family Court that will allow judges to spend more time hearing, reviewing, and monitoring the accomplishments of abused and neglected children.

The work that has been done by the gentlewoman from the District of Columbia (Ms. NORTON), the gentlewoman from Maryland (Mrs. MORELLA), and the gentleman from Virginia (Mr. TOM DAVIS) is exemplary, and it has taken a long, hard road to get to where we are in putting this legislation together.

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I also want the thank my colleague, the gentleman from Massachusetts (Mr. DELAHUNT), who has had his input and his support for this legislation, obviously.

I too want to thank the real movers and shakers of this House. And that is the staff, John Bouker, staff member of the gentlewoman from the District of Columbia (Ms. NORTON); Russell Smith and Heea Vazirani-Fales of the office of the gentlewoman from Maryland (Mrs. MORELLA); Victoria Proctor and Melissa Wogciak of the office of the gentleman from Virginia (Mr. TOM DAVIS); and Mark Agrast of the office of the gentleman from Massachusetts (Mr. DELAHUNT).

Most importantly, the driving force for all of us is a woman that is really incredible in her knowledge of what children need, especially abused and neglected children and their needs, is Dr. Casie Bevan on my staff. Without her leadership, none of this would have happened.

Last week, The Washington Post ran a series of articles under the headline ''Protected Children Died as Government Did Little.'' The Post attributed 40 child deaths in the past decade, including Brianna Blackmond, to the District's failed child protection system. This system includes the judges and the Superior Court as well as the social workers and the police. Our bill aims to put the need of the children for safety and permanency first. And here is how we do it:

We require that the judges be trained before they serve on Family Court. We mandate that judges sit on the Family Court bench for 5 years, long enough to become effective, and we insist that every judge that serves on the Family Court be a volunteer.

Our bill creates a separate pool of judges to set on Family Court with the desired training and expertise necessary to serve. Training is critical for judges who have to decide if and when a home is too dangerous for a child to remain there or safe enough for a child to be returned.

Meaningful change cannot happen without committed judges. That is why I believe that 5-year terms are a key measure. A 5-year term on Family Court increases the chance that a judge really wants to serve on this bench and is not just serving time.

Today, judges who rotate off the family division bench take cases with them. Our bill ends that practice. A specialized family court, by its very nature, requires that all family cases remain in this court until they are closed. The ''one judge, one family'' concept is central to real reform. Only a judge who knows the full history surrounding a child's family and reasons for placement will be better able to consider the child's best interests.

Our bill provides resources to hire more judges and magistrate judges in order to decrease the number of children seen by each judicial officer. With this change, more time can be spent with the children and their families to identify their need and to monitor progress.

Funds are provided under this bill to upgrade and integrate the computer systems at the courts and at the Child and Family Services agency so that children do not become lost in the system, like they have been in the past.

Finally, our bill authorizes funds for expanding courtroom facilities to accommodate the increased number of judges and magistrates hired to hear these cases. We hope this expansion will lead to closer monitoring of the cases and increased judicial oversight. Too many cries have gone unanswered.

I cannot say enough about the work that has been done on behalf of the children of the District in pulling this bill together. I greatly appreciate everyone's input and everybody's work. The children will benefit.

Mr. Speaker, I am attaching a section-by-section analysis of my statement containing my comments and summarizing congressional intent supporting each provision. I insert this for the RECORD so that the intent of Congress in passing this legislation is clear and unequivocal.

DISTRICT OF COLUMBIA FAMILY COURT ACT OF 2001

PURPOSE

To redesignate the Family Division as a Family Court of the Superior Court. To recruit and retain trained and experienced judges to serve in the Family Court.

Intent: This legislation is intended to reorganize the Family Court so that more time will be spent on making expeditious and informed decisions that affect the lives of the children brought before the court. With this legislation will come specialized judges, who volunteer to serve on the Family Court and to sit on the bench for 5 years, so that they can gain the experience necessary to make good decisions that will impact the lives and the futures of the children that come before them.

Section 1. Short title

Title: ''District of Columbia Family Court Act of 2001''.

Section 2. Redesignation of Family Division as Family Court of the Superior Court

The Family Division of the Superior Court is renamed the Family Court of the Superior Court.

Intent: Note that we considered creating a separate court but were concerned about the additional expenses for administration and facilities that a separate court would create. Expenses that we could not tie to improved outcomes for abused children and their families. However, the intent here is not to merely rename the family division but to establish a Family Court that will make the safety and permanency of abused children its highest and exclusive priority. This is accomplished by reforming the way the Family Court is organized to create specialized pools for the recruitment of judges, to lengthen the judicial term to five years, and to increase the training these family court judges receive. The reorganization includes expanding the judicial powers of the magistrate judges to close cases.

The Chief Judge of Superior Court assigns a judge as the Presiding Judge of Family Court.

Intent: While the assignment of a Presiding Judge is left to the Chief Judge, the intent of Congress here is that the presiding Judge be given sufficient authority so that he can be held accountable for the actions of the Family Court. Congress considers the role of the Presiding Judge to be significantly different from the current role and expects to see this difference articulated in the transition plan.

The Family Court will have broad and exclusive jurisdiction over all family related matters.

Section 3. Appointment of judges; number and qualifications

The number of judges to serve on Family Court will be determined by the chief judge under a transition plan to be submitted to the President and Congress.

Intent: This issue of the number of judges is crucial to the success of the reforms. Unfortunately, to date DC Superior Court has not provided an empirically based workload analysis to justify an increase in Family Court judges. Moreover, it is uncertain the effect the magistrate judges will have on the caseload but Congress expects that the magistrate judges will be able to bring a significant number of cases to resolution. Again, we look to the transition plan to provide the details on the number of judges needed to serve.

The number of judges on the Family Court must not exceed 15.

Intent: Note that this number represents an increase of 3 judges as requested by the Chief Judge. Again, we look forward to the transition plan for justification.

Special qualifications are established for judges who volunteer to serve in Family Court (training or expertise in family law, commitment to serving for full term and willingness to participate in ongoing training).

Intent: The qualifications of the Family Court judges are intimately linked to reforming the courts. While Congress did not quantify the years of training or expertise, we did envision that the training or expertise be established and verifiable. It is absolutely essential that the candidate commits to serving the full term as this indicates that the candidate wants to sit on the Family Court bench and is not using the initial placement onto the bench as a steppingstone merely to further his/her career. The judges' willingness to participate in ongoing training indicates his/her dedication to serving the children and families under his/her jurisdiction.)

Judges currently serving on Family Court are required to serve for a minimum of three years (the time consecutively served in Family Court counts towards the three year term.)

Intent: This provision grandfathers the judges currently on the bench to three-year terms. The intent here is to ensure that judges currently sitting who want to serve on the Family Court be required to spend the minimum of three years to provide the children under their care with the continuity and the focus that each of their cases deserve.

Judges currently serving on Superior Court are required to serve for a minimum of three years (the time outside of the Family Division does not count toward the three year term).

Intent: While this provision allows judges outside of the Family Court to voluntarily return to the Family Court it requires that the judges serve for a minimum of three years. Again, this provision grandfathers only those judges who meet the requirements and voluntarily request to transfer to Family Court.

New Judges assigned to the Family Court are required to serve for a term of five years.

Intent: A review of the length of terms in Family Courts nationwide indicates that only three of the 13 states with Family Courts serve less than five years. Congress strongly endorses this provision as indicating a judicial commitment to the families and children in his/her court and his/her willingness to become an expert in this specialty of law to benefit those that come before the bench. It is envisioned that the new judges will be recruited because of their interest and expertise and that they will volunteer for this pool because of their dedication. The reforms that Congress anticipates hinge on the recruitment and retention of judges with training and expertise in family law who serve for five years. Five years will allow the judge sufficient time on the bench to become the true expert that is needed in these challenging cases.

A judge is permitted to serve on Family Court for the entire term of service that is 15 years.

Intent: The purpose of this provision is to allow a judge who wants to serve on the Family Court for his/her entire career to do so.

Family Court judges may be reassigned for additional terms of service as the chief judge may provide.

The chief judge may reassign a judge of the Family Court if the determination is made that the judge is unable to continue serving in the Family Court.

Intent: This provision allows for the removal of a judge from the Family Court bench when this judge is unable to continue because to continue would not be in the best interests of the children under his jurisdiction. This reassignment must not be made to advance the judges' career but must be made because the judges' ability to serve the Family Court is questioned.

Within 90 days, the chief judge must submit a transition plan for the Family Court to the President and to Congress containing the following: (A) a determination of the number of judges needed to serve on the Family Court; (B) a determination of the role and function of the presiding judge of the Family Court; (C) a determination of the number of magistrate judges needed for appointment; (D) a determination of the appropriate functions of the magistrate judges together with compensation and other personnel matters; (E) a plan for a case flow, case management, and staffing needs (both judicial and non-judicial); (F) a description of how the Superior Court will implement the ''one family one judge'' requirement for cases and proceedings in the Family Court; (G) an analysis of the needs of the Family Court for space, equipment, and other physical requirements; (H) an analysis of the effectiveness of expediting the hiring of magistrates to handle laws and best practices.

Intent: It is critical that this transition plan be based on an empirical analysis of the workload, the equipment needs and the adequacy of the facility. This is meant to be a ''needs assessment'' plan based on data analysis. The plan must specify the court's budgetary assumptions. How the various aspects in the plan translate to improved outcomes for the children and families served must be clearly noted. The plan must detail the specific improvements in the handling of child abuse and neglect cases that will become possible with the increased funding proposed.

The chief judge must take action to provide for the earliest practicable return or resolution of all cases carried by judges outside of the Family Division to the Family Court but this must take place no later than 18 months from the submission of the transition plan.

Intent: While the statute allows the chief judge 18 months to complete the return of all cases, the cases should start returning to the Family Court as soon as the magistrate judges are hired.

The chief judge must ensure that cases pending within the jurisdiction of the Family Court as of the date of enactment are immediately assigned to the Family Court.

The chief judge may not take any action to implement the transition plan until Congress and the President have 30 days to review.

Intent: The purpose here is to ensure that Congress and the President have time to review the plan.

The chief judge must include in the transition plan an analysis of how many judges currently on the bench in Superior Court meet the qualifications for judges of Family Court. If the chief judge determines that the number is less than the number needed to serve on Family Court a request must be made to the President for the appointment of additional judges for Family Court.

Intent: At the time of passage in the House, it is unclear how many judges sitting on the bench will volunteer for the Family Court or qualify under this proposal to sit. Therefore, it is important that the chief judge only after review make a request for a specified number of additional judges.

After receiving the request from the chief judge the President must appoint additional qualified judges to serve on the Family Court. The District of Columbia Judicial Nomination Commission, upon the request from the chief judge, must provide nominees to fill these vacancies in the Superior Court equal to the number of judicial appointments requested by the chief judge and must recruit individuals for nomination to the Superior Court who meet the qualifications for judges of Family Court.

For the purpose of making the transition only the initial appointments to Family Court will be made without regard to the limit on the number of Superior Court Judges.

Intent: The appointments without regard to the limit on the number of Superior Court judges are one-time only.

The Comptroller General is required to submit a report analyzing the impact of these reforms on the time required to make appointments to the Family Court, on the impact of the magistrate judges on the workload of judges, on how the number of judges may be affected by the qualification requirements for judges, and, on the timeliness of the resolution of cases.

The chief judge must submit a status report every six months to the President and Congress on the backlog of cases that are still outside of the Family Court.

Intent: While the chief judge has 18 months to return all the cases to the Family Court,

Congress requires the chief judge to provide a status report every six months on the progress of the return of these cases to the Family Court.

Section 4. Improving administration of cases and proceedings in Family Court

To the greatest extent practicable, cases must be resolved through alternative dispute resolution procedures.

The Superior Court must establish standards of practice for attorneys appointed to Family Court.

The Superior Court must promulgate rules for the Family Court requiring ''one family, one judge'' so that all issues concerning one family or one child are decided by one judge, to the greatest extent practicable.

Intent: Extensive testimony was taken regarding the importance of this provision. While the provision does not prohibit the establishment of separate calendars, the intent here is that children see the same judge while their cases remain open and before the court. The rationale behind one judge/one child is to provide the child with judicial continuity so that the approach to the case and to the child is seamless and comprehensive.

Family members who have actions pending in family court will be assigned to the same judge or magistrate judge.

Intent: This provision recognizes the importance of keeping all matters involving one family or household before the same judge. When the members of the same family have actions before the same judge this enhances the judges understanding of not just the particular case before him but of the family dynamics that impact each family member in each case.

Children who have actions pending in family court will be assigned to the same judge or magistrate judge.

Intent: While this provision does not prohibit separate calendars the provision envisions that separate calendars will not be routinely used which would necessitate children's cases being heard by different judges. The drafters have taken testimony that there are no due process violations in implementing the one judge/one child plan.

All cases will remain in Family Court until final disposition (even if the judge involved moves out of the Family Court) unless there are extraordinary circumstances which show that a case is nearing permanency and that changing judges would both delay that goal and result in a violation of the Adoption and Safe Families Act of 1997.

Intent: Cases that remain outside of Family Court are meant to be truly extraordinary circumstances and the drafters do not envision more than 10% of these cases falling within this category.

The presiding judge of the Family Court must implement a Family Law training program for judges, magistrates and nonjudicial personnel to include among other things: child development, family dynamics and recognizing the risk factors in child abuse.

The training program is required to use social workers and experts in child development as well as lawyers and legal professionals.

The presiding judge of the Family Court must ensure that materials and services be understandable and accessible to the families served and that the environment be family friendly.

Cases and proceedings in the Family Court must be conducted at locations readily accessible to the parties involved to the extent practicable.

The Executive Officer of the court must provide for an integrated computerized case tracking and management system to: (1) ensure that all records, materials and proceedings be computerized; (2) establish an integrated tracking system for cases and proceedings to be used by judicial and nonjudicial personnel; and (3) expand when feasible the integrated computer system to all divisions of Superior Court.

Social Services will be coordinated on site with the Mayor ensuring that the appropriate offices are represented.

Intent: Coordination between social service agencies and the courts is absolutely essential to the success of these reforms. The drafters remain concerned about the lack of coordination to date and have inserted this provision to hold both the Mayor and the Chief Judge accountable for providing coordination.

The Mayor must ensure that representatives of the relevant agencies be on-site to coordinate social services and provide information to the judges about the availability of services.

Intent: The judges must be informed by social services representatives about the availability and quality of prevention, intervention and placement services available to serve the children moving through the court system.

The Mayor must appoint a Social Services Liaison with Family Court for coordinating the delivery of services.

The chief judge must submit an annual report to Congress on the activities of the Family Court to include: (1) an assessment of the alternative dispute resolution process; (2) goals and timetables to improve Family Court performance; (3) information on the extent to which the Court is in compliance with relevant Federal and District of Columbia laws; (4) information on the progress made in finding suitable locations and space for the Family Court; (5) information on any factors which are not under the control of the Family Court which interfere with or prevent the Court from carrying out its responsibilities; (6) an analysis of the Court's efficiency and effectiveness in managing its caseload; and, (7) any proposed remedial action plan needed to address any failures.

Intent: This report must be comprehensive to allow Congress to fulfill its oversight responsibilities. This report must provide sufficient empirical evidence to document the extent of progress.

Appeals terminating parental rights or petitions to adopt are required to receive expedited review by the DC Court of Appeals.

Within six months after enactment, the Mayor and the Courts are required to submit a plan to develop an integrated computer system that will interface with appropriate agencies.

Intent: the Mayor and the Courts have to work together to develop this integrated computer system that meets the requirements of both the social service system and the Court system to track and monitor children as they come into and move through the various systems.

Funds are to be provided to the Mayor to carry out these requirements.

Section 5 Hearing Commissioners renamed magistrate judges.

Hearing commissioners are renamed magistrate judges.

Section 6. Special rules for magistrate judges of Family Court of the Superior Court

The advisory merit selection panel used to select magistrate judges must include certified social workers specializing in child welfare matters.

Magistrate judges must have no fewer than 5 years practicing law in the District and no less than 3 years of training or experience in family law. Magistrate judges will be appointed for 4 years.

The Board of Judges may suspend or remove a magistrate judge.

Magistrate judges will: administer oaths, establish and enforce child support orders, make findings and enter final judgments. Contempt powers will also be afforded to the magistrates.

Intent: Magistrate judges are given expanded powers to hear and resolve cases to expedite the handling and timing of decisions.

Magistrate judges must conduct proceedings at readily accessible locations to the extent feasible.

Magistrate judges must be trained in family law.

The initial appointment of no more than five magistrate judges will be expedited.

Intent: This provision ensures that upon enactment, the backlog of cases pending outside of the family court will be addressed.

Cases involving allegations of maltreatment that are at least two years in the system and are currently handled by judges outside of the Family Division will be given priority to be referred to the magistrate judges for expedited handling.

Intent: This provision is an attempt to triage the cases in the backlog so that the oldest cases are reviewed first.

Section 7. Sense of Congress regarding border agreements with Maryland and Virginia

Congress resolves that DC, Maryland and Virginia should promptly enter into border agreements to facilitate timely placement of DC children.

Intent: Testimony has been received that indicates that problems with the Interstate Compact on the Placement of Children are causing lengthy delays in the placement of children. A border agreement would facilitate the movement of children across state lines to ensure timely placement.

EFFECTIVE DATE

Special magistrate judges will be hired immediately to handle the backlog of cases pending outside of the Family Division.

The Act becomes effective as soon as ten judges who meet the qualifications are appointed to serve on the Family Court.

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

Ms. NORTON. Mr. Speaker, I yield 7 minutes to the gentleman from Massachusetts (Mr. DELAHUNT), who has been very helpful in assisting us on this bill because of his own interest in the children of this country; and I want to especially thank a member of his staff, Mark Agrast, who was also very helpful to all of us.

Mr. DELAHUNT. Mr. Speaker, I thank the gentlewoman for yielding me this time. I caught the earliest flight possible from Boston today because I felt it was important to be here to commend the gentleman from Texas (Mr. DELAY) and the gentlewoman from the District of Columbia (Ms. NORTON) for their resolve and commitment to achieve a result that would be truly effective. This is truly remarkable, and they deserve our gratitude.

It is also, I suggest, a good day for children, not just here in the District of Columbia but all over America. Given the events of the past week, it is good to stand here and to say it is a good day. It is a good day. As the majority whip indicated, today is a new day for reform. Maybe this bill is also a new day for the children and the future of America.

The gentleman from Texas (Mr. DELAY) and the gentlewoman from the

District of Columbia (Ms. NORTON) have worked together with the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Virginia (Mr. TOM DAVIS) for months, through many drafts, to reach agreement. It is honestly a tribute to their shared concern for children, which they do share, and particularly the children of the District, that they have been able to put aside the usual political differences and work together to achieve a well-crafted, thoughtful bill that I am confident will make a huge difference in the lives of many, many children and their families.

If anyone had any doubt about the importance of this legislation, and it has been alluded to by the gentlewoman from Maryland, the gentleman from Texas and the gentlewoman from the District of Columbia, but it cannot be stated often enough, they would only have to read the shocking series which ran in The Washington Post. Those articles documented the fate of 180 of the 229 children who died in the District of Columbia between 1993 and the year 2000 after their families came to the attention of the District's child protection system. We cannot, again, say it often enough. According to The Post, at least 40 of these children died because government workers placed them in unsafe homes or institutions or otherwise failed to take timely action to protect them.

It is too late to do anything to save those children, but this legislation will help ensure that the children currently in the system and those who come after them do not suffer a similar fate. I genuinely believe that this bill will do more. The children who never had a family, who have never known what the term ''home'' really means, I would suggest never really have a break in life, and often end up in our prison systems.

There has been study after study which corroborate the relationship between crime and the dysfunctional family. One study by a professor at the University of Rhode Island, Professor Gellis, who examined 50 inmates who were serving time in the San Quentin institution in California, revealed that of those 50 inmates serving time for armed robbery, every single one of them was a legacy of a dysfunctional family, had been abused or neglected as children. What better anti-crime initiative than this legislation before us?

Now, I want to join with my colleagues who have already sung the praises of the staff members that have been involved in this. I want to make special mention of Cassie Bevan, on the staff of the gentleman from Texas (Mr. DELAY), and John Bouker, on the staff of the gentlewoman from the District of Columbia (Ms. NORTON).

This is not the first time I have worked with Cassie. We have worked together on a number of other children's issues, especially in conjunction with intercountry adoption. I have learned to trust her judgment, to value her tenacity, and to admire her deep commitment to the well-being of children everywhere and her love for children in need. I would also note that the same is true of the gentleman from Texas (Mr. DELAY). And this is truly profound and inspirational for many of us.

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume to thank the gentleman from Massachusetts (Mr. DELAHUNT) for his comments and the fact that in working with him I know of his concern about human rights and children's rights and applaud him.

Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Virginia (Mr. TOM DAVIS), someone who has been a leader in helping to craft this bill through the years and my predecessor as chairman of the District of Columbia authorizing committee.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I thank my colleague for yielding me this time. And I rise in strong support of H.R. 2657, the District of Columbia Family Court Act of 2001, which will create structural and management reforms so the Family Court can better serve the needs of the city's vulnerable children.

The bill addresses the recruitment and retention of family court judges and mandates longer judicial terms of service in the Family Court to ensure continuity in the handling of cases. Additionally, it imposes the critically important ''one family, one judge'' requirement for the Family Court.

After the tragic death of 23-month-old Brianna Blackmond in January of 2000, the Subcommittee on the District of Columbia held two hearings to review the status of the Child and Family Services Administration and to determine how we could prevent further tragedies. It was clear from those hearings that reforming CFSA alone would be insufficient. The court plays an integral role in the D.C.'s child welfare system and has to be overhauled as well.

Anyone who has been following The Washington Post's coverage of the District's most vulnerable residents understands this is very complex and challenging, and will require a comprehensive response. It is imperative that the Family Court judges have the knowledge, the training, and the administrative processes in place so that the best interests of the children in the City's child welfare system can be served. This bill puts the court on the right track. It provides strategic management tools the court needs to accomplish key reform objectives.

Decisions the Family Court judges make often have a lasting impact on children's lives. We do not want judges to feel burdened by service in the Family Court. This assignment should never be a form of punishment. That is why this bill encourages volunteerism and appoints the Family Court judges who have committed themselves to the practice of family law. To ensure greater continuity, judges need to serve on the Family Court longer than the 1 year they have typically served now. Therefore, the term of service on the Family Court for new judicial appointees for D.C. Superior Court is 5 years.

Additionally, the ''one family, one judge'' requirement will allow Family Court judges to handle cases from intake through final disposition. They will then have a full history of the child's family dynamics to help them make better informed decisions regarding the safety and the welfare of the child.

H.R. 2657 mandates the immediate return of all family law cases to the Family Court. The court must eliminate the backlog and manage cases within the time frame established by the adoption of the Safe Families Act. To facilitate case management, the bill directs the court to integrate its computer system so that judges, magistrate judges, and nonjudicial personnel will have access to all pending cases related to a child and his or her family. The bill requires the D.C. government to integrate the computer systems with those of the Superior Court to improve communication in the sharing of information about families served by the court.

In addition to the training requirement for judges, it is important that they are well informed about critical social services available to the children and the families they serve. By requiring a social services liaison and representatives from D.C. agencies to be on site, our bill gives judges the tools to help children and families access much-needed programs and services.

I would like to thank the gentleman from Texas (Mr. DELAY), the gentlewoman from Maryland (Mrs. MORELLA), and the gentlewoman from the District of Columbia (Ms. NORTON) for their leadership and dedication on this issue.

H.R. 2657 mandates critical and long overdue reforms to the current family division of the D.C. Superior Court, and I urge all my colleagues to support this legislation.

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume to thank the gentleman from Virginia (Mr. TOM DAVIS) for all of the work that went into this bill in collaboration with the others.

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

□ 1100

Ms. NORTON. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), co-chair of the Children's Caucus.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 2657 and add my deep appreciation to the distinguished gentlewoman from the District of Columbia and for her ability to work across party lines, and to my colleague from Texas, the gentleman from Texas (Mr. DELAY), the majority

whip, who has shown, as has the representative from the District of Columbia, a deep and abiding caring for the children of this Nation and of this community, and to the gentlewoman from Maryland (Mrs. MORELLA), whose task and commitment in this process were necessary to see this legislation move forward.

My reason for wanting to add my comments is to say to Brianna Blackmond that we have not forgotten her, and to be able to say that this legislation brings honor to lawyers who practice in family courts and to the discipline of family law and family courts. This system now will develop in the District of Columbia judges who will have long-lasting expertise and commitment to the issues dealing with families, and a D.C. bar that is further enhanced because their focus is on the family court system and families. That will help put a dent in the tragedy of 180 of the District of Columbia's children from 1993 to 2000 that died after the families came to the attention of the District's Child and Family Services.

Mr. Speaker, the important aspect of this is that they came to the attention of that agency, but the connection was lost so those children may have been placed back in homes or back in foster care that was not good for them and resulted in their death.

Obviously we know that abused children result in juvenile delinquents and incarcerated adults. With a family court tracking the system of many of our States, we will have a professional court that deals specifically with these issues. This has been a tumultuous time. We have seen in the last week the trauma on families and the trauma on children across the Nation who may have lost their parents during the tragedies of September 11.

We are making a commitment today to provide another vehicle to nurture our children and protect them, as we will do throughout these days for children who suffered through September 11, 2001.

I applaud the proponents of this legislation. I believe this will make the family court in the District of Columbia a very prominent example of how we can save lives and track families and how we can intervene appropriately in order to provide the most nurturing and supportive system for our children.

Mr. Speaker, I add my applause for those who have supported and will help pass this legislation.

Ms. NORTON. Mr. Speaker, I yield back the balance of my time.

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

Mr. Speaker, I reiterate this is a terrific bill. It is a gleam of light in a very difficult time. I thank the gentleman from Texas (Mr. DELAY) for his leadership and the gentlewoman from the District of Columbia (Ms. NORTON), the gentleman from Virginia (Mr. TOM DAVIS). I thank my colleagues who spoke, the gentlewoman from Texas (Ms. JACKSON-LEE), the gentleman from Massachusetts (Mr. DELAHUNT), and all of the people who will be voting for this bill. Indeed, it could not happen if we did not have great staff.

Mr. Speaker, I reiterate the names of some of the staff: Casie Bevan, Russell Smith, Heea Vazirani-Fales, John Bouker, Victoria Proctor, Melissa Wogciak, and all of the others who have toiled to bring this about. I urge my colleagues to vote for H.R. 2657, a bill that will be beneficial to the most vulnerable children of the District of Columbia and their families and strengthen our Nation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and pass the bill, H.R. 2657.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mrs. MORELLA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2779

Ms. NORTON. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 2779.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 2001

Mr. GREENWOOD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1900) to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide quality prevention programs and accountability programs relating to juvenile delinquency; and for other purposes, as amended.

The Clerk read as follows:

H.R. 1900

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Juvenile Justice and Delinquency Prevention Act of 2001''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Purpose.
Sec. 4. Definitions.
Sec. 5. Concentration of Federal effort.
Sec. 6. Coordinating Council on Juvenile Justice and Delinquency Prevention.
Sec. 7. Annual report.
Sec. 8. Allocation.
Sec. 9. State plans.
Sec. 10. Juvenile delinquency prevention block grant program.
Sec. 11. Research; evaluation; technical assistance; training.
Sec. 12. Demonstration projects.
Sec. 13. Authorization of appropriations.
Sec. 14. Administrative authority.
Sec. 15. Use of funds.
Sec. 16. Limitation on use of funds.
Sec. 17. Rules of construction.
Sec. 18. Leasing surplus Federal property.
Sec. 19. Issuance of rules.
Sec. 20. Content of materials.
Sec. 21. Technical and conforming amendments.
Sec. 22. Effective date; application of amendments.

SEC. 2. FINDINGS.

Section 101 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601) is amended to read as follows:

''FINDINGS

''SEC. 101. (a) The Congress finds the following:

''(1) Although the juvenile violent crime arrest rate in 1999 was the lowest in the decade, there remains a consensus that the number of crimes and the rate of offending by juveniles nationwide is still too high.

''(2) According to the Office of Juvenile Justice and Delinquency Prevention, allowing 1 youth to leave school for a life of crime and of drug abuse costs society $1,700,000 to $2,300,000 annually.

''(3) One in every 6 individuals (16.2 percent) arrested for committing violent crime in 1999 was less than 18 years of age. In 1999, juveniles accounted for 9 percent of murder arrests, 17 percent of forcible rape arrests, 25 percent of robbery arrest, 14 percent of aggravated assault arrests, and 24 percent of weapons arrests.

''(4) More than ½ of juvenile murder victims are killed with firearms. Of the nearly 1,800 murder victims less than 18 years of age, 17 percent of the victims less than 13 years of age were murdered with a firearm, and 81 percent of the victims 13 years of age or older were killed with a firearm.

''(5) Juveniles accounted for 13 percent of all drug abuse violation arrests in 1999. Between 1990 and 1999, juvenile arrests for drug abuse violations rose 132 percent.

''(6) Over the last 3 decades, youth gang problems have increased nationwide. In the 1970's, 19 States reported youth gang problems. By the late 1990's, all 50 States and the District of Columbia reported gang problems. For the same period, the number of cities reporting youth gang problems grew 843 percent, and the number of counties reporting gang problems increased more than 1,000 percent.

''(7) According to a national crime survey of individuals 12 years of age or older during 1999, those 12 to 19 years old are victims of violent crime at higher rates than individuals in all other age groups. Only 30.8 percent of these violent victimizations were reported by youth to police in 1999.

''(8) One-fifth of juveniles 16 years of age who had been arrested were first arrested before attaining 12 years of age. Juveniles who are known to the juvenile justice system before attaining 13 years of age are responsible for a disproportionate share of serious crimes and violence.

''(9) The increase in the arrest rates for girls and young juvenile offenders has changed the composition of violent offenders entering the juvenile justice system.

''(10) These problems should be addressed through a 2-track common sense approach that addresses the needs of individual juveniles and society at large by promoting—

''(A) quality prevention programs that—

''(i) work with juveniles, their families, local public agencies, and community-based organizations, and take into consideration such factors as whether or not juveniles have been the victims of family violence (including child abuse and neglect); and

''(ii) are designed to reduce risks and develop competencies in at-risk juveniles that will prevent, and reduce the rate of, violent delinquent behavior; and

''(B) programs that assist in holding juveniles accountable for their actions and in developing the competencies necessary to become responsible and productive members of their communities, including a system of graduated sanctions to respond to each delinquent act, requiring juveniles to make restitution, or perform community service, for the damage caused by their delinquent acts, and methods for increasing victim satisfaction with respect to the penalties imposed on juveniles for their acts.

''(11) Coordinated juvenile justice and delinquency prevention projects that meet the needs of juveniles through the collaboration of the many local service systems juveniles encounter can help prevent juveniles from becoming delinquent and help delinquent youth return to a productive life.

''(b) Congress must act now to reform this program by focusing on juvenile delinquency prevention programs, as well as programs that hold juveniles accountable for their acts and which provide opportunities for competency development. Without true reform, the juvenile justice system will not be able to overcome the challenges it will face in the coming years when the number of juveniles is expected to increase by 18 percent between 2000 and 2030.''.

SEC. 3. PURPOSE.

Section 102 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5602) is amended to read as follows:

''PURPOSES

''SEC. 102. The purposes of this title and title II are—

''(1) to support State and local programs that prevent juvenile involvement in delinquent behavior;

''(2) to assist State and local governments in promoting public safety by encouraging accountability for acts of juvenile delinquency; and

''(3) to assist State and local governments in addressing juvenile crime through the provision of technical assistance, research, training, evaluation, and the dissemination of information on effective programs for combating juvenile delinquency.''.

SEC. 4. DEFINITIONS.

Section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603) is amended—

(1) in paragraph (3) by striking ''to help prevent juvenile delinquency'' and inserting ''designed to reduce known risk factors for juvenile delinquent behavior, provides activities that build on protective factors for, and develop competencies in, juveniles to prevent, and reduce the rate of, delinquent juvenile behavior'',

(2) in paragraph (4) by inserting ''title I of'' before ''the Omnibus'' each place it appears,

(3) in paragraph (7) by striking ''the Trust Territory of the Pacific Islands,'',

(4) in paragraph (12)(B) by striking '', of any nonoffender,'',

(5) in paragraph (13)(B) by striking '', any nonoffender,'',

(6) in paragraph (14) by inserting ''drug trafficking,'' after ''assault,'',

(7) in paragraph (16)—

(A) in subparagraph (A) by adding ''and'' at the end, and

(B) by striking subparagraph (C),

(8) in paragraph (22)—

(A) by redesignating subparagraphs (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively, and

(B) by striking ''and'' at the end,

(9) in paragraph (23) by striking the period at the end and inserting a semicolon, and

(10) by adding at the end the following:

''(24) the term 'graduated sanctions' means an accountability-based, graduated series of sanctions (including incentives, treatment, and services) applicable to juveniles within the juvenile justice system to hold such juveniles accountable for their actions and to protect communities from the effects of juvenile delinquency by providing appropriate sanctions for every act for which a juvenile is adjudicated delinquent, by inducing their law-abiding behavior, and by preventing their subsequent involvement with the juvenile justice system;

''(25) the term 'prohibited physical contact' means—

''(i) any physical contact between a juvenile and an adult inmate; and

''(ii) proximity that provides an opportunity for physical contact between a juvenile and an adult inmate;

''(26) the term 'sustained oral and visual contact' means the imparting or interchange of speech by or between an adult inmate and a juvenile, or clear visual contact between an adult inmate and a juvenile in close proximity, but does not include—

''(A) brief communication or brief visual contact that is accidental or incidental; or

''(B) sounds or noises that cannot reasonably be considered to be speech;

''(27) the term 'adult inmate' means an individual who—

''(A) has reached the age of full criminal responsibility under applicable State law; and

''(B) has been arrested and is in custody for or awaiting trial on a criminal charge, or is convicted of a criminal offense;

''(28) the term 'violent crime' means—

''(A) murder or nonnegligent manslaughter, forcible rape, or robbery, or

''(B) aggravated assault committed with the use of a firearm;

''(29) the term 'collocated facilities' means facilities that are located in the same building, or are part of a related complex of buildings located on the same grounds; and

''(30) the term 'related complex of buildings' means 2 or more buildings that share—

''(A) physical features, such as walls and fences, or services beyond mechanical services (heating, air conditioning, water and sewer); or

''(B) the specialized services that are allowable under section 31.303(e)(3)(i)(C)(3) of title 28 of the Code of Federal Regulations, as in effect on December 10, 1996.''.

SEC. 5. CONCENTRATION OF FEDERAL EFFORT.

Section 204 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614) is amended—

(1) in subsection (b)—

(A) in paragraph (3) by striking ''and of the prospective'' and all that follows through ''administered'',

(B) in paragraph (5) by striking ''parts C and D'' each place it appears and inserting ''parts D and E'', and

(C) by amending paragraph (7) to read as follows:

''(7) not later than 1 year after the date of the enactment of this paragraph, issue model standards for providing mental health care to incarcerated juveniles.'',

(2) in subsection (c) by striking ''and reports'' and all that follows through ''this part'', and inserting ''as may be appropriate to prevent the duplication of efforts, and to coordinate activities, related to the prevention of juvenile delinquency'',

(3) by striking subsection (i), and

(4) by redesignating subsection (h) as subsection (f).

SEC. 6. COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION.

Section 206(c)(2)(B) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(c)(2)(B)) is amended by striking ''Education and Labor'' and inserting ''Education and the Workforce''.

SEC. 7. ANNUAL REPORT.

Section 207 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5617) is amended by striking paragraphs (4) and (5), and inserting the following:

''(4) An evaluation of the programs funded under this title and their effectiveness in reducing the incidence of juvenile delinquency, particularly violent crime, committed by juveniles.''.

SEC. 8. ALLOCATION.

Section 222 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5632) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking ''(other than parts D and E)'',

(II) by striking ''amount, up to $400,000,'' and inserting ''amount up to $400,000'',

(III) by striking ''1992'' the 1st place it appears and inserting ''2000,'',

(IV) by striking ''1992'' the last place it appears and inserting ''2000'',

(V) by striking ''the Trust Territory of the Pacific Islands,'', and

(VI) by striking ''amount, up to $100,000,'' and inserting ''amount up to $100,000'',

(ii) in subparagraph (B)—

(I) by striking ''(other than part D)'',

(II) by striking ''$400,000'' and inserting ''$600,000'',

(III) by striking ''or such greater amount, up to $600,000'' and all that follows through ''section 299(a) (1) and (3)'',

(IV) by striking ''the Trust Territory of the Pacific Islands,'',

(V) by striking ''amount, up to $100,000,'' and inserting ''amount up to $100,000'', and

(VI) by striking ''1992'' and inserting ''2000,'',

(B) in paragraph (3)—

(i) by striking ''allot'' and inserting ''allocate'', and

(ii) by striking ''1992'' each place it appears and inserting ''2000'', and

(2) in subsection (b) by striking ''the Trust Territory of the Pacific Islands,''.

SEC. 9. STATE PLANS.

Section 223 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633) is amended—

(1) in subsection (a)—

(A) in the 2d sentence by striking ''and challenge'' and all that follows through ''part E'', and inserting '', projects, and activities'',

(B) in paragraph (3)—

(i) by striking '', which—'' and inserting ''that—'',

(ii) in subparagraph (A)—

(I) by striking ''not less'' and all that follows through ''33'', and inserting ''the attorney general of the State or such other State official who has primary responsibility for overseeing the enforcement of State criminal laws, and'',

(II) by inserting '', in consultation with the attorney general of the State or such other State official who has primary responsibility for overseeing the enforcement of State criminal laws'' after ''State'',

(III) in clause (i) by striking ''or the administration of juvenile justice'' and inserting '', the administration of juvenile justice, or the reduction of juvenile delinquency'',

(IV) in clause (ii) by striking ''include—'' and all that follows through the semicolon at the end of subclause (VIII), and inserting the following:

''represent a multidisciplinary approach to addressing juvenile delinquency and may include—

''(I) individuals who represent units of general local government, law enforcement and juvenile justice agencies, public agencies concerned with the prevention and treatment of juvenile delinquency and with the adjudication of juveniles, juveniles, or nonprofit private organizations, particularly such organizations that serve juveniles; and

''(II) such other individuals as the chief executive officer considers to be appropriate; and'', and

(V) by striking clauses (iv) and (v),

(iii) in subparagraph (D)—

(I) in clause (i) by inserting ''and'' at the end,

(II) in clause (ii) by striking ''paragraphs'' and all that follows through ''part E'', and inserting ''paragraphs (11), (12), and (13)'', and

(III) by striking clause (iii), and

(iv) in subparagraph (E) by striking ''title—'' and all that follows through ''(ii)'' and inserting ''title,'',

(C) in paragraph (5)—

(i) in the matter preceding subparagraph (A) by striking '', other than'' and inserting ''reduced by the percentage (if any) specified by the State under the authority of paragraph (25) and excluding'', and

(ii) in subparagraph (C) by striking ''paragraphs (12)(A), (13), and (14)'' and inserting ''paragraphs (11), (12), and (13)'',

(D) by striking paragraph (6),

(E) in paragraph (7) by inserting '', including in rural areas'' before the semicolon at the end,

(F) in paragraph (8)—

(i) in subparagraph (A)—

(I) by striking ''for (i)'' and all that follows through ''relevant jurisdiction'', and inserting ''for an analysis of juvenile delinquency problems in, and the juvenile delinquency control and delinquency prevention needs (including educational needs) of, the State'', and

(II) by striking ''of the jurisdiction; (ii)'' and all that follows through the semicolon at the end, and inserting ''of the State; and'',

(ii) by amending subparagraph (B) to read as follows:

''(B) contain—

''(i) a plan for providing needed gender-specific services for the prevention and treatment of juvenile delinquency;

''(ii) a plan for providing needed services for the prevention and treatment of juvenile delinquency in rural areas; and

''(iii) a plan for providing needed mental health services to juveniles in the juvenile justice system, including information on how such plan is being implemented and how such services will be targeted to those juveniles in such system who are in greatest need of such services;'', and

(iii) by striking subparagraphs (C) and (D),

(G) by amending paragraph (9) to read as follows:

''(9) provide for the coordination and maximum utilization of existing juvenile delinquency programs, programs operated by public and private agencies and organizations, and other related programs (such as education, special education, recreation, health, and welfare programs) in the State;'',

(H) in paragraph (10)—

(i) in subparagraph (A)—

(I) by striking '', specifically'' and inserting ''including'',

(II) by striking clause (i), and

(III) redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively,

(ii) by amending subparagraph (D) to read as follows:

''(D) programs that provide treatment to juvenile offenders who are victims of child abuse or neglect, and to their families, in order to reduce the likelihood that such juvenile offenders will commit subsequent violations of law;'',

(iii) in subparagraph (E)—

(I) by redesignating clause (ii) as clause (iii), and

(II) by striking ''juveniles, provided'' and all that follows through ''provides; and'', and inserting the following:

''juveniles—

''(i) to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations;

''(ii) to provide services to assist juveniles in making the transition to the world of work and self-sufficiency; and'',

(iv) by amending subparagraph (F) to read as follows:

''(F) expanding the use of probation officers—

''(i) particularly for the purpose of permitting nonviolent juvenile offenders (including status offenders) to remain at home with their families as an alternative to incarceration or institutionalization; and

''(ii) to ensure that juveniles follow the terms of their probation;'',

(v) by amending subparagraph (G) to read as follows:

''(G) one-on-one mentoring programs that are designed to link at-risk juveniles and juvenile offenders, particularly juveniles residing in high-crime areas and juveniles experiencing educational failure, with responsible adults (such as law enforcement officers, Department of Defense personnel, adults working with local businesses, and adults working with community-based organizations and agencies) who are properly screened and trained;'',

(vii) in subparagraph (H) by striking ''handicapped youth'' and inserting ''juveniles with disabilities'',

(viii) by striking subparagraph (K),

(ix) in subparagraph (L)—

(I) in clause (iv) by adding ''and'' at the end,

(II) in clause (v) by striking ''and'' at the end, and

(III) by striking clause (vi),

(x) in subparagraph (M) by striking ''boot camps'',

(xi) by amending subparagraph (N) to read as follows:

''(N) community-based programs and services to work with juveniles, their parents, and other family members during and after incarceration in order to strengthen families so that such juveniles may be retained in their homes;'',

(xii) in subparagraph (O)—

(I) in striking ''cultural'' and inserting ''other'', and

(II) by striking the period at the end and inserting a semicolon,

(xiii) by redesignating subparagraphs (L), (M), (N), and (O) as subparagraphs (K), (L), (M), and (N), respectively; and

(xiv) by adding at the end the following:

''(O) programs designed to prevent and to reduce hate crimes committed by juveniles;

''(P) after-school programs that provide at-risk juveniles and juveniles in the juvenile justice system with a range of age-appropriate activities, including tutoring, mentoring, and other educational and enrichment activities;

''(Q) community-based programs that provide follow-up post-placement services to adjudicated juveniles, to promote successful reintegration into the community;

''(R) projects designed to develop and implement programs to protect the rights of juveniles affected by the juvenile justice system; and

''(S) programs designed to provide mental health services for incarcerated juveniles suspected to be in need of such services, including assessment, development of individualized treatment plans, and discharge plans.'',

(I) by amending paragraph (12) to read as follows:

''(12) shall, in accordance with rules issued by the Administrator, provide that—

''(A) juveniles who are charged with or who have committed an offense that would not be criminal if committed by an adult, excluding—

''(i) juveniles who are charged with or who have committed a violation of section 922(x)(2) of title 18, United States Code, or of a similar State law;

''(ii) juveniles who are charged with or who have committed a violation of a valid court order; and

''(iii) juveniles who are held in accordance with the Interstate Compact on Juveniles as enacted by the State;

shall not be placed in secure detention facilities or secure correctional facilities; and

''(B) juveniles—

''(i) who are not charged with any offense; and

''(ii) who are—

''(I) aliens; or

''(II) alleged to be dependent, neglected, or abused;

shall not be placed in secure detention facilities or secure correctional facilities;'',

(J) by amending paragraph (13) to read as follows:

''(13) provide that—

''(A) juveniles alleged to be or found to be delinquent or juveniles within the purview of paragraph (11) will not be detained or confined in any institution in which they have prohibited physical contact or sustained oral and visual contact with adult inmates; and

''(B) there is in effect in the State a policy that requires individuals who work with both such juveniles and such adult inmates, including in collocated facilities, have been trained and certified to work with juveniles;'',

(K) by amending paragraph (14) to read as follows:

''(14) provide that no juvenile will be detained or confined in any jail or lockup for adults except—

''(A) juveniles who are accused of nonstatus offenses and who are detained in such jail or lockup for a period not to exceed 6 hours—

''(i) for processing or release;

''(ii) while awaiting transfer to a juvenile facility; or

''(iii) in which period such juveniles make a court appearance;

and only if such juveniles do not have prohibited physical contact or sustained oral and visual contact with adults inmates and only if there is in effect in the State a policy that requires individuals who work with both such juveniles and adult inmates in collocated facilities have been trained and certified to work with juveniles;

''(B) juveniles who are accused of nonstatus offenses, who are awaiting an initial court appearance that will occur within 48 hours after being taken into custody (excluding Saturdays, Sundays, and legal holidays), and who are detained in a jail or lockup—

''(i) in which—

''(I) such juveniles do not have prohibited physical contact or sustained oral and visual contact with adults inmates; and

''(II) there is in effect in the State a policy that requires individuals who work with both such juveniles and adults inmates in collocated facilities have been trained and certified to work with juveniles; and

''(ii) that—

''(I) is located outside a metropolitan statistical area (as defined by the Office of Management and Budget) and has no existing acceptable alternative placement available;

''(II) is located where conditions of distance to be traveled or the lack of highway, road, or transportation do not allow for court appearances within 48 hours (excluding Saturdays, Sundays, and legal holidays) so that a brief (not to exceed an additional 48 hours) delay is excusable; or

''(III) is located where conditions of safety exist (such as severe adverse, life-threatening weather conditions that do not allow for reasonably safe travel), in which case the time for an appearance may be delayed until 24 hours after the time that such conditions allow for reasonable safe travel;

''(C) juveniles who are accused of nonstatus offenses and who are detained not to exceed 20 days in a jail or lockup that satisfies the requirements of subparagraph (B)(i) if—

''(i) such jail or lockup—

''(I) is located outside a metropolitan statistical area (as defined by the Office of Management and Budget); and

''(II) has no existing acceptable alternative placement available;

''(ii) a parent or other legal guardian (or guardian ad litem) of the juvenile involved, in consultation with the counsel representing the juvenile, consents to detaining such juvenile in accordance with this subparagraph and has the right to revoke such consent at any time;

''(iii) the juvenile has counsel, and the counsel representing such juvenile—

''(I) consults with the parents of the juvenile to determine the appropriate placement of the juvenile; and

''(II) has an opportunity to present the juvenile's position regarding the detention involved to the court before the court approves such detention;

''(iv) the court hears from the juvenile before court approval of such placement; and

''(v) detaining such juvenile in accordance with this subparagraph is—

''(I) approved in advance by a court with competent jurisdiction that has determined that such placement is in the best interest of such juvenile; and

''(II) required to be reviewed periodically and in the presence of the juvenile, at intervals of not more than 5 days (excluding Saturdays, Sundays, and legal holidays), by such court for the duration of detention;'',

(L) in paragraph (15)—

(i) by striking ''paragraph (12)(A), paragraph (13), and paragraph (14)'' and inserting ''paragraphs (11), (12), and (13)'', and

(ii) by striking ''paragraph (12)(A) and paragraph (13)'' and inserting ''paragraphs (11) and (12)'',

(M) in paragraph (16) by striking ''mentally, emotionally, or physically handicapping conditions'' and inserting ''disability'',

(N) by amending paragraph (19) to read as follows:

''(19) provide assurances that—

''(A) any assistance provided under this Act will not cause the displacement (including a partial displacement, such as a reduction in the hours of nonovertime work, wages, or employment benefits) of any currently employed employee;

''(B) activities assisted under this Act will not impair an existing collective bargaining relationship, contract for services, or collective bargaining agreement; and

''(C) no such activity that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization involved;'',

(O) by amending paragraph (22) to read as follows:

''(22) provide that the State agency designated under paragraph (1) will—

''(A) to the extent practicable give priority in funding to programs and activities that are based on rigorous, systematic, and objective research that is scientifically based;

''(B) from time to time, but not less than annually, review its plan and submit to the Administrator an analysis and evaluation of the effectiveness of the programs and activities carried out under the plan, and any modifications in the plan, including the survey of State and local needs, that it considers necessary; and

''(C) not expend funds to carry out a program if the recipient of funds who carried out such program during the preceding 2-year period fails to demonstrate, before the expiration of such 2-year period, that such program achieved substantial success in achieving the goals specified in the application submitted by such recipient to the State agency;'',

(P) by amending paragraph (23) to read as follows:

''(23) address juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups, who come into contact with the juvenile justice system;'',

(Q) by amending paragraph (24) to read as follows:

''(24) provide that if a juvenile is taken into custody for violating a valid court order issued for committing a status offense—

''(A) an appropriate public agency shall be promptly notified that such juvenile is held in custody for violating such order;

''(B) not later than 24 hours during which such juvenile is so held, an authorized representative of such agency shall interview, in person, such juvenile; and

''(C) not later than 48 hours during which such juvenile is so held—

''(i) such representative shall submit an assessment to the court that issued such order, regarding the immediate needs of such juvenile; and

''(ii) such court shall conduct a hearing to determine—

''(I) whether there is reasonable cause to believe that such juvenile violated such order; and

''(II) the appropriate placement of such juvenile pending disposition of the violation alleged;'',

(R) in paragraph (25)—

(i) by striking ''1992'' and inserting ''2000'', and

(ii) by striking the period at the end and inserting a semicolon,

(S) by redesignating paragraphs (7) through (25) as paragraphs (6) through (24), respectively, and

(T) by adding at the end the following:

''(25) specify a percentage (if any), not to exceed 5 percent, of funds received by the State under section 222 (other than funds made available to the State advisory group under section 222(d)) that the State will reserve for expenditure by the State to provide incentive grants to units of general local government that reduce the caseload of probation officers within such units;

''(26) provide that the State, to the maximum extent practicable, will implement a system to ensure that if a juvenile is before a court in the juvenile justice system, public child welfare records (including child protective services records) relating to such juvenile that are on file in the geographical area under the jurisdiction of such court will be made known to such court;

''(27) establish policies and systems to incorporate relevant child protective services records into juvenile justice records for purposes of establishing and implementing treatment plans for juvenile offenders; and

''(28) provide assurances that juvenile offenders whose placement is funded through section 472 of the Social Security Act (42 U.S.C. 672) receive the protections specified in section 471 of such Act (42 U.S.C. 671), including a case plan and case plan review as defined in section 475 of such Act (42 U.S.C. 675).'',

(2) by amending subsection (c) to read as follows:

''(c) If a State fails to comply with any of the applicable requirements of paragraphs (11), (12), (13), and (22) of subsection (a) in any fiscal year beginning after September 30, 2001, then—

''(1) subject to paragraph (2), the amount allocated to such State under section 222 for the subsequent fiscal year shall be reduced by not less than 12.5 percent for each such paragraph with respect to which the failure occurs, and

''(2) the State shall be ineligible to receive any allocation under such section for such fiscal year unless—

''(A) the State agrees to expend 50 percent of the amount allocated to the State for such fiscal year to achieve compliance with any such paragraph with respect to which the State is in noncompliance; or

''(B) the Administrator determines that the State—

''(i) has achieved substantial compliance with such applicable requirements with respect to which the State was not in compliance; and

''(ii) has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance with such applicable requirements within a reasonable time.'',

(3) in subsection (d)—

(A) by striking ''allotment'' and inserting ''allocation'', and

(B) by striking ''subsection (a) (12)(A), (13), (14) and (23)'' each place it appears and inserting ''paragraphs (11), (12), (13), and (22) of subsection (a)'', and

(4) by adding at the end the following:

''(e) Notwithstanding any other provision of law, the Administrator shall establish appropriate administrative and supervisory board membership requirements for a State agency designated under subsection (a)(1) and permit the State advisory group appointed under subsection (a)(3) to operate as the supervisory board for such agency, at the discretion of the chief executive officer of the State.''.

SEC. 10. JUVENILE DELINQUENCY PREVENTION BLOCK GRANT PROGRAM.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended—

(1) by striking parts C, D, E, F, G, and H,

(2) by striking the 1st part I,

(3) by redesignating the 2d part I as part F, and

(4) by inserting after part B the following:

''PART C—JUVENILE DELINQUENCY PREVENTION BLOCK GRANT PROGRAM

''SEC. 241. AUTHORITY TO MAKE GRANTS.

''(a) GRANTS TO ELIGIBLE STATES.—The Administrator may make grants to eligible

States, from funds allocated under section 242, for the purpose of providing financial assistance to eligible entities to carry out projects designed to prevent juvenile delinquency, including—

''(1) projects that provide treatment (including treatment for mental health problems) to juvenile offenders, and juveniles who are at risk of becoming juvenile offenders, who are victims of child abuse or neglect or who have experienced violence in their homes, at school, or in the community, and to their families, in order to reduce the likelihood that such juveniles will commit violations of law;

''(2) educational projects or supportive services for delinquent or other juveniles—

''(A) to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations in educational settings;

''(B) to provide services to assist juveniles in making the transition to the world of work and self-sufficiency;

''(C) to assist in identifying learning difficulties (including learning disabilities);

''(D) to prevent unwarranted and arbitrary suspensions and expulsions;

''(E) to encourage new approaches and techniques with respect to the prevention of school violence and vandalism;

''(F) which assist law enforcement personnel and juvenile justice personnel to more effectively recognize and provide for learning-disabled and other juveniles with disabilities;

''(G) which develop locally coordinated policies and programs among education, juvenile justice, and social service agencies; or

''(H) to provide services to juveniles with serious mental and emotional disturbances (SED) in need of mental health services;

''(3) projects which expand the use of probation officers—

''(A) particularly for the purpose of permitting nonviolent juvenile offenders (including status offenders) to remain at home with their families as an alternative to incarceration or institutionalization; and

''(B) to ensure that juveniles follow the terms of their probation;

''(4) one-on-one mentoring projects that are designed to link at-risk juveniles and juvenile offenders who did not commit serious crime, particularly juveniles residing in high-crime areas and juveniles experiencing educational failure, with responsible adults (such as law enforcement officers, adults working with local businesses, and adults working for community-based organizations and agencies) who are properly screened and trained;

''(5) community-based projects and services (including literacy and social service programs) which work with juvenile offenders and juveniles who are at risk of becoming juvenile offenders, including those from families with limited English-speaking proficiency, their parents, their siblings, and other family members during and after incarceration of the juvenile offenders, in order to strengthen families, to allow juvenile offenders to be retained in their homes, and to prevent the involvement of other juvenile family members in delinquent activities;

''(6) projects designed to provide for the treatment (including mental health services) of juveniles for dependence on or abuse of alcohol, drugs, or other harmful substances;

''(7) projects which leverage funds to provide scholarships for postsecondary education and training for low-income juveniles who reside in neighborhoods with high rates of poverty, violence, and drug-related crimes;

''(8) projects which provide for an initial intake screening of each juvenile taken into custody—

''(A) to determine the likelihood that such juvenile will commit a subsequent offense; and

''(B) to provide appropriate interventions (including mental health services) to prevent such juvenile from committing subsequent offenses;

''(9) projects (including school- or community-based projects) that are designed to prevent, and reduce the rate of, the participation of juveniles in gangs that commit crimes (particularly violent crimes), that unlawfully use firearms and other weapons, or that unlawfully traffic in drugs and that involve, to the extent practicable, families and other community members (including law enforcement personnel and members of the business community) in the activities conducted under such projects;

''(10) comprehensive juvenile justice and delinquency prevention projects that meet the needs of juveniles through the collaboration of the many local service systems juveniles encounter, including schools, courts, law enforcement agencies, child protection agencies, mental health agencies, welfare services, health care agencies (including collaboration on appropriate prenatal care for pregnant juvenile offenders), private nonprofit agencies, and public recreation agencies offering services to juveniles;

''(11) to develop, implement, and support, in conjunction with public and private agencies, organizations, and businesses, projects for the employment of juveniles and referral to job training programs (including referral to Federal job training programs);

''(12) delinquency prevention activities which involve youth clubs, sports, recreation and parks, peer counseling and teaching, the arts, leadership development, community service, volunteer service, before- and after-school programs, violence prevention activities, mediation skills training, camping, environmental education, ethnic or cultural enrichment, tutoring, and academic enrichment;

''(13) to establish policies and systems to incorporate relevant child protective services records into juvenile justice records for purposes of establishing treatment plans for juvenile offenders;

''(14) programs that encourage social competencies, problem-solving skills, and communication skills, youth leadership, and civic involvement;

''(15) programs that focus on the needs of young girls at-risk of delinquency or status offenses;

''(16) projects which provide for—

''(A) an assessment by a qualified mental health professional of incarcerated juveniles who are suspected to be in need of mental health services;

''(B) the development of an individualized treatment plan for those incarcerated juveniles determined to be in need of such services;

''(C) the inclusion of a discharge plan for incarcerated juveniles receiving mental health services that addresses aftercare services; and

''(D) all juveniles receiving psychotropic medications to be under the care of a licensed mental health professional;

''(17) after-school programs that provide at-risk juveniles and juveniles in the juvenile justice system with a range of age-appropriate activities, including tutoring, mentoring, and other educational and enrichment activities;

''(18) programs related to the establishment and maintenance of a school violence hotline, based on a public-private partnership, that students and parents can use to report suspicious, violent, or threatening behavior to local school and law enforcement authorities;

''(19) programs (excluding programs to purchase guns from juveniles) designed to reduce the unlawful acquisition and illegal use of guns by juveniles, including partnerships between law enforcement agencies, health professionals, school officials, firearms manufacturers, consumer groups, faith-based groups and community organizations;

''(20) programs designed to prevent animal cruelty by juveniles and to counsel juveniles who commit animal cruelty offenses, including partnerships among law enforcement agencies, animal control officers, social services agencies, and school officials;

''(21) programs that provide suicide prevention services for incarcerated juveniles and for juveniles leaving the incarceration system;

''(22) programs to establish partnerships between State educational agencies and local educational agencies for the design and implementation of character education and training programs that reflect the values of parents, teachers, and local communities, and incorporate elements of good character, including honesty, citizenship, courage, justice, respect, personal responsibility, and trustworthiness;

''(23) programs that foster strong character development in at-risk juveniles and juveniles in the juvenile justice system;

''(24) local programs that provide for immediate psychological evaluation and follow-up treatment (including evaluation and treatment during a mandatory holding period for not less than 24 hours) for juveniles who bring a gun on school grounds without permission from appropriate school authorities; and

''(25) other activities that are likely to prevent juvenile delinquency.

''(b) GRANTS TO ELIGIBLE INDIAN TRIBES.—The Administrator may make grants to eligible Indian tribes from funds allocated under section 242(b), to carry out projects of the kinds described in subsection (a).

''SEC. 242. ALLOCATION.

''(a) ALLOCATION AMONG ELIGIBLE STATES.—Subject to subsection (b), funds appropriated to carry out this part shall be allocated among eligible States proportionately based on the population that is less than 18 years of age in the eligible States.

''(b) ALLOCATION AMONG INDIAN TRIBES COLLECTIVELY.—Before allocating funds under subsection (a) among eligible States, the Administrator shall allocate among eligible Indian tribes as determined under section 246(a), an aggregate amount equal to the amount such tribes would be allocated under subsection (a), and without regard to this subsection, if such tribes were treated collectively as an eligible State.

''SEC. 243. ELIGIBILITY OF STATES.

''(a) APPLICATION.—To be eligible to receive a grant under section 241, a State shall submit to the Administrator an application that contains the following:

''(1) An assurance that the State will use—

''(A) not more than 5 percent of such grant, in the aggregate, for—

''(i) the costs incurred by the State to carry out this part; and

''(ii) to evaluate, and provide technical assistance relating to, projects and activities carried out with funds provided under this part; and

''(B) the remainder of such grant to make grants under section 244.

''(2) An assurance that, and a detailed description of how, such grant will supplement, and not supplant State and local efforts to prevent juvenile delinquency.

''(3) An assurance that such application was prepared after consultation with and

participation by the State advisory group, community-based organizations, and organizations in the local juvenile justice system, that carry out programs, projects, or activities to prevent juvenile delinquency.

''(4) An assurance that the State advisory group will be afforded the opportunity to review and comment on all grant applications submitted to the State agency.

''(5) An assurance that each eligible entity described in section 244 that receives an initial grant under section 244 to carry out a project or activity shall also receive an assurance from the State that such entity will receive from the State, for the subsequent fiscal year to carry out such project or activity, a grant under such section in an amount that is proportional, based on such initial grant and on the amount of the grant received under section 241 by the State for such subsequent fiscal year, but that does not exceed the amount specified for such subsequent fiscal year in such application as approved by the State.

''(6) Such other information and assurances as the Administrator may reasonably require by rule.

''(b) APPROVAL OF APPLICATIONS.—

''(1) APPROVAL REQUIRED.—Subject to paragraph (2), the Administrator shall approve an application, and amendments to such application submitted in subsequent fiscal years, that satisfy the requirements of subsection (a).

''(2) LIMITATION.—The Administrator may not approve such application (including amendments to such application) for a fiscal year unless—

''(A)(i) the State submitted a plan under section 223 for such fiscal year; and

''(ii) such plan is approved by the Administrator for such fiscal year; or

''(B) the Administrator waives the application of subparagraph (A) to such State for such fiscal year, after finding good cause for such a waiver.

''SEC. 244. GRANTS FOR LOCAL PROJECTS.

''(a) GRANTS BY STATES.—Using a grant received under section 241, a State may make grants to eligible entities whose applications are received by the State, and reviewed by the State advisory group, to carry out projects and activities described in section 241.

''(b) SPECIAL CONSIDERATION.—For purposes of making grants under subsection (a), the State shall give special consideration to eligible entities that—

''(1) propose to carry out such projects in geographical areas in which there is—

''(A) a disproportionately high level of serious crime committed by juveniles; or

''(B) a recent rapid increase in the number of nonstatus offenses committed by juveniles;

''(2)(A) agreed to carry out such projects or activities that are multidisciplinary and involve more than 2 private nonprofit agencies, organizations, and institutions that have experience dealing with juveniles; or

''(B) represent communities that have a comprehensive plan designed to identify at-risk juveniles and to prevent or reduce the rate of juvenile delinquency, and that involve other entities operated by individuals who have a demonstrated history of involvement in activities designed to prevent juvenile delinquency; and

''(3) the amount of resources (in cash or in kind) such entities will provide to carry out such projects and activities.

''SEC. 245. ELIGIBILITY OF ENTITIES.

''(a) ELIGIBILITY.—Except as provided in subsection (b), to be eligible to receive a grant under section 244, a unit of general purpose local government, acting jointly with not fewer than 2 private nonprofit agencies, organizations, and institutions that have experience dealing with juveniles, shall submit to the State an application that contains the following:

''(1) An assurance that such applicant will use such grant, and each such grant received for the subsequent fiscal year, to carry out throughout a 2-year period a project or activity described in reasonable detail, and of a kind described in one or more of paragraphs (1) through (25) of section 241(a) as specified in, such application.

''(2) A statement of the particular goals such project or activity is designed to achieve, and the methods such entity will use to achieve, and assess the achievement of, each of such goals.

''(3) A statement identifying the research (if any) such entity relied on in preparing such application.

''(b) LIMITATION.—If an eligible entity that receives a grant under section 244 to carry out a project or activity for a 2-year period, and receives technical assistance from the State or the Administrator after requesting such technical assistance (if any), fails to demonstrate, before the expiration of such 2-year period, that such project or such activity has achieved substantial success in achieving the goals specified in the application submitted by such entity to receive such grants, then such entity shall not be eligible to receive any subsequent grant under such section to continue to carry out such project or activity.

''SEC. 246. GRANTS TO INDIAN TRIBES.

''(a) ELIGIBILITY.—

''(1) APPLICATION.—To be eligible to receive a grant under section 241(b), an Indian tribe shall submit to the Administrator an application in accordance with this section, in such form and containing such information as the Administrator may require by rule.

''(2) PLANS.—Such application shall include a plan for conducting programs, projects, and activities described in section 241(a), which plan shall—

''(A) provide evidence that the applicant Indian tribe performs law enforcement functions (as determined by the Secretary of the Interior);

''(B) identify the juvenile justice and delinquency problems and juvenile delinquency prevention needs to be addressed by activities conducted with funds provided by the grant for which such application is submitted, by the Indian tribe in the geographical area under the jurisdiction of the Indian tribe;

''(C) provide for fiscal control and accounting procedures that—

''(i) are necessary to ensure the prudent use, proper disbursement, and accounting of grants received by applicants under this section; and

''(ii) are consistent with the requirement specified in subparagraph (B); and

''(D) comply with the requirements specified in section 223(a) (excluding any requirement relating to consultation with a State advisory group) and with the requirements specified in section 222(c); and

''(E) contain such other information, and be subject to such additional requirements, as the Administrator may reasonably require by rule to ensure the effectiveness of the projects for which grants are made under section 241(b).

''(b) FACTORS FOR CONSIDERATION.—For the purpose of selecting eligible applicants to receive grants under section 241(b), the Administrator shall consider—

''(1) the resources that are available to each applicant Indian tribe that will assist, and be coordinated with, the overall juvenile justice system of the Indian tribe; and

''(2) with respect to each such applicant—

''(A) the juvenile population; and

''(B) the population and the entities that will be served by projects proposed to be carried out with the grant for which the application is submitted.

''(c) GRANT PROCESS.—

''(1) SELECTION OF GRANT RECIPIENTS.—

''(A) SELECTION REQUIREMENTS.—Except as provided in paragraph (2), the Administrator shall—

''(i) make grants under this section on a competitive basis; and

''(ii) specify in writing to each applicant selected to receive a grant under this section, the terms and conditions on which such grant is made to such applicant.

''(B) PERIOD OF GRANT.—A grant made under this section shall be available for expenditure during a 2–year period.

''(2) EXCEPTION.—If—

''(A) in the 2-year period for which a grant made under this section shall be expended, the recipient of such grant applies to receive a subsequent grant under this section; and

''(B) the Administrator determines that such recipient performed during the year preceding the 2–year period for which such recipient applies to receive such subsequent grant satisfactorily and in accordance with the terms and conditions applicable to the grant received;

then the Administrator may waive the application of the competition-based requirement specified in paragraph (1)(A)(i) and may allow the applicant to incorporate by reference in the current application the text of the plan contained in the recipient's most recent application previously approved under this section.

''(3) AUTHORITY TO MODIFY APPLICATION PROCESS FOR SUBSEQUENT GRANTS.—The Administrator may modify by rule the operation of subsection (a) with respect to the submission and contents of applications for subsequent grants described in paragraph (2).

''(d) REPORTING REQUIREMENT.—Each Indian tribe that receives a grant under this section shall be subject to the fiscal accountability provisions of section 5(f)(1) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450c(f)(1)), relating to the submission of a single-agency audit report required by chapter 75 of title 31, United States Code.

''(e) MATCHING REQUIREMENT.—(1) Funds appropriated for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of any program or project with a matching requirement funded under this section.

''(2) Paragraph (1) shall not apply with respect to funds appropriated before the date of the enactment of the Juvenile Justice and Delinquency Prevention Act of 2001.

''(3) If the Administrator determines that an Indian tribe does not have sufficient funds available to meet the non-Federal share of the cost of any program or activity to be funded under the grant, the Administrator may increase the Federal share of the cost thereof to the extent the Administrator deems necessary.''.

SEC. 11. RESEARCH; EVALUATION; TECHNICAL ASSISTANCE; TRAINING.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by inserting after part C, as added by section 10, the following:

''PART D—RESEARCH; EVALUATION; TECHNICAL ASSISTANCE; TRAINING

''SEC. 251. RESEARCH AND EVALUATION; STATISTICAL ANALYSES; INFORMATION DISSEMINATION

''(a) RESEARCH AND EVALUATION.—(1) The Administrator may—

''(A) plan and identify the purposes and goals of all agreements carried out with funds provided under this subsection; and

''(B) conduct research or evaluation in juvenile justice matters, for the purpose of providing research and evaluation relating to—

''(i) the prevention, reduction, and control of juvenile delinquency and serious crime committed by juveniles;

''(ii) the link between juvenile delinquency and the incarceration of members of the families of juveniles;

''(iii) successful efforts to prevent first-time minor offenders from committing subsequent involvement in serious crime;

''(iv) successful efforts to prevent recidivism;

''(v) the juvenile justice system;

''(vi) juvenile violence;

''(vii) appropriate mental health services for juveniles and youth at risk of participating in delinquent activities;

''(viii) reducing the proportion of juveniles detained or confined in secure detention facilities, secure correctional facilities, jails, and lockups who are members of minority groups;

''(ix) evaluating services, treatment, and aftercare placement of juveniles who were under the care of the State child protection system before their placement in the juvenile justice system;

''(x) determining—

''(I) the frequency, seriousness, and incidence of drug use by youth in schools and communities in the States using, if appropriate, data submitted by the States pursuant to this subparagraph and subsection (b); and

''(II) the frequency, degree of harm, and morbidity of violent incidents, particularly firearm-related injuries and fatalities, by youth in schools and communities in the States, including information with respect to—

''(aa) the relationship between victims and perpetrators;

''(bb) demographic characteristics of victims and perpetrators; and

''(cc) the type of weapons used in incidents, as classified in the Uniform Crime Reports of the Federal Bureau of Investigation; and

''(xi) other purposes consistent with the purposes of this title and title I.

''(2) The Administrator shall ensure that an equitable amount of funds available to carry out paragraph (1)(B) is used for research and evaluation relating to the prevention of juvenile delinquency.

''(3) Nothing in this subsection shall be construed to permit the development of a national database of personally identifiable information on individuals involved in studies, or in data-collection efforts, carried out under paragraph (1)(B)(x).

''(4) Not later than 1 year after the date of enactment of this paragraph, the Administrator shall conduct a study with respect to juveniles who, prior to placement in the juvenile justice system, were under the care or custody of the State child welfare system, and to juveniles who are unable to return to their family after completing their disposition in the juvenile justice system and who remain wards of the State. Such study shall include—

''(A) the number of juveniles in each category;

''(B) the extent to which State juvenile justice systems and child welfare systems are coordinating services and treatment for such juveniles;

''(C) the Federal and local sources of funds used for placements and post-placement services;

''(D) barriers faced by State in providing services to these juveniles;

''(E) the types of post-placement services used;

''(F) the frequency of case plans and case plan reviews; and

''(G) the extent to which case plans identify and address permanency and placement barriers and treatment plans.

''(b) STATISTICAL ANALYSES.—The Administrator may—

''(1) plan and identify the purposes and goals of all agreements carried out with funds provided under this subsection; and

''(2) undertake statistical work in juvenile justice matters, for the purpose of providing for the collection, analysis, and dissemination of statistical data and information relating to juvenile delinquency and serious crimes committed by juveniles, to the juvenile justice system, to juvenile violence, and to other purposes consistent with the purposes of this title and title I.

''(c) COMPETITIVE SELECTION PROCESS.—The Administrator shall use a competitive process, established by rule by the Administrator, to carry out subsections (a) and (b).

''(d) IMPLEMENTATION OF AGREEMENTS.—A Federal agency that makes an agreement under subsections (a)(1)(B) and (b)(2) with the Administrator may carry out such agreement directly or by making grants to or contracts with public and private agencies, institutions, and organizations.

''(e) INFORMATION DISSEMINATION.—The Administrator may—

''(1) review reports and data relating to the juvenile justice system in the United States and in foreign nations (as appropriate), collect data and information from studies and research into all aspects of juvenile delinquency (including the causes, prevention, and treatment of juvenile delinquency) and serious crimes committed by juveniles;

''(2) establish and operate, directly or by contract, a clearinghouse and information center for the preparation, publication, and dissemination of information relating to juvenile delinquency, including State and local prevention and treatment programs, plans, resources, and training and technical assistance programs; and

''(3) make grants and contracts with public and private agencies, institutions, and organizations, for the purpose of disseminating information to representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, the courts, corrections, schools, and related services, in the establishment, implementation, and operation of projects and activities for which financial assistance is provided under this title.

''SEC. 252. TRAINING AND TECHNICAL ASSISTANCE.

''(a) TRAINING.—The Administrator may—

''(1) develop and carry out projects for the purpose of training representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts (including model juvenile and family courts), corrections, schools, and related services, to carry out the purposes specified in section 102; and

''(2) make grants to and contracts with public and private agencies, institutions, and organizations for the purpose of training representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts (including model juvenile and family courts), corrections, schools, and related services, to carry out the purposes specified in section 102.

''(b) TECHNICAL ASSISTANCE.—The Administrator may—

''(1) develop and implement projects for the purpose of providing technical assistance to representatives and personnel of public and private agencies and organizations, including practitioners in juvenile justice, law enforcement, courts (including model juvenile and family courts), corrections, schools, and related services, in the establishment, implementation, and operation of programs, projects, and activities for which financial assistance is provided under this title; and

''(2) make grants to and contracts with public and private agencies, institutions, and organizations, for the purpose of providing technical assistance to representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts (including model juvenile and family courts), corrections, schools, and related services, in the establishment, implementation, and operation of programs, projects, and activities for which financial assistance is provided under this title.

''(c) TRAINING AND TECHNICAL ASSISTANCE TO MENTAL HEALTH PROFESSIONALS AND LAW ENFORCEMENT PERSONNEL.—The Administrator shall provide training and technical assistance to mental health professionals and law enforcement personnel (including public defenders, police officers, probation officers, judges, parole officials, and correctional officers) to address or to promote the development, testing, or demonstration of promising or innovative models (including model juvenile and family courts), programs, or delivery systems that address the needs of juveniles who are alleged or adjudicated delinquent and who, as a result of such status, are placed in secure detention or confinement or in nonsecure residential placements.''.

SEC. 12. DEMONSTRATION PROJECTS.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by inserting after part D, as added by section 11, the following:

''PART E—DEVELOPING, TESTING, AND DEMONSTRATING PROMISING NEW INITIATIVES AND PROGRAMS

''SEC. 261. GRANTS AND PROJECTS.

''(a) AUTHORITY TO MAKE GRANTS.—The Administrator may make grants to and contracts with States, units of general local government, Indian tribal governments, public and private agencies, organizations, and individuals, or combinations thereof, to carry out projects for the development, testing, and demonstration of promising initiatives and programs for the prevention, control, or reduction of juvenile delinquency. The Administrator shall ensure that, to the extent reasonable and practicable, such grants are made to achieve an equitable geographical distribution of such projects throughout the United States.

''(b) USE OF GRANTS.—A grant made under subsection (a) may be used to pay all or part of the cost of the project for which such grant is made.

''SEC. 262. GRANTS FOR TECHNICAL ASSISTANCE.

''The Administrator may make grants to and contracts with public and private agencies, organizations, and individuals to provide technical assistance to States, units of general local government, Indian tribal governments, local private entities or agencies, or any combination thereof, to carry out the projects for which grants are made under section 261.

''SEC. 263. ELIGIBILITY.

''To be eligible to receive a grant made under this part, a public or private agency, Indian tribal government, organization, institution, individual, or combination thereof shall submit an application to the Administrator at such time, in such form, and containing such information as the Administrator may reasonably require by rule.

''SEC. 264. REPORTS.

''Recipients of grants made under this part shall submit to the Administrator such reports as may be reasonably requested by the

Administrator to describe progress achieved in carrying out the projects for which such grants are made.''.

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

Section 299 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671) is amended—

(1) by striking subsection (e), and

(2) by striking subsections (a), (b), and (c), and inserting the following:

''(a) AUTHORIZATION OF APPROPRIATIONS FOR TITLE II (EXCLUDING PARTS C AND E).—(1) There are authorized to be appropriated to carry out this title such sums as may be appropriate for fiscal years 2002, 2003, 2004, 2005, and 2006.

''(2) Of such sums as are appropriated for a fiscal year to carry out this title (other than parts C and E)—

''(A) not more than 5 percent shall be available to carry out part A;

''(B) not less than 80 percent shall be available to carry out part B; and

''(C) not more than 15 percent shall be available to carry out part D.

''(b) AUTHORIZATION OF APPROPRIATIONS FOR PART C.—There are authorized to be appropriated to carry out part C such sums as may be necessary for fiscal years 2002, 2003, 2004, 2005, and 2006.

''(c) AUTHORIZATION OF APPROPRIATIONS FOR PART E.—There are authorized to be appropriated to carry out part E, and authorized to remain available until expended, such sums as may be necessary for fiscal years 2002, 2003, 2004, 2005, and 2006.''.

SEC. 14. ADMINISTRATIVE AUTHORITY.

Section 299A of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5672) is amended—

(1) in subsection (d) by striking ''as are consistent with the purpose of this Act'' and inserting ''only to the extent necessary to ensure that there is compliance with the specific requirements of this title or to respond to requests for clarification and guidance relating to such compliance'', and

(2) by adding at the end the following:

''(e) If a State requires by law compliance with the requirements described in paragraphs (11), (12), and (13) of section 223(a), then for the period such law is in effect in such State such State shall be rebuttably presumed to satisfy such requirements.''.

SEC. 15. USE OF FUNDS.

Section 299C(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5674(c)) is amended to read as follows:

''(c) No funds may be paid under this title to a residential program (excluding a program in a private residence) unless—

''(1) there is in effect in the State in which such placement or care is provided, a requirement that the provider of such placement or such care may be licensed only after satisfying, at a minimum, explicit standards of discipline that prohibit neglect, physical and mental abuse, as defined by State law;

''(2) such provider is licensed as described in paragraph (1) by the State in which such placement or care is provided; and

''(3) such provider satisfies the licensing standards of each other State from which such provider receives a juvenile for such placement or such care, in accordance with the Interstate Compact on Child Placement as entered into by such other State.''.

SEC. 16. LIMITATIONS ON USE OF FUNDS.

Part F of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 10, is amended adding at the end the following:

''SEC. 299F. LIMITATIONS ON USE OF FUNDS.

''None of the funds made available to carry out this title may be used to advocate for, or support, the unsecured release of juveniles who are charged with a violent crime.''.

SEC. 17. RULES OF CONSTRUCTION.

Part F of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 10 and amended by section 16, is amended adding at the end the following:

''SEC. 299G. RULES OF CONSTRUCTION.

''Nothing in this title or title I shall be construed—

''(1) to prevent financial assistance from being awarded through grants under this title to any otherwise eligible organization; or

''(2) to modify or affect any Federal or State law relating to collective bargaining rights of employees.''.

SEC. 18. LEASING SURPLUS FEDERAL PROPERTY.

Part F of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 10 and amended by sections 16 and 17, is amended adding at the end the following:

''SEC. 299H. LEASING SURPLUS FEDERAL PROPERTY.

''The Administrator may receive surplus Federal property (including facilities) and may lease such property to States and units of general local government for use in or as facilities for juvenile offenders, or for use in or as facilities for delinquency prevention and treatment activities.''.

SEC. 19. ISSUANCE OF RULES.

Part F of title II or the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 10 and amended by sections 16, 17, and 18, is amended adding at the end the following:

''SEC. 299I. ISSUANCE OF RULES.

''The Administrator shall issue rules to carry out this title, including rules that establish procedures and methods for making grants and contracts, and distributing funds available, to carry out this title.''.

SEC. 20. CONTENT OF MATERIALS.

Part F of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 10 and amended by sections 16, 17, 18, and 19, is amended by adding at the end the following:

''SEC. 299J. CONTENT OF MATERIALS.

''Materials produced, procured, or distributed both using funds appropriated to carry out this Act and for the purpose of preventing hate crimes that result in acts of physical violence, shall not recommend or require any action that abridges or infringes upon the constitutionally protected rights of free speech, religion, or equal protection of juveniles or of their parents or legal guardians.''.

SEC. 21. TECHNICAL AND CONFORMING AMENDMENTS.

(a) TECHNICAL AMENDMENTS.—The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended—

(1) in section 202(b) by striking ''prescribed for GS–18 of the General Schedule by section 5332'' and inserting ''payable under section 5376'',

(2) in section 221(b)(2) by striking the last sentence,

(3) in section 299D by striking subsection (d), and

(4) by striking titles IV and V, as originally enacted by Public Law 93–415 (88 Stat. 1132–1143).

(b) CONFORMING AMENDMENTS.—(1) The Victims of Child Abuse Act of 1990 (42 U.S.C. 13001 et seq.) is amended—

(A) in section 214(b)(1) by striking ''262, 293, and 296 of subpart II of title II'' and inserting ''299B and 299E'',

(B) in section 214A(c)(1) by striking ''262, 293, and 296 of subpart II of title II'' and inserting ''299B and 299E'',

(C) in section 217(c)(1) by striking ''sections 262, 293, and 296 of subpart II of title II'' and inserting ''sections 299B and 299E'', and

(D) in section 223(c) by striking ''section 262, 293, and 296'' and inserting ''sections 262, 299B, and 299E''.

(2) Section 404(a)(5)(E) of the Missing Children's Assistance Act (42 U.S.C. 5773) is amended by striking ''section 313'' and inserting ''section 331''.

SEC. 22. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this Act shall apply only with respect to fiscal years beginning after September 30, 2001.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GREENWOOD).

GENERAL LEAVE

Mr. GREENWOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1900.

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

There was no objection.

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

Mr. Speaker, I rise today in support of H.R. 1900, the Juvenile Justice and Delinquency Prevention Act of 2001. The Office of Juvenile Justice and Delinquency Prevention was created by Congress in 1974 to help communities and States prevent and control delinquency and to improve their juvenile justice systems. The nature and extent of juvenile delinquency has changed considerably since the Office of Juvenile Justice and Delinquency Prevention was created, and this reauthorization has taken that into account.

This office has not been reauthorized since 1994, although a similar bill has passed this House by overwhelming margins at least twice since then. This year we have an opportunity for both the House and the Senate to pass this legislation and get it to the President for his signature.

I thank the gentleman from Michigan (Mr. HOEKSTRA) and the gentleman from Indiana (Mr. ROEMER) for their good work in marking H.R. 1900 up through the Subcommittee on Select Education and the gentleman from Ohio (Mr. BOEHNER) and the gentleman from California (Mr. GEORGE MILLER) for their able assistance in reporting the bill from the Committee on Education and the Workforce.

I thank the gentleman from Virginia (Mr. SCOTT) for joining me in introducing this legislation. This bill is virtually the same legislation the gentleman from Virginia (Mr. SCOTT) and I

successfully negotiated on a bipartisan basis last Congress. We are looking forward to having the House and the Senate pass this measure so after 6 years of hard work, the reauthorization of this act can become law.

I want to particularly emphasize the spirit of bipartisanship my colleague, the gentleman from Virginia (Mr. SCOTT), has put into this measure from the beginning. Tough issues have not been easily resolved; but day after day, week after week, year after year the gentleman from Virginia (Mr. SCOTT) and his able staff have been extraordinarily good natured and willing to wrestle these controversies to the ground.

I thank my legislative director, Judy Borger, who has worked tirelessly on this legislation for years. As all of the Members know, we do the talking and we do some of the thinking in terms of concept, and then it is the staff that works the 12- and 16- and 24-hour days hammering out the language and doing all of the detail work that finally makes it possible.

I also thank Denise Fort from the staff of the gentleman from Virginia (Mr. SCOTT), who has worked equally tirelessly, as wells as Bob Sweet and Chris Anne Pierce from our committee.

H.R. 1900 is designed to assist States and local communities to develop strategies to combat juvenile crime through a wide range of prevention and intervention programs. This legislation acknowledges that most successful solutions to juvenile crime are developed at the State and local levels of government by those individuals who understand the unique characteristics of youth in their areas.

By combining the current discretionary programs into a prevention block grant to the States, and allowing States and local communities discretion in how such funds are used, we allow the local officials to use their own good judgment, and based upon the realities of each situation, and yet we have not given them so much flexibility that harm could be done to the children.

It is an extraordinarily difficult task to create a juvenile justice system in each of the States and in each of the counties that can respond to the very, very different young people in our society who get caught up in the law. But I believe that this bipartisan bill represents good policy. The bill successfully strikes a balance in dealing with children who grow up and come before the juvenile justice system who are already very dangerous and vicious criminals, and other children who come before the juvenile justice system who are harmless and scared and running away from abuse at home.

We dealt with very sensitive issues like the deinstitutionalization of status offenders, how to assure that juveniles who need to be temporarily housed with adults be held out of sight and sound of adults, how to address the overrepresentation of minorities in the juvenile justice system, and determining the correct balance between block-granting funds to the States and keeping some strings attached.

We added language directing the States to give priority in funding to programs and activities that are based on rigorous, systematic, and objective research that is scientifically based; and we found a way to provide the additional flexibility that our local officials need, still protect society from dangerous teenagers while protecting scared kids from overly harsh kids in the juvenile justice system.

Mr. Speaker, I urge all of my colleagues to join me in supporting H.R. 1900.

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

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

Mr. Speaker, as we begin to rebuild from the tragedy and devastation we experienced in New York, Pennsylvania, and at the Pentagon, it is appropriate that two of the first three bills we take up this week concern the safety and well-being of our children.

I am proud to be a cosponsor of H.R. 1900, the Juvenile Justice and Delinquency Prevention Act, with my colleague, the gentleman from Pennsylvania (Mr. GREENWOOD). Juvenile justice is always a challenge because we have a choice of playing politics or reducing crime.

This bill is a bipartisan initiative that lays the groundwork for sensible juvenile crime policy. Five years ago we started from a decidedly different perspective. The House considered juvenile crime bills with such titles as the ''Violent Youth Predator Act,'' the ''Juvenile Crime Control Act,'' and others. The titles of the bills made it clear that Congress was more considered in using political sound bites than coming up with sound policy designed to reduce crime. After those bills collapsed in partisan controversy, the gentleman from Illinois (Mr. HASTERT) and the gentleman from Missouri (Mr. GEPHARDT) appointed a bipartisan working group on youth violence to thoughtfully review the issue of youth violence and to make meaningful suggestions.

Our working group reviewed studies of problems of youth violence and heard testimony from academia, law enforcement, the judicial system, and advocacy groups. Those experts that met with us agreed that prevention and early intervention were the things that we needed to reduce crime. Those efforts needed to require parental and community participation.

H.R. 1900 is a culmination of 5 years of work, at the end of which we made the choice to stop playing politics and to promote constructive legislation.

Mr. Speaker, I am pleased that we have arrived at a different place today than where we were 5 years ago. We have made the right choice. H.R. 1900 is a bipartisan agreement that promotes sound juvenile crime policy which is based on proven research.

H.R. 1900 reflects what was presented to the bipartisan working group and testimony heard through numerous hearings in Washington and across the country. We heard that prevention programs are effective in reducing youth violence in the community and often save more money than they cost. Programs such as early childhood education, structured after-school activities, dropout prevention, and mentoring have all been shown successful in reducing youth delinquency.

I am also pleased that we were able to maintain the core mandates of the Juvenile Justice and Delinquency Prevention Act so that juveniles who come in contact with the juvenile justice system are assured of fundamental protections. For example, runaways and truants should not be jailed in secure facilities. And if juveniles are ever housed in adult facilities, it must be for short periods of time; and during that time they must be separated by sight and sound from adult offenders.

Lastly, States have a responsibility to address the disproportionate number of minority youth who are under the jurisdiction of the juvenile court system.

The bill before us recognizes the need for community input and requires community collaboration and planning that encourages bringing delinquency prevention professionals around the table to decide how best to respond to the crime prevention needs of the community. Those experts should include the school system, law enforcement, social services, business, sociology and other experts. And for the first time we are also asking the States to ensure that the child welfare system, the foster care system, and the juvenile justice system are working together to address the needs of juvenile offenders. We know that two-thirds of children in the juvenile system are already known by the child welfare system. The link between abuse, neglect, and delinquency demands greater involvement between the various systems that serve at-risk youth.

H.R. 1900 starts us down the path of greater collaboration, and I appreciate the work of my ranking member, the gentleman from California (Mr. GEORGE MILLER), and the gentleman from Pennsylvania (Mr. GREENWOOD) in offering these important improvements to the bill. H.R. 1900 deserves the support of this body. It is not based on politics or sound bites, but instead represents sound policy; and it is the product of a constructive, bipartisan cooperative effort to reduce youth crime in our communities. It will add to the safety and security of future generations.

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

Mr. GREENWOOD. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. BOEHNER), the chairman of the Committee on Education and the Workforce.

Mr. BOEHNER. Mr. Speaker, I rise today in support of the juvenile justice

bill that we have on the floor, and thank all of my colleagues that have taken part in bringing us to this important day. I think the gentleman from Virginia (Mr. SCOTT) and the gentleman from Pennsylvania (Mr. GREENWOOD) have fully explained the bill.

My reason for rising today is to say that, without a true bipartisan effort over the long journey of bringing this bill to the floor, we would not be here. The gentleman from Virginia (Mr. SCOTT) and the gentleman from Pennsylvania (Mr. GREENWOOD) have worked diligently for 5 years trying to bridge the differences, and they have done it in such a way that we have learned a great deal from them.

I also thank the chairman of the subcommittee, the gentleman from Michigan (Mr. HOEKSTRA) and the ranking Democrat on the subcommittee, the gentleman from Indiana (Mr. ROEMER), for their efforts in shepherding this bill through the committee process. Lastly, I thank the ranking Democrat, the gentleman from California (Mr. GEORGE MILLER), who provided an atmosphere of cooperation and respect which I think brings this bill here in front of us today.

Mr. Speaker, this is a great example of what can happen when people keep their eye on the goal, and the goal being what is it that we can do from our perspective here in Washington to help these juvenile justice programs work better. They have done a great job, and they deserve our thanks.

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

Mr. SCOTT. Mr. Speaker, I yield 6 minutes to the gentleman from California (Mr. GEORGE MILLER), the ranking member on the Committee on Education and the Workforce.

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the leadership for bringing this bill to the floor today. As the gentleman from Virginia (Mr. SCOTT) earlier said, in the wake of the tragedies in New York, Pennsylvania and here at the Pentagon, our concentration on our children and those children who are so desperately in need of services and at risk is a nice tribute to America's families.

I also want to join those who have already expressed their thanks to the gentleman from Virginia (Mr. SCOTT) and the gentleman from Pennsylvania (Mr. GREENWOOD) for their diligence on this matter.

□ 1115

I cannot think of two people in the Congress who have worked harder to try to bring about a resolution of what was a very contentious issue over the last several years to make sure that we move forward in the protection and the service of our children; in making sure that we, in fact, develop those kinds of programs that have the best opportunity at reducing juvenile crime, at reducing juvenile delinquency and making sure that our children, in fact, get into programs of opportunity and programs that will help them to sort out their lives and lead productive lives in America. I want to thank them very, very much for all their effort, all their time to bring this legislation to the floor in the form that it is now in.

While we have seen a decrease in juvenile crime over the last couple of years, we also see some disturbing factors, that many of the perpetrators of that crime are younger and younger. We see the inclusion of more and more young girls in the perpetration of these crimes, and these are reasons for concern. It is a reason we need to take new approaches and new choices.

This legislation is really about prevention and about accountability and about focusing our efforts on the early part of a child's life because, again, the scientific-based research, the peer-reviewed research tells us that this is our best opportunity to intervene on behalf of these children, to intervene in their dysfunctional families.

I want to commend those who supported the previous bill on the floor today dealing with the D.C. court system and the foster care system in the District of Columbia. Understanding the need to intervene early, to save these children and to give them an opportunity, where they are caught up in a family that is so clearly dysfunctional that it now becomes a threat to those children in the immediate sense, but the long-term ramifications and impact on the kinds of lives those children will lead in terms of their involvement in the juvenile justice system or the adult criminal system makes it all the more important.

I believe that H.R. 1900 does this by providing the recognition of early intervention and accountability and providing the guidelines to make sure that we, in fact, protect these children at the same time that we are dealing with their transgressions, so that we do not send them off to schools that improve their ability to commit a crime but do not improve their ability to extract themselves from that life of crime.

I also want to quickly mention the parts of this legislation dealing with the question about the needs, and the support for the needs of these services. According to a report produced by the Inspector General at the Department of Health and Human Services, an audit of cases in California found that few children are ever receiving case planning and family permanency planning systems.

What does that mean? That means that these children are really never given the tools, or the caseworkers are not given the tools to get these children out of the situation that they are in. And without family permanency or planning permanency, the children find themselves continually swirling around the system from one foster care, one institution, over and over again, because we have not taken the time as the law in fact requires, to develop planning for these children's futures, so that we can make sure that they have the absolute best opportunity at success.

I also want to draw attention to the fact that this legislation deals with the children who are sent to boot camps, and recognizing that the New York Times recently reported that since 1980 there have been over 31 children who have died in these boot camps and numerous other children have been subjected to sexual abuse and assault while they are in these camps.

In July, a child who was voluntarily placed in a wilderness camp in Arizona died as a result of abuse and negligence of the camp operators. The autopsy revealed that he drowned in a hotel shower where the camp staff had left him after he had collapsed. He had collapsed after being punished for bad behavior. What was his bad behavior? He complained that the program was too hard. What was his punishment for that bad behavior? They made him eat dirt and he subsequently died.

That kind of punishment, if it had been meted out by a parent or a relative, would have been child abuse. We have got to make sure that child abuse laws protect these children in this kind of custody. And I believe that this legislation, in fact, does that in a manner in which we know that you cannot delegate, you cannot delegate the right to abuse a child to another factor.

H.R. 1900 requires that any residence program receiving funds under this act must be licensed by State and must have standards of discipline to prohibit abuse and neglect as defined by State law. What the State standard is will apply to those operations within that State. I think this is the minimum that we can do for these children.

Let me close again by just thanking the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from Virginia (Mr. SCOTT) for all of the time. I think very often the public does not understand the kind of effort or the kind of time that individual Members or legislators put into subjects like this, where there is not a lot of attention given except when things go terribly wrong.

These are children that, in many instances, are seriously disenfranchised from the system; that, in many instances, through no fault of their own, found themselves caught up in dysfunctional institutions, dysfunctional families. And this is an effort, and the time that these two gentlemen have spent, this is an effort to throw them, if you will, a life preserver to see that if we can bring them back, we can provide the services, provide the accountability for those rendering the services and see whether or not we can give these children an opportunity at success rather than almost a condemnation to failure under the existing system.

Mr. GREENWOOD. Mr. Speaker, I yield 2 minutes to the gentleman from

Nebraska (Mr. OSBORNE), an active member of the Committee on Education and the Workforce.

Mr. OSBORNE. Mr. Speaker, I rise in strong support of H.R. 1900, the Juvenile Justice and Delinquency Prevention Act. I am particularly pleased to see language in the bill to provide positive youth development which includes mentoring. We often see money spent on building prisons, drug rehabilitation programs, hiring more police, and building youth correction facilities as money that is well spent. Money spent on prevention of juvenile crime, drug abuse, teenage pregnancy, is often seen as less important and sometimes is perceived as being wasteful. It costs 25 to $30,000 per year to incarcerate a young person. If that young person stays in prison for life, it is more than $1 million. States are currently raising unwanted children at unprecedented cost. Drug addiction leads to other crime and a great social cost to those involved. Recidivism is very high. It is much more cost effective to prevent juvenile misbehavior than to attempt to correct behavior after the fact.

One example is mentoring. According to ''Character Counts,'' mentoring reduces absenteeism from school by more than 50 percent, significantly cuts dropout rates, reduces drug abuse by more than 50 percent, certainly curtails teenage pregnancy, crime and violent behavior by significant degrees, and the cost is only about $400 per year, on the average, for a good mentoring program. So it is tremendously cost effective. The return is phenomenal in terms of the expense.

Mr. Speaker, I would like to point out the fact that the bill provides more flexibility for the use of funds at the local level. I think all of us realize that money spent at the local level is spent much more effectively than money spent at the Federal or the State level.

Finally, I would like to thank the gentleman from Virginia (Mr. SCOTT) and the gentleman from Pennsylvania (Mr. GREENWOOD) for their efforts, and strongly encourage passage of H.R. 1900.

Mr. SCOTT. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. SOLIS), a member of the Committee on Education and the Workforce.

(Ms. SOLIS asked and was given permission to revise and extend her remarks.)

Ms. SOLIS. I thank the gentleman for yielding me this time.

Mr. Speaker, I also rise in support of H.R. 1900. I stand here as a new member of the Committee on Education and the Workforce. My heart is full, because I realize that this is such an important issue that needs to be addressed. In my district alone, in Los Angeles County, I represent the East Lake detention facility. I had the opportunity of visiting that facility a couple of months ago and realized that a good number of the children, youngsters, that are there represented my district. I felt compelled that we need to do something immediately to help them, prevent them from furthering a life of crime and hopefully deterring them into a better life-style.

But I found that many of the young people, particular Latinos that I found there from my district, were experiencing some different kinds of hardships. Many of them at the age of 13 and 14 were already finding themselves as mothers. They were pregnant. I found that the treatment and medical attention that they needed to be prioritized. I asked the gentleman from Virginia (Mr. SCOTT) and other Members if they would please include an amendment in this bill to help address prenatal assistance in assessing these young women's needs. They adopted that.

I also wanted to thank them for including another provision, suicide prevention. Many of the youngsters that I saw at these facilities were also coming from a life of hardship. Some of them were recent immigrants, coming from war-torn El Salvador and other Central American countries. Faced with that dilemma, many of them had this put before them, of how they were going to lead their lives, not having appropriate supervision by their parents and by our inadequate school system that does not provide enough counseling and after-school programs. This bill, I believe, in my opinion will do that.

I want to thank the committee and I want to thank our leadership for taking the time to address these issues and including these two amendments in this bill. I ask for support of this legislation.

Mr. GREENWOOD. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. TANCREDO), another active member of the Committee on Education and the Workforce.

Mr. TANCREDO. Mr. Speaker, I rise in strong support of H.R. 1900. One of the things that our community in Littleton, Colorado had to deal with shortly after the Columbine tragedy was the fact that there were many parents and children who were frightened to return to school. They were frightened because they felt helpless in their ability to control their own environment. With that in mind, I asked the Colorado Bureau of Investigation, the Colorado Department of Education, U.S. West and AT&T to help me construct the Colorado school safety hotline. Within just a few months after the tragedy at Columbine, these posters were up in every school in the State of Colorado and a 24-hour hotline had been started and was in operation at CBI. Since that time, there have been some 1,323 phone calls, there have been several arrests, and God only knows how many incidents have been avoided as a result of the Colorado school safety hotline.

H.R. 1900 includes a provision that would allow States to use their safe and drug-free school money in the creation of their own hotline. I certainly encourage them to think about this as a way of preventing possible incidents similar to Columbine. The one thing we learned since then is that in every single situation we have had of school violence, without exception, the perpetrators of the crime told somebody.

With this knowledge in mind, it is imperative that every State in the Nation take the kind of action that we took in Colorado, the establishment of the hotline, to allow someone who may have heard something to call somebody anonymously, tell them what they have heard, and let the authorities take what actions need to be taken. With the inclusion of this particular amendment and for all of the other good things that are in this particular piece of legislation, I sincerely hope that my colleagues will support H.R. 1900.

Mr. SCOTT. Mr. Speaker, I yield 5 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), a member of the Committee on the Judiciary.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman from Virginia for yielding me this time. I also thank the distinguished gentleman from Pennsylvania (Mr. GREENWOOD), both the gentleman from Virginia (Mr. SCOTT) and the gentleman from Pennsylvania (Mr. GREENWOOD), for a very policy-changing initiative, H.R. 1900, that will really turn the corner in how we address the questions of juvenile crime control and the issue of delinquency. Let me thank them and their staff for this legislation.

Let me thank in particular my colleague on the Committee on the Judiciary for merging his responsibilities as the ranking member of the Subcommittee on Crime of the Committee on the Judiciary and the Committee on Education and the Workforce, realizing that these are two very important responsibilities, that there is some commonality.

Mr. Speaker, about a year ago, I held a hearing in my district with Senator PAUL WELLSTONE on the question of mental health and juvenile delinquency. We had over 90 witnesses, of local authorities, mental health specialists, parents who had dealt with suicide amongst their teenagers, and teenagers who said they had attempted suicide on a number of occasions.

□ 1135

One thing we determined out of that hearing was that we had to approach the issue of juvenile delinquency and the resulting crime in a totally different mode; that prevention and intervention on these young people and their families was crucial for America to get its hands around the whole question of juvenile indiscretions or crime and delinquency.

This bill authorizes the use of juvenile delinquency prevention block grants for projects that provide treatment to juvenile offenders. The bill

covers a litany of programs, including treatment for mental health problems for juveniles who have experienced violence, projects which provide for an individualized assessment, and the treatment plans for incarcerated juveniles suspected to be in need of mental health services, after-school programs for at-risk juveniles, programs related to the establishment and maintenance of a school violence hot line, and programs designed to reduce the unlawful acquisition and illegal use of guns by juveniles. It is heavy on prevention.

When we visited one of our juvenile detention centers with Senator WELLSTONE and County Judge Bob Eckels, we were able to see youngsters who were crying out for services, crying out for an adult that would help supervise them, and certainly in need of mental health.

This bill, of course, is of special importance to me; and I thank my colleague, the gentleman from Virginia (Mr. SCOTT), for addressing the question of the issue of mental health.

The mental health of children, including its intersection with the issue of juvenile justice, is an issue that has long been ignored. In the bill, as this passed through the Committee on the Judiciary, I was very glad that amendments that I proposed, language I proposed, was included, dealing with the mental health aspect as it was in the Committee on Education and Workforce.

Yet one to which I pay special attention, not only in my capacity as a member of the Committee on the Judiciary but also in my capacity as founder and chair of the Congressional Children's Caucus, in working with the House Bipartisan Working Group on Youth Violence that many of my colleagues served on, it was interesting that Members from both sides of the aisle came away from that 6- or 7- or 8-week time frame, and determined that prevention had to be the way this country and this Congress would go.

In doing so, mental health was raised as a very important issue. In the presentation I made, my particular subcommittee was dealing with mental health, it was without question that that was what was needed.

The mental health of children is an issue that has been too long ignored. Untreated, it manifests itself in many ways, ranging from eating disorders to school bullying and violence. That is why I have H.R. 75, that deals in particular with helping children overcome their frustration or their need for counseling by providing enhanced community mental health services.

We held a hearing a couple of weeks ago, the Congressional Children's Caucus, about bullying; and we determined that children need counseling to intervene so they do not bully each other and that turns into violence.

This legislation has many aspects to it, but what I believe is the key element to this legislation is a recognizing that we must look at juvenile delinquency and crime control in a totally different manner; intervene, prevent, before we run into trouble.

I, in conclusion, will simply say that this bill overall is an excellent bill. I would raise a reservation, however, about the provision of the bill that gives local authorities the ability to hold juveniles in adult lockups for more than 24 hours if other alternatives are not available. I would encourage my local communities to find alternative sites for our children, because what we want to do is intervene so those children can grow up to be contributing adults.

I support H.R. 1900, and ask my colleagues to unanimously support it.

I rise in support of the Juvenile Crime Control and Delinquency Prevention Act, H.R. 1900.

This bill authorizes the use of Juvenile Delinquency Prevention Block Grants for projects that provide treatment to juvenile offenders. The bill covers a litany of programs, including treatment for mental health problems, for juveniles who have experienced violence, projects which provide for an individualized assessment and the treatment plans for incarcerated juveniles suspected to be in need of mental health services, after-school programs for at-risk juveniles, programs related to the establishment and maintenance of a school violence hotline and programs designed to reduce the unlawful acquisition and illegal use of guns by juveniles.

This bill also authorizes the Office of Juvenile Crime Control and Delinquency Prevention to undertake specified activities regarding research, evaluation, technical assistance, and training, including providing training and technical assistance to mental health professionals and law enforcement personnel to address or promote the development, testing, or demonstration of promising or innovative models, programs, or delivery systems addressing the needs of delinquent juveniles who are placed in secure detention, confinement or in non-secure residential placements.

This bill is of special importance to me because it so wisely addresses the issue of mental health. The mental health of children, including its intersection with the issue of juvenile justice, is an issue that has been long ignored, yet one to which I pay special attention, not only in my capacity as a member of the Judiciary Committee, but also in my capacity as Founder and Chair of the Congressional Children's Caucus and as a member of the House Bipartisan Working Group on Youth Violence, which was formed on June 25, 1999 by Speaker HASTERT and Minority Leader GEPHARDT and which issued its final report on March 8, 2000.

Just this past July, the Congressional Children's Caucus held a briefing on the relationship between children's mental health and school bullying, and we discussed how bullying, which causes and is caused by mental health problems, can escalate into violence. And I am the sponsor of the bi-partisan bill H.R. 75, which would sponsor grants to schools to put more mental health professionals in our schools.

The issue is of such pressing importance that during the Congressional Black Caucus annual legislative conference this month, I will be hosting a forum on the nexus between juvenile justice and children's mental health. National experts will join us to discuss this topic.

The mental health of children is an issue that has been too long ignored. Untreated, it manifests itself in many ways, ranging from eating disorders to school bullying and violence, as I just discussed. In fact, in the bipartisan Working Group on Youth Violence formed a mental health subgroup to determine the extent to which mental health problems lead to incidences of youth violence and how to address the problem. We determined, in part, that it is important to identify at risk youths in school to encourage them to see schools are safe, stable learning environments and to ensure that they have access to mental health services. The Report also noted that the juvenile justice system should screen youths who enter the system and that treatment is provided where the need is identified. Hence, I am pleased to see that many of the recommendations of the Working Groups have been considered in drafting this legislation. This was not a group of mere talking heads, but a group that proposed and is enacting real, practical solutions.

The fact the juvenile violent crime has decreased does not mean that we should ignore the problem. Indeed, we should see it as an opportunity to identify the previously unanswered problems and reach those who might otherwise be issued.

I do have reservations about the provision of the bill that gives local authorities the ability to hold juveniles in adult lockups for more than 24 hours if other alternatives are not available. However, I applaud efforts to address the mental health needs of the troubled youths. Hence, I believe that the benefits of the bill far outweigh its negative aspects and believe that as its provisions are enacted, we will work to correct any shortcomings.

It is time we took an affirmative step forward and realized that although we may differ on some provisions, we all agree that we must help our youth become, productive, mentally and physically, law-abiding citizens. I urge my colleagues to join me in supporting this bill.

Mr. GREENWOOD. Mr. Speaker, it is my pleasure and honor to yield 3 minutes to the gentleman from Delaware (Mr. CASTLE), the most distinguished chairman of the Subcommittee on Education Reform of the Committee on Education and the Workforce.

Mr. CASTLE. Mr. Speaker, I thank the distinguished gentleman from the Commonwealth of Pennsylvania for yielding me time.

Mr. Speaker, I am pleased also to support this legislation. When police arrest children and young adults who shrug off their criminal acts as a right of passage, our response is often fear and anger. How can we protect ourselves? How can we make them pay for what they have done?

Then a secondary, more productive response sets in, how did these children become settled in lives of delinquency and crime? How can we intervene to break the link between a single delinquent act and a life of criminal activity?

Today, after countless hearings and debates, we seek to answer these questions with a balanced response through H.R. 1900, the Juvenile Crime Control

and Delinquency Prevention Act. This act, sponsored by the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from Virginia (Mr. SCOTT), is a product of extensive negotiations between Members of both sides of the aisle; and I am pleased that it comes to the floor with bipartisan support, thanks in large part to the sustained effort of the bill's authors.

H.R. 1900 recognizes that there are many root causes of crime. When we examine the lives of our most troubled young adults, we often see many predictors of their behavior, absent parents and an absence of safe and enriching places to go after school, among others.

The bill also appreciates the fact that most successful solutions to juvenile crime are developed at the State and local levels, encompassing multiple strategies that are put in place according to specific need of families, neighbors, and communities. In so doing, H.R. 1900 is flexible enough to fund State and local programs and services ranging from character education and mental health, to school violence hot lines.

In addition, H.R. 1900 recognizes that after-school programs give our most at-risk children a positive alternative to television, drugs, and crime; and it ensures that funds are available to support these programs. In this age of dual-income families, roughly 5 million children come home to an empty house after school. It is, therefore, not surprising then that juvenile crime increases by 300 percent after 3 p.m. This bill will help change that.

Finally, H.R. 1900 allows States to use their funds to extend the reach of after-school programs to children in need. As we all know, children who enjoy the advantages of caring parents and good schools can just as easily go astray as those who do not.

Many adults in prison today began their criminal careers as youths and teenagers, and any attempt to reduce crime and its societal cost must place a high priority on the needs of our young adults.

For 6 years, the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from Virginia (Mr. SCOTT) have worked to create a bipartisan solution to this difficult problem. This year, I am confident that, with our support, they will see their bill become law. To that end, I urge an aye vote.

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

Mr. Speaker, this bill is a product of a lot of hard work. We had leadership from the committee, from the chairman, the gentleman from Ohio (Mr. BOEHNER); the subcommittee chairman, the gentleman from Michigan (Mr. HOEKSTRA); the gentleman from Delaware (Mr. CASTLE); and, our side, from our ranking member of the committee, the gentleman from California (Mr. GEORGE MILLER); and the gentleman from Indiana (Mr. ROEMER).

But, more important, Mr. Chairman, we had hard work from our staffs, Jo-Marie St. Martin, Judy Borger, Bob Sweet, and Krisann Pearce from the Republican side, and Denise Forte, Maggie McDow, Cheryl Johnson, and Ruth Friedman from the Democratic side.

I would point out that Judy Borger and Denise Forte spent innumerable long hours over the last 5 years working on this bill, and they are really the experts on juvenile justice for the House of Representatives.

I am particularly pleased, Mr. Speaker, to have worked over those years with the gentleman from Pennsylvania (Mr. GREENWOOD). We have had many long, difficult discussions. This is a very politically charged issue. Two years ago when we went through this, there were a lot of provisions put into the bill that his side wanted, but our side did not; a lot of provisions were put in the bill that our side wanted, that his side did not; and when we ended up, we had a bill that nobody wanted and it did not pass.

We focused on those core, important issues. That was very difficult, and I want to thank the gentleman from Pennsylvania (Mr. GREENWOOD) for his hard work and cooperation.

Mr. Speaker, I ask the House approve the bill. It is a product of very hard work and will help our next generation.

Mr. Speaker I yield back the balance of my time.

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

Mr. Speaker, let me also return the kind word of the gentleman from Virginia (Mr. SCOTT). We have worked together long and hard. There were a dozen issues in which it would have been a relatively easy matter for us to collapse our negotiations and collapse our talks and walk away and give up, which is sadly too often what happens in this body.

But each and every time that I went to the gentleman from Virginia (Mr. SCOTT) and said we have to work this out, how can we do this, let us put our heads together, can you yield a little bit here if I yield a little bit here, can you get your Members to go along with this compromise if I can get my Members to go along, without exception, every single time the gentleman from Virginia (Mr. SCOTT) was there to do that.

I have made a good friend of one of the best Members of this House, and I am proud to be associated with the gentleman in this work and thank him again.

Mr. Speaker, we are at a time of national crisis; and, ultimately, our success will depend partly upon our superiority when it comes to technology and to our military equipment. Ultimately, our success over the coming months and years and decade will be a function of the character of the American people.

When we talk about the character of the American people, we have to remember that that means everyone.

□ 1145

No one can be absent from the national cause to develop the strength of character and to see us through these dark times and to resecure America's place in the world.

As a former caseworker who has worked with abused and neglected and troubled and delinquent children, I know firsthand that what these kids need more than anything else is adults in their lives who care about them, who are interested in their future, who believe in them, who have confidence in them, and who do not throw them away into the dark dungeons of the juvenile justice system but, in fact, spend time with them to teach them discipline, to teach them self control, to teach them about the need to take responsibility for the consequences of their actions.

I believe that this legislation will promote those efforts in every State and county in the country so that the young people who find themselves, generally because of difficulties in their home situation, with histories of abuse and violence and neglect and terrible home situations, find themselves in trouble with the law. These provisions in H.R. 1900, I think, will help these young people become full-fledged members of society who can contribute to our national security and well-being, rather than drain resources for important and vital needs.

Again, I thank all of the Members and the staff who have worked on this. I urge passage of H.R. 1900.

Mr. WU. Mr. Speaker, I rise in support of H.R. 1900, the Juvenile Justice and Delinquency Prevention Act of 2001. The rise of crime, particularly violent crime, among our nation's youth is a problem that affects us all. The downstream result of our action—or inaction—is tremendous. Today is all about the future. Future generations will be affected by the actions we take today, and we can choose to either address the current situation and work for tomorrow, or turn a blind eye. I believe we must work with our youth to make a brighter future.

I am particularly pleased that the bill before the House today includes a provision which I wrote to help local schools detain and monitor, including a psychological evaluation, any student who brings a gun to school. Recent school tragedies, like the one that took place in my home State of Oregon, have occurred after a student was sent home after bringing a gun to school. The WU provision in the Juvenile Justice bill will ensure that local schools can provide for immediate psychological evaluation and follow-up treatment for any juvenile that brings a gun on school grounds.

By ensuring that local schools will have these students evaluated in a timely fashion, we are intervening at the right time: before another tragedy transpires. I believe this provision is in the best spirit of commonsense and prevention. I want to thank my colleague from Oregon, Mr. DEFAZIO, who

has been very supportive of this amendment. He has toiled very hard on behalf of his constituents, including those in Springfield, and deserves to be recognized for his good work. I thank him for his friendship and counsel.

I thank the Members of the Committee on both sides of the aisle for their good efforts, and urge all my colleagues to support this legislation.

Mr. BOEHNER. Mr. Speaker, today we consider legislation to prevent juvenile crime, while at the same time holding juvenile criminal offenders accountable for their actions. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) was created by Congress in 1974 to help communities and States prevent and control delinquency and to improve their juvenile justice systems. The nature and extent of delinquency and abuse have changed considerably since OJJDP was created, and this reauthorization has taken that into account.

I want to especially thank my colleagues JIM GREENWOOD and BOBBY SCOTT for this bipartisan bill. They have worked tirelessly for several years to craft a bipartisan bill that I believe will provide flexibility and assistance to States and local communities in preventing and controlling juvenile crime. And I also want to thank Chairman HOEKSTRA and Ranking Member TIM ROEMER for the good work they did in steering this bill through Committee. My thanks to Ranking Member GEORGE MILLER who has worked closely with me in bringing this bill through full Committee and to the Floor for consideration today.

These programs have not been authorized since 1994, although a similar bill has passed the Congress by overwhelming margins at least twice since then. This year, I believe we have an opportunity to send this bill to the President for his signature.

There have been a number of issues that we have included in this bill that are worthy of note.

The collection of data on the frequency, seriousness, and incidence of drug use by youth and information on the relationship between victims and perpetrators of violence; the determination of the type of weapon used in violent incidents as reported in the FBI's Uniform Crime Report; the prohibition of the development of any national data base of personally identifiable information; a prevention block grant that will give states added flexibility in how they use grant funds to prevent and control juvenile delinquency; an emphasis on making sure that juvenile justice programs under this act are proven effective based on scientifically based research; participation by the State advisory groups in helping States determine those areas most in need of juvenile justice system improvements; mentoring and positive youth development programs; attention to the mental health needs of juvenile offenders; the development and implementation of character education programs; and a school violence hotline for students and parents to report suspicious, violent, or threatening student behavior.

Although violent juvenile crime peaked in 1994 and has declined almost 36 percent since then, we must not become complacent. The juvenile justice system, including the courts, face new challenges, including ways to deal with illegal drug dependence, underage drinking, youth gangs, violent juvenile offenders, and an increasing number of female juvenile offenders, just to name a few. We must find solutions to these new challenges, and the best way to do this is offering flexibility to those most directly responsible for preventing and controlling juvenile crime. The reauthorization of the Juvenile Justice and Delinquency Prevention programs is an important step in providing this assistance. I urge a favorable vote on this bill today.

Mr. SCHAFFER. Mr. Speaker, I rise today in opposition to HR 1900, the Juvenile Crime Control and Delinquency Prevention Act of 2001.

Few things are more important than reducing youth violence and delinquency. If America's children are truly important—and I believe they are—then we should be prepared to spend whatever it takes, and do whatever is necessary to help them on their way to full wholesome participation in American society. Mr. Speaker, I am also convinced this Congress is capable of accomplishing these important goals. The political will of the House probably exists. But if it does, we will not know, because the bill in question betrays our noble intentions regarding America's youth and the scourge of youth violence.

Mr. Speaker, the current research associated with the subject of HR 1900 provides alarming, overwhelming, irrefutable, and confirmed evidence that programs undertaken by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) are a complete waste of taxpayer dollars, because they cannot be proven to work.

Despite these programs lack of proven effectiveness, the number of active OJJDP discretionary grants has more than tripled since 1996 (the time of OJJDP's expiration), and the related funding has almost doubled to $555 million. Before reauthorizing this questionable program again, Congress should at least question whether OJJDP programs are a good use of federal funds. Congress should also devote its energy to ensuring any and all such programs yield the kinds of results that might inspire public confidence and ultimately improve the lives of America's youth.

In 1997, the Center for the Study and Prevention of Violence released Blueprints for Violence Prevention, the most comprehensive review of juvenile crime prevention programs at that time. The Congress was referred to this report by the Department of Justice itself during testimony before the House Committee on Education and the Workforce. The study contains a scathing review and rather harsh criticism of various youth justice and delinquency programs. The expository report filled a void for much-needed research on the ineffectiveness of violence prevention programs.

The authors of Blueprints surveyed 400 program activities and could identify only a paltry 10 that met their standards for effectiveness. The report's analysis pronounced a credible and shocking indictment on violence prevention programs, stating, ''the vast majority of these programs are not being evaluated. Worse yet, some of the most popular programs have actually been demonstrated in careful scientific studies to be ineffective, and yet we continue to invest huge sums of money in them for largely political reasons.''

The report goes on to lambaste violence prevention programs further. ''A responsible accounting to the taxpayers, private foundations, or businesses funding these programs requires that we justify these expenditures with tangible results. No respectable business or corporation would invest millions of dollars in an enterprise without checking to see if it is profitable.''

In the long run, Blueprints found that ''the deterrent effects of most prevention programs deteriorate quickly once youth leave the program and return to their original neighborhoods, families, and peer groups.'' So, unfortunately, even the best violence prevention programs have little lasting value over time.

Since Blueprints was released in 1997, the Center for the Study and Prevention of Violence has reviewed 100 additional programs, yet it has added only one to its list of effective programs. An additional 19 programs have been listed as ''promising.''

Just this past week, I received a briefing on the status of two GAO reports to be released in October on OJJDP programs. The findings are not complimentary of the way OJJDP is monitoring and evaluating its programs. In fact, the reports provide even more compelling evidence that OJJDP has not responded to 1996 GAO recommendations for better grant monitoring as the agency pledged it would. Mr. Speaker, why should anyone expect OJJDP to comply now?

The soon-to-be-released GAO reports show that an incredible 96 percent of the demonstration grants had no documentation showing the required number of phone contacts had been met, and 88 percent of the grants had no documentation for the proper number of site visits. Progress reports did not cover the entire grant period in 56 percent of the 89 demonstration grant files and 80 percent of the 45 training and technical assistance grants files. Financial status reports did not cover the entire grant period in 65 percent of the demonstration grant files and 60 percent of the 45 training and technical assistance grant files. According to the GAO, ''Our current observations are similar to those we reported in May 1996 about the agency's lack of documentation of its monitoring activities.''

In addition to grant monitoring problems, the GAO has found major problems in the way OJJDP is evaluating some of its programs for effectiveness on juvenile attitudes and behavior. A standard component of good social science research is the inclusion of a control group by which to compare students in OJJDP programs to those not in the programs. GAO has found that a significant number of OJJDP impact evaluations do not include control groups, thus rendering the evaluations useless and a complete waste of money.

Congress should be alarmed by this information. If OJJDP cannot determine the effectiveness of its own programs, why should the American people, especially during a time of resource scarcity, continue to fund unproven—sometimes dangerous—programs? I submit to this House, Mr. Speaker, there is no compelling answer.

In light of the ongoing monitoring and evaluation failures at OJJDP and the embarrassing lack of evidence for program effectiveness, I strongly urge my colleagues to join me in opposing H.R. 1900. We should not continue to fund OJJDP programs to the tune of more than $500 million per year when the programs consistently receive poor marks for effectiveness and the research shows no progress toward actually making an appreciable difference in the lives of America's youth.

To pass this legislation is to perpetrate great harm upon America's youth and a cruel hoax upon those who expect this Congress to act in a compassionate, responsible manner toward the provision of suitable guidance for troubled young citizens. On the contrary, Congress owes our youngest Americans more than the hollow effort, and the sinister gesture that the research reveals HR 1900 to be.

Mr. Speaker, this House should instead act in a dignified way by rejecting this bill in deference to a more serious effort to restructure the Nation's juvenile justice programs in a way that will work. This House should insist that the efforts of the federal bureaucracy reflect the higher value of America's young citizens. We should be prepared to spend whatever it takes, and devote as much as we can for the legitimate improvement of American society.

Unfortunately, Mr. Speaker, HR 1900 only perpetuates the bad habits of an uncaring and unproven bureaucracy and it abandons the very children in whose name this poor legislation is deceivingly cloaked.

Mr. GREENWOOD. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WHITFIELD). The question is on the motion offered by the gentleman from Pennsylvania (Mr. WHITFIELD) that the House suspend the rules and pass the bill, H.R. 1900, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately noon today.

Accordingly (at 11 o'clock and 47 minutes a.m.), the House stood in recess until approximately noon.

□ 1205

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WHITFIELD) at 12 o'clock and 5 minutes p.m.

DISTRICT OF COLUMBIA FAMILY COURT ACT OF 2001

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2657.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and pass the bill, H.R. 2657, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 408, nays 0, not voting 22, as follows:

[Roll No. 343]

YEAS—408

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeFazio
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—22

Baker
Berman
Burton
Clay
Deal
DeGette
Dingell
Gillmor
Holden
Hostettler
Kind (WI)
King (NY)
Lucas (OK)
McInnis
Murtha
Ortiz
Rush
Sawyer
Schaffer
Stupak
Towns
Watkins (OK)

□ 1246

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION TO EXPAND TIME FOR GENERAL DEBATE DURING CONSIDERATION OF H.R. 2586, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002

Mr. STUMP. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 2586 in the Committee of the Whole pursuant to the order of September 19, 2001, general debate be enlarged to 2 hours equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services.

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

There was no objection.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002

The SPEAKER pro tempore. Pursuant to the order of the House of Wednesday, September 19, 2001, and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2586.

The Chair designates the gentlewoman from Illinois (Mrs. BIGGERT) as Chairman of the Committee of the Whole, and requests the gentleman from Kentucky (Mr. WHITFIELD) to assume the chair temporarily.

□ 1247

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2586) to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2002, and for other purposes, with Mr. WHITFIELD (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the order of the House of Wednesday, September 19, 2001, the bill is considered as having been read the first time.

Pursuant to the order of the House of today, the gentleman from Arizona (Mr. STUMP) and the gentleman from Missouri (Mr. SKELTON) each will control 1 hour.

The Chair recognizes the gentleman from Arizona (Mr. STUMP).

Mr. STUMP. Mr. Chairman, I yield myself such time as I may consume.

On August 1, the Committee on Armed Services reported H.R. 2586 with strong bipartisan support, a vote of 58–1.

The bill authorizes appropriations for the Department of Defense and for the Department of Energy national security programs for a total of $343 billion in budget authority, consistent with the President's amended defense budget request.

Mr. Chairman, normally at this point we cover all the various initiatives in the bill and why this is a strong proposal to support our men and women in uniform. This bill is all that and more.

The bill contains the largest military pay increase since 1982 and provides significant increases in funding for critical military readiness accounts. The bill also makes great strides in beginning to fix our crumbling military infrastructure and makes a modest down payment on our next priority, the modernization of our aging fleet of combat equipment.

However, the bill also reflects the reality that existed prior to last Tuesday's terrorist attacks on the United States.

The tragic events of September 11, 2001, have changed our Nation. They exposed our vulnerability to terrorism and removed forever the belief that Americans here at home were safe from the kinds of barbaric attacks that have occurred against our citizens, our military personnel, and our friends and allies overseas. We now know that America itself is a target and that terrorists will not hesitate to use whatever means at their disposal to kill innocent Americans on a massive scale.

The terrorists' actions were deliberate and calculated. Our response must be as well. Once again, our Armed Forces are being called upon to defend this great Nation, this time from the scourge of terrorism. I have no doubt that they will rise to the occasion. But we must ensure that they have the proper tools and resources to do the job, now and in the future.

H.R. 2586 provides our men and women in uniform with the tools they need to combat the challenges our country will face in the next decade and beyond. The bill goes a long way toward helping our military recover from the devastating effects of the chronic underfunding that has taken place over the past 8 years. It is a critical step toward ensuring that the United States is ready to meet the challenges that lie ahead, including the challenge of meeting and defeating international terrorism.

The bill recognizes that the war against terrorism will not be won quickly and that the United States will require additional capabilities to deal with the threat terrorism poses to America. To this end, the bill authorizes roughly $6 billion for Department of Defense programs to combat terrorism. Moreover, the bill reflects the need to modernize America's military capabilities so that our country's vulnerability to other threats, including ballistic missiles, will be eliminated.

This is a good bill. However, despite the increases contained in the bill, additional resources will be needed. America's defenses cannot be rebuilt in a single year. The war against terrorism cannot be won with a single year of defense increases. Our ability to protect our citizens against other emerging threats cannot be assured with a single year of defense increases. The effort to improve our Nation's defenses and our people's security must be significant and it must be sustained.

That said, it is clear that the funding levels in this bill will not be sufficient to support the level of effort that the Department must undertake to hunt down and root out the perpetrators of last week's attack. I understand that the Pentagon and the administration are in the process of identifying additional resources required, and we hope to receive a proposal to address these needs soon.

Rather than wait until that proposal arrives, I urge the House to proceed with the approval of this bill and allow us to adjust it as the outlines of the administration's revised budget proposal become clearer. The bill is too important and contains too many critical legislative tools necessary for the Department to conduct its business to fall victim to the press of schedule.

I urge my colleagues to support this legislation.

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

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this has been quite a trying year for the Committee on Armed Services. Last year I stood with Floyd Spence to offer the bill, which was titled in his name. I am very glad that Congress approved that bill, not least as a tribute to Floyd. Since then, too, the passing of Herb Bateman and Norman Sisisky took from our committee and the Congress great knowledge and wisdom.

A significantly compressed budget process challenged the committee's ability to maintain its required oversight role. And, more recently, the revived specter of military action led to consideration of significant changes in this bill.

Through all this, Mr. Chairman, I am grateful for the friendship and the teamwork displayed by the gentleman from Arizona (Mr. STUMP). He has an open door and an open mind, which are in large part why I am able to say that I support this bill and ask my colleagues to do so as well. The road has been difficult, but the product is well worth the journey.

When we began work on this bill, America was at peace. We looked at the future and saw a world of new threats, from less traditional sources and differing means. Our goal as a committee was twofold: to help the military services make their transitions into this new world, while maintaining their capabilities to meet the needs of the present.

Then some of our worst fears were realized, and innocent Americans, civilian and military, became targets of an unspeakable and inhumane barbarism. The United States was thrust into a new kind of war, emphasizing intelligence and adaptability over force and firepower. Through the amendment and conference process, our bill will change to meet this new challenge without losing our other capabilities.

The gentleman from Arizona has told you of some of the bill's particulars. I am particularly proud of the pay raise for the men and women who represent America in uniform, and wish only that it had been higher. I am proud, also, of the way our subcommittee chairs worked with their ranking members in creating this bill. Plenty of creativity and tolerance went into their work. Even in areas of disagreement, the debate was agreeable.

And, to be sure, there are some worthy highlights. Of the $343 billion authorized, the bill commits approximately $10.3 billion to build and renovate new facilities and housing for the military services. It helps to privatize 28,000 units and builds 51 new barracks and dormitories. This is putting our money where the soldier is.

And we do not forget the families. The bill builds or improves 6,800 units of military family housing, makes substantial contributions to supporting additional quality-of-life enhancements like child development centers and fitness centers for military personnel, and improves basic working conditions.

As the Department of Defense considers how it shall fight in the decades ahead, our procurement and research development titles preserve the widest range of options. We do not take away capabilities commanders say they need, and back a full array of new and innovative approaches for the future.

The bill also begins to formally close the door on the Cold War. It takes a bold new step in our relations with Russia, allowing for the elimination of 50 Peacekeeper missiles. At the same time, it funds the cooperative threat reduction programs that make those offensive reductions possible. Other adversaries would do well to note how cooperation in making peace leads to greater security on all sides.

There are many more strong reasons to support the bill, but let me set aside the formalities for a moment and speak to my colleagues from the heart.

One clear trend in the history of warfare is that war has come closer and closer to civilians. Now we are faced with an aggressor who deliberately chooses to make war on civilians.

We have a military, Mr. Chairman, of volunteers, each of whom has chosen to put on a uniform. Each of them knows that by doing so, he or she is saying this: ''I will put myself between Americans and danger. I will risk my life and freedom to preserve yours. I will do what my country asks, and more.''

Mr. Chairman, their strength and fidelity may soon be put to the test. I guarantee every Member that they will not be found wanting.

As they go, I hope and believe that they carry with them every good wish of those in this Chamber and across the civilized world. And I wish them Godspeed.

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

Mr. STUMP. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. HUNTER), chairman of the Subcommittee on Military Research and Development.

Mr. HUNTER. Mr. Chairman, this is a bill in which we generally have some fairly hotly contested issues. It is a bill in which Members voice strong opinions because national security issues evoke strong opinions. But all of us understand now that we have a major mission which predominates over all other missions with respect to this bill; and that is to give the President the tools that he needs to pursue the terrorists who struck America.

Because of that, Mr. Chairman, I think we are all going to be working together here as we walk through the floor with this bill and go to conference and try to keep our controversy to a minimum, try to compromise on packages, and try to move to the point where we are actually procuring for the President, for our armed services, the resources that they need.

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So let me thank my colleagues, the gentleman from Massachusetts (Mr. MEEHAN), my partner on the Subcommittee on Research and Development; the gentleman from Missouri (Mr. SKELTON); all the other fine Members on the Democrat side of the aisle; and all my fine colleagues on the Republican side of the aisle, who make up this great committee called the Committee on Armed Services.

In R&D, let me tell Members where we have been moving. We have been trying to do everything we can to leverage America's technology, both militarily developed technology and commercially developed technology, to give our smaller forces which we now have today the capability to be extremely effective, extremely mobile, and extremely flexible.

This is a long, difficult challenge, and it is going to take years to make this change; but in a number of areas, we are making great strides with this bill. We are putting quite a bit of money into precision munitions, to upgrade our capability to use a single munition to do the job. Where, heretofore, you needed to use lots of dumb bombs, for example, to knock down a bridge or something of that nature and the ability to go in with a precision munition and make a single hit and do effective damage with that one hit, it is a great advantage that comes out of our technology; and that is something that we are trying to manifest in our munitions programs.

Stealth, Madam Chairman, the ability to fly aircraft through heavy enemy air protection to avoid and evade radar, so we can move our planes into position to strike and move them back out without losing pilots. That is an area manifested in the Joint Strike Fighter program, the F–22 program, and other programs which we are developing or are devoting a lot of resources to in R&D.

In the Army, the ability to move our forces quickly and to make sure that they are mobile enough and flexible enough to get into very small, tight, parts of the world, the problem that we discovered in the campaign in Kosovo. We are trying to rectify that with some changes in the makeup of our military forces and the armor forces that accompany those forces.

Madam Chairman, in the Subcommittee on Research and Development, we are devoting a large amount of dollars to help the Army change to a position where it is more mobile, more responsive, and especially more air mobile, because we have to get a lot of this equipment around the world in a very short period of time.

With respect to missile defense, we all understand we live in an age of missiles. That was revealed to us in the early 1990s when 26 Americans were killed in the Gulf War by ballistic missiles. Across-the-board, Democrats and Republicans are working on a whole family of anti-ballistic missile systems, some of which are deployable now, like PAC–3, which can handle some of the basic Scuds, right up to the testing range that the President needs for national missile defense. We think we are going to have a package on that a little later, Madam Chairman, that Democrats and Republicans can agree to.

So, across-the-board, Madam Chairman, on R&D we are doing everything we can to give our country broad capability against military threats. As we walk through this package, we are going to want to add things as we go into the conference with the other body to focus especially on new requirements as a result of the strike on America.

Mr. SKELTON. Madam Chairman, I yield 2 minutes to the gentleman from Guam (Mr. UNDERWOOD).

Mr. UNDERWOOD. Madam Chairman, I thank our leader on the Democratic side for yielding me time.

Madam Chairman, at this particular time in our debate here in Congress, there is no more important bill that we are confronted with than this particular bill to provide adequate resources to our men and women in uniform and to all the people who work in support of those men and women in uniform. Certainly at this point in time in our Nation's history as we contemplate a wide variety of ideas and scenarios regarding what is an appropriate response to the heinous attacks that have been unleashed upon our people, the Defense Authorization Act for fiscal year 2002 will certainly be one of the most important defense authorizations in our history.

Madam Chairman, I rise today to join my colleagues in support of H.R. 2586, the fiscal year 2002 Defense Authorization Bill. This bill is well-crafted legislation and a result of tremendous bipartisan effort. It will go a long way toward ensuring that the bedrock of our security, our troops, will be well looked after and supported in the forthcoming year. It provides the largest military pay raise since 1982, and meets many of our military's modernization needs. This bill is essential to stemming the decline in readiness and buttressing the security of the United States and around the world.

In particular, I want to address the provisions in the act relating to the morale, welfare, and recreation activities of DOD. First, I want to acknowledge the outstanding leadership of the panel chair, the gentleman from Maryland (Mr. BARTLETT), and active participation and strong support of panel members. While there are few legislative provisions in this bill, it does not detract from the work of the panel or support of the committee for those provisions.

I also want to draw attention to some of the items in the defense authorization which will support Guam and its strategic role to our Nation's national security. There is over $66 million in MILCON activities. The people of Guam stand ready to do their part.

Mr. STUMP. Madam Chairman, I yield 3 minutes to the gentleman from Colorado (Mr. HEFLEY), the chairman of our Subcommittee on Readiness.

Mr. HEFLEY. Madam Chairman, I rise today in strong support of H.R. 2586, the National Defense Authorization Act for fiscal year 2002.

I believe the committee has done a good job in fulfilling its role of oversight of the Department of Defense and has done its best to provide the necessary funding to improve the readiness of our military forces. Let us not forget, however, that for many years we have asked our military to do more and more with less and less. Now, after the tragic events of last week, we will be asking our military men and women to do even more.

Although there have been many additional missions placed on our military forces over the years, there has not been a corresponding increase in funding to fully sustain our infrastructure and equipment.

We are all heartened that the funding levels requested by the administration for next year makes an attempt to arrest the decline in military readiness and begins the process of rebuilding and restoring our military forces. To accomplish this, the administration has had to significantly increase readiness funding this year as compared with last year. As an example, funding for flight operations has increased by over $2.2 billion, which includes the increased costs for fuel and attempts to address the severe parts shortages. In addition, there is an increase for combat training of over $825 million, an increase for facilities repair and sustainment of nearly $500 million, and an increase of $1.2 billion for depot maintenance and repair of equipment. These are significant increases; but, again, they merely halt the decline.

Madam Chairman, H.R. 2586 is a responsible, meaningful bill, that fairly allocates resources for the restoration of acceptable readiness and an acceptable quality of life for men and women of our military forces. To do anything less will allow the readiness of our military to slip further and could risk the lives of countless men and women in every branch of the military.

As we get this bill into conference, we may decide on or the President may come down with other needs based upon the events of the last few days and we can address those and we need to address those. For now, however, this is a good bill, and it deserves our support. I strongly urge my colleagues to vote yes on this bill, to vote yes to maintain military readiness.

Mr. SKELTON. Madam Chairman, I yield 2 minutes to the gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. Madam Chairman, as the ranking member of the Subcommittee on Military Personnel, I would like to thank my friend and colleague, the fine chairman of the Subcommittee on Military Personnel, the gentleman from New York (Mr. MCHUGH), for his leadership this year.

Madam Chairman, each and every day our volunteer men and women in uniform go forward to protect America's freedoms. Sometimes they are asked to pay the ultimate sacrifice, like those serving in the Pentagon on September 11. We owe those dedicated and committed individuals not only our gratitude but also our support.

With this bill, we continue to improve the quality of life for those men and women and their families who chose to serve our Nation. It provides the largest military pay raise since 1982, including a 6 percent minimum to enlisted members and a 5 percent minimum to officers, and targets up to 10 percent for mid-grade and senior noncommissioned officers.

The enhancements made to permanent change of station benefits will help to reduce out-of-pocket costs for those uniformed personnel and their families who often move to different bases to meet the needs of the individual services. And we continue to reduce out-of-pocket housing costs for families.

The bill directs improvements to protect the rights and privileges of military personnel and their families to exercise the constitutional right to vote. We have also made improvements to health care. The Department has been directed to review the need to provide health care coverage to reservists and their families, and it clarifies previously enacted benefits under TRICARE for Life and other TRICARE benefits which were authorized last year.

Given the expected increase in deployments for our forces as a result of the attack on the United States, I believe that in conference we need to review the $100 per day deployment bonus for those deployed more than 400 days out of every 2 years. While I understand why this policy was developed and passed last year, to encourage the services to reduce the high rate of deployments for military personnel, and I appreciate the language that has been added to ensure that the potential impacts of the policy are looked at, we need to ensure that the deployment pay policy is fair, that it does not inadvertently harm military operations or that it becomes too expensive for the services, particularly the Navy and Marine Corps, to bear.

Madam Chairman, the bill before us today continues to improve the quality of life for those who serve their Nation in uniform and their families. These defenders of liberty need to know that their families are being taken care of while they are protecting our freedoms.

Once again, Madam Chairman, let me say it is a pleasure to work with the gentleman from New York (Mr. MCHUGH) and the members of the Subcommittee on Military Personnel. I urge my colleagues to support this measure.

Mr. STUMP. Madam Chairman, I yield 4 minutes to the gentleman from New York (Mr. MCHUGH), the chairman of our Subcommittee on Military Personnel.

Mr. MCHUGH. Madam Chairman, I thank the chairman for yielding me time.

Madam Chairman, let me echo the words of many who have spoken already. I know we will hear more about the great spirit of unity that we have seen displayed in the formulation of this bill, and that is a compliment, of course, to the Members on both sides of the aisle. But a particular word of thanks and appreciation to the chairman, the gentleman from Arizona (Mr. STUMP), and the ranking member, the gentleman from Missouri (Mr. SKELTON), for their incredible leadership.

Madam Chairman, given the truly tragic events of Tuesday, September 11, in my home State of New York and Northern Virginia at the Pentagon, and, of course, in Pennsylvania, it certainly is fitting, timely and essential that we consider this bill at this moment.

Like so many others, I rise in strong support of this measure. I believe there are many, many reasons for each and every Member of this body to enthusiastically endorse the legislation when it is called for a vote.

Most importantly, Madam Chairman, this bill represents a balanced approach to improving national security, providing significant initiatives in modernization, missile defense, readiness, research and development, military construction and procurement and that kind of balanced approach. For the long-term improvement to our national security, it is absolutely essential to our mission and certainly is essential to dealing most effectively with those developments of September 11.

On the personnel side, I think that there are many exceptional provisions that certainly argue strongly in favor of this bill. I want to thank the gentleman from Arkansas (Mr. SNYDER) who just spoke for his leadership as the ranking member and for working with all of us on both sides of the aisle to put these provisions together. Although you just heard a number of them, I think they bear repeating.

Specifically, this bill builds on the administration's fiscal year 2002 budget request for military personnel and health care that causes this legislation to be the strongest, most robust proposal in years. It provides some $6.9 billion more for the military personnel accounts than we provided just last year. That is the biggest 1-year increase in military personnel accounts since 1985.

It increases the health care operations accounts by $6 billion over what was authorized in fiscal year 2001. It reflects a commitment shared by DOD

and the Congress to fully fund health care for our brave men and women in uniform that we are now looking to to lead us in this, this greatest of challenges.

The legislation also provides for the largest military pay increase since 1982, including a 5 percent across-the-board increase for officers and a 6 percent across-the-board increase for all enlisted personnel.

Further, the bill authorizes retirement-qualified members of the uniformed services to receive VA disability compensation. This would allow us for the first time to meaningfully deal with that concurrent receipt issue. I want to thank the gentleman from Florida (Mr. BILIRAKIS), who has been such a leader in this provision.

The bill also very quickly reduces out-of-pocket costs that we require our military men and women to pay from 15 percent to 11.3 percent over the next year, keeping faith with the plan that we initiated to eliminate those costs, and many other provisions with respect to improving TRICARE, health care for our men and women in uniform, building on the budget request for so many other kinds of personnel issue accounts that are so invaluable as we ask these men and women to go forward to defend our Nation.

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As we ask these men and women to go forward to defend our Nation and defend our interests, this bill I think signifies very strongly our shared commitment to them as we go forward on this day; and I certainly urge all of the Members to strongly support this measure when the vote is called.

Mr. SKELTON. Madam Chairman, I yield 2 minutes to the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Madam Chairman, I rise in strong support of the National Defense Authorization Act for Fiscal Year 2002.

As the ranking member of the National Nuclear Security Administration Oversight panel, I want to specifically address the provisions of the bill relating to the Department of Energy and the NNSA.

Madam Chairman, the decision to retain the oversight panel again this year sends a very clear message of Congress's intent to aggressively exercise its oversight responsibility in an area that is undoubtedly crucial to our national security. This resurgence of meaningful interest in the Department of Energy's defense nuclear activities will have a lasting impact on the activity that has been entangled in a bureaucratic kudzu since its inception. But unfortunately, this bill does not provide relief for all of the challenges the NNSA faces.

In light of the catastrophic events of September 11, I wish we could have provided additional resources to continue the development of technologies that would enhance our ability to detect the production, testing, transfer, or use of weapons of mass destruction. The administration's budget request severely reduces funding for nonproliferation research and development focused on enhancing essential domestic nonproliferation capabilities. It is an area where we can ill afford to lose any momentum. I hope that my colleagues will continue to seek additional resources for this area as we enter into conference with the Senate.

Madam Chairman, I also want to note for the full House that the panel's accomplishments would not have been possible without the strong leadership of the panel chairman, the gentleman from Texas (Mr. THORNBERRY), and the support of the gentleman from Arizona (Mr. STUMP), the chairman of the full committee, and the gentleman from Missouri (Mr. SKELTON), the ranking member, and the cooperation and support of our colleagues on the panel and on the full committee.

Mr. STUMP. Madam Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. WELDON), the chairman of the Subcommittee on Procurement.

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Madam Chairman, I thank our distinguished chairman for yielding the time and for his leadership on this bill, and I thank our distinguished ranking member for his cooperation.

This is truly a bill that I think reflects the need for this Congress to move forward aggressively in supporting our defense in a way that we perhaps have not done over the past several years. I am ecstatic that we have struck a balance. We have continued to fund aggressive support for missile defense, we have continued to fund aggressive support for modernization, and in this bill we begin to address the needs of the readiness shortfall that our troops have experienced.

Madam Chairman, just 2½ weeks ago, a group of five of us traveled around the country interacting with 20 of our colleagues as we toured 24 bases in 15 States to get a glimpse of the capability of our military to respond. What we saw was atrocious. We saw military bases that one would not put their worst enemies on. We saw raw sewage coming out of barracks. We saw day care centers for the children of the offspring of our personnel with mold on the wall, without adequate fire protection. This bill begins to address those long-term maintenance and improvement needs that we have had for so many years and begins to address the readiness shortfall.

I commend the leadership of both the majority under the gentleman from Arizona (Mr. STUMP), the chairman of the full committee, and the minority under the gentleman from Missouri (Mr. SKELTON), the ranking member, for allowing us to move forward in this area.

But we have done other things besides readiness. We have continued to work on this committee in addressing the issues relative to terrorism. I am proud of the fact that this committee has been out on the forefront, even though we have had some silent ears in the past, of calling for additional funds to combat terrorism. In fact, Madam Chairman, it was this committee 2 years ago that called for the need for an integration of our intelligence capabilities, the establishment of a national data fusion center, and a national operations and analysis hub. It was this committee that called for that.

Yet the CIA and the FBI have not yet torn down the stovepipes that exist between our intelligence agencies. It was this committee that said all 32 Federal agencies must come together, because the most significant need for our military and our warfighters in the 21st century is the ability to do profiling, to use our intelligence systems to understand the enemy, to understand terrorists and terrorist groups and terrorist organizations.

This bill again reaffirms that priority. In fact, we are working for some specific funding to implement that during the process of moving this legislation. It is this committee who again, Madam Chairman, reestablishes the Gillmor Commission. The Gillmor Commission was created by this committee to look at the interaction between the military and our domestic responders. Long before the World Trade Center, we were on the cutting edge of telling the Congress and the American people that our domestic defenders, our international defenders, our military and our fire and EMS must work together. In this bill, we will continue the effort of that.

In every possible area of terrorism, we have been in the forefront and we will continue on the forefront. I urge my colleagues to vote ''yes'' on this legislation.

Mr. SKELTON. Madam Chairman, I yield myself such time as I may consume.

Let me take just a moment to compliment the gentleman from Pennsylvania (Mr. WELDON) on his efforts concerning the housing for our young people in uniform. He and the gentleman from Texas (Mr. REYES), the gentleman from Texas (Mr. ORTIZ), and the gentleman from Virginia (Mr. SCHROCK) made a series of appearances to look at the conditions of some of our young folks. We ask so much of them; and I think this bill does make, as the gentleman said, a major step in helping the living conditions for those young people in uniform, and we thank him for his efforts in that regard.

Madam Chairman, I yield 2 minutes to the gentleman from Texas (Mr. REYES).

Mr. REYES. Madam Chairman, I thank the gentleman for yielding me this time.

Madam Chairman, I rise today to support the defense authorization and to thank the gentleman from Arizona

(Mr. STUMP), the chairman of the committee, and the gentleman from Missouri (Mr. SKELTON), the ranking member, for putting together a strong defense bill.

In this time of national crisis, I am pleased that we are able to come together to support increased funding for our military services. Our combat troops, which President Bush has or soon will call to deployment, are trained and ready; let no one anywhere make any mistake about that. These men and women who are at the point of the spear are ready to handle whatever mission we require of them. However, it is those others who are further back from that point that need increased funding to fix problems.

I want to also thank the gentleman from Pennsylvania (Mr. WELDON) for having the vision to put together a fact-finding trip that we recently completed. On this trip we visited 23 bases across the country and saw horrendous living and working conditions. Ceilings were falling in, sewage was backing up; our men and women in uniform and their families were being forced and are being forced to live in substandard housing.

Madam Chairman, we have the finest military personnel in the whole world, and they simply deserve better. They give us 110 percent each and every day, and we as a Nation owe them a better quality of life. This bill will begin to fix some of those problems, but we must still do more for them. In this time of great peril and danger, let us not forget to get our priorities straight. I ask all of my colleagues to support this bill.

Mr. STUMP. Madam Chairman, I yield such time as he may consume to the gentleman from California (Mr. MCKEON).

Mr. MCKEON. Madam Chairman, I rise in strong support of our National Defense Authorization Act.

Madam Chairman, I rise in strong support of H.R. 2586, the National Defense Authorization Act.

Before I begin in earnest, I would like to pause for just a moment to pay my respect to someone who is not with us today, our good friend Floyd Spence. In my entire time on the House Armed Services Committee, I have not experienced an authorization bill without him. I will miss Floyd greatly and I know that I join my colleagues in sending our thoughts and prayers to his family.

I want to thank Chairman STUMP and Ranking Member SKELTON for their leadership, hard work, and dedication to our men and women in uniform. Because of their efforts, the Defense Authorization Act for Fiscal Year 2002 reflects the strong bipartisan values of the committee and this legislative body in favor of securing and maintaining the most capable defense force in the world.

Madam Chairman, H.R. 2586 represents this committee's and Congress' desire to rebuild our Nation's Armed Forces after years of neglect. Specifically, the legislation reflects the President's request for the largest increase in defense spending since the mid-1980s. In total, the President request and the House Armed Services Committee approved a $33 billion increase from the fiscal year 2001 spending level.

Madam Chairman, I want to highlight two specific areas where I believe the committee has done exemplary work. First, the committee approved the largest military pay raise since 1982, significant construction efforts to improve the facilities in which military personnel live and work, and substantial increases to readiness accounts that support operations, maintenance, and training.

Second, the committee fully funds the required upgrades for the B–2 bomber. By including $123 million for Link 16 and in-flight replanning, the committee has given the B–2 the required equipment to accomplish the job its capable of doing. Furthermore, the committee has asked the Air Force to report back on the number of B–2s it will need to accomplish the mission set out by Air Force Chief of Staff General John Jumper's Global Strike Task Force. While I believe that more B–2s would accomplish the mission, it is important that the Air Force provide us with this data so that Congress can appropriate the needed funds to support their mission.

In view of last week's events and the commencement of Operation Infinite Justice, swift action by this legislative body will further demonstrate the unity and determination of this great Nation to overcome the challenges before us.

May God bless America and the brave men and women who are putting their lives on the line to defend it.

Mr. STUMP. Madam Chairman, I yield 4 minutes to the gentleman from New Jersey (Mr. SAXTON), the chairman of our Subcommittee on Research and Development.

Mr. SAXTON. Madam Chairman, I rise in strong support of H.R. 2586, the National Defense Authorization Act for Fiscal Year 2002.

Prior to the August recess, the Committee on Armed Services met to mark up this legislation and ordered it reported by a vote of 58 to 1, a testament to the tradition of bipartisanship of the committee.

I must say that I have been gratified by the strengthening unity of purpose which has seized this House. As a matter of fact, Madam Chairman, if the terrorists who perpetrated last Tuesday's attacks hoped to play on any partisan or policy differences we may have with each other, they have failed. As a matter of fact, the aisle that separates the two sides of this House has disappeared.

Obviously, in light of the horrific terrorist attacks of September 11, many aspects of the defense program will be looked at anew; but we are pressing ahead with this bill because there are many, many important defense priorities addressed in this measure. All of us in this great body understand that we need to relook at everything we have been doing to protect our national security, and I promise my colleagues that those needs will be our first priority as we meet in conference with the other body to give final shape to this measure.

Even though we all yearn to act now, the prudent course of action is to address the requirements that the Secretary of Defense identifies, requirements that have been studied hard over the last 10 days. I know the Secretary is working hard with members of our leadership and with the chairman and vice chairman of the Committee on Armed Services to develop our priorities for our consideration; and in the weeks ahead, we will be considering those measures.

As chairman of both the Special Oversight Panel on Terrorism and the Subcommittee on Military Installations and Facilities, I will be very active in pursuing effective ways to defeat the scourge of terrorism while allowing all Americans, but particularly those who serve in the military, to live and work without fear of sudden attack. Clearly, we must do what we can to protect the safety of our citizens, our military, and our military families. Just as importantly, we must find ways to streamline the security processes so that military bases are reasonably accessible.

In all of this tragedy, there is a glimmer of hope. For example, there is evidence that the improved reinforced measures that have been taken in new construction have saved lives. I am told, and will go and visit soon to see for myself, that portions of the Pentagon that have been renovated, which included several explosion-resistant features, stood up far better than the original structure. I will be leading a delegation of my colleagues to examine the damage very soon and promise my best efforts to do whatever we can to protect all Americans from terrorism.

Later this week, the Committee on Appropriations is expected to bring to the floor the bill to provide appropriations for military construction for the coming year which, of course, are also included in this bill. Our two committees have worked closely together, that is, the Committee on Appropriations and the Committee on Armed Services, in the development of the MILCON program for the next fiscal year. The gentleman from Ohio (Mr. HOBSON) and the gentleman from Hawaii (Mr. ABERCROMBIE) and the gentleman from Massachusetts (Mr. OLVER) have worked closely together with all parties, and our bills mirror each other. H.R. 2586 would commit approximately $10.3 billion, roughly $350 million more than the President's request, to the military construction and military housing for the coming fiscal year.

In closing, I want to again express my appreciation to the members of the subcommittee who have contributed to this bill. In particular, I want to express my appreciation to the gentleman from Hawaii (Mr. ABERCROMBIE), with whom I have worked for many years, and I value his counsel.

Madam Chairman, I encourage all Members to support H.R. 2586.

Mr. SKELTON. Madam Chairman, I yield 2 minutes to the gentleman from Texas (Mr. TURNER), who is the ranking member on the Special Oversight Panel on Terrorism.

Mr. TURNER. Madam Chairman, I am pleased to rise in support of the 2002 National Defense Authorization Act. I want to say I am pleased to follow the gentleman from New Jersey (Mr. SAXTON), the chairman of our terrorism panel, who has done such an outstanding job working on that very critical issue. I am pleased to serve with him on that panel.

I also want to thank the gentleman from Arizona (Mr. STUMP), the chairman of the committee, for his outstanding leadership, and to thank the gentleman from Missouri (Mr. SKELTON), our ranking Democrat on the committee. These two gentlemen have worked tirelessly and have worked together, along with our committee staff, to produce this piece of legislation.

□ 1330

In my view, there are many reasons to support the bill that is before us. It includes pay for military personnel, a pay raise; it includes funding for additional acquisition; it addresses several quality-of-life issues. However, I am particularly pleased with the fact that this bill makes significant improvements to address the new and ever-changing realities of the environment we live in today, brought home so tragically to us on September 11.

As many of our colleagues have pointed out, America faces its greatest challenge since the Second World War. Last week's terrorist attack on the World Trade Center and the Pentagon has shown all Americans that the threat of terrorism is ever present on our shores and abroad. It exhibits vast destruction capabilities and sophistication. It is like a threat we have never faced before.

With it, there is a bonus. We must be diligent in our efforts to embrace new response methods and techniques. This legislation makes great strides in our efforts toward that end. The research and development provisions add a significant amount of funding for a variety of transformational and leap-ahead technologies. This legislation provides for even more investments to combat terrorism, and also to handle consequent management and force protection.

Madam Chairman, we recognize the continuing possibility of future terrorist attacks. I urge all Members to join with us in support of this legislation.

Mr. STUMP. Madam Chairman, I yield 2 minutes to the gentleman from Utah (Mr. HANSEN), a member of the committee.

(Mr. HANSEN asked and was given permission to revise and extend his remarks.)

Mr. HANSEN. Madam Chairman, I thank the gentleman for yielding time to me.

As the President said, we have seen the first battle of the first war of the 21st century, but there are many battles to come. Even as we speak, our military forces are deploying to the farthest reaches of the planet to begin the noble campaign to rid the planet of the scourge of terrorism.

I appreciate the gentleman from Arizona (Chairman STUMP) and the ranking member, the gentleman from Missouri (Mr. SKELTON), for the great work they have done on this very important piece of legislation.

I would like to say one thing: This bill has some things that are very important to the ranges of America. As many realize, there have been some real encroachments in it. We had one hearing where they said they could only use 18 percent of Camp Pendleton because of the Endangered Species Act, a small percent of Fort Hood, and challenges coming around. This piece of legislation allows us to have the military have some hand in the Endangered Species Act.

If Members read the 1973 Endangered Species Act, the Secretary of Defense has a prerogative in there to utilize it, and I would urge the Secretary to take a look at that bill. That may help him.

This bill also sets aside the referendum in Vieques. At a time like this, I am sure Puerto Ricans and Americans all over will stand tall, square their shoulders, and say that this is important. And it is important when the JFK goes out that it has live-fire training, that they do not go out unprepared. That is an extremely important thing.

It gets into the idea of readiness, of $7.5 billion more for readiness, which is so important at this time. I think the gentleman from Pennsylvania (Chairman WELDON) and others who have worked admirably in getting this bill ready to go on things that will protect America.

This is a good piece of legislation, a piece of legislation that should be passed. If Members read the Constitution of America, what is the reason we are here in these offices anyway? It is not a lot of this stuff we have been debating for the past year. The main reason we are here is to defend our people and defend this Nation.

This is the first piece of legislation I have seen this year that does it, and it is a good piece of legislation. Let us all vote for this bill.

Mr. SKELTON. Madam Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

(Mr. Andrews asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Madam Chairman, I thank my friend, the gentleman from Missouri, for yielding time to me.

At a time of great uncertainty in our country, this bill provides strong assurances to the American people. When our Commander in Chief calls our men and women in service to action, they will be ready because of this legislation and other bills from this committee that have gone before it.

When the planes need to fly and the ships need to be deployed and the Marines need to land and the soldiers need to do their work, they will be ready because of the diligence and vigilance of Members of this committee on both sides of the aisle.

This bill does a lot to make them even more ready. It raises their pay, and makes significant steps towards improving the conditions in which their families live. It provides for funding for the ships, the planes, the weapons that they will need to do their job. As a member of the Subcommittee on Military Research and Development, I am particularly pleased that under the leadership of the gentleman from California (Chairman HUNTER), with the active leadership of the gentleman from Massachusetts (Mr. MEEHAN), we were able to increase by $6 billion, from $41 billion in the present fiscal year to $47 billion in the forthcoming fiscal year, the resources for research and development.

If Members want to make the airports safer, these research and development projects will make it so. If Members are looking for ways to defend America's civilian infrastructure from attacks that we dread and anticipate, these projects are the way to make it so.

Our enemies should note duly this afternoon, we are united on this bill. We will go forward together, and when our Commander in Chief calls, our troops will be ready as a result of this legislation. I urge its passage by the House.

Mr. STUMP. Madam Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. BARTLETT), chairman of our Panel on Morale, Welfare and Recreation of the Committee on Armed Services.

Mr. BARTLETT of Maryland. Madam Chairman, I thank the gentleman for yielding time to me.

Madam Chairman, I rise in support of H.R. 2586, the National Defense Authorization Act for fiscal year 2002.

Under normal circumstances, I would confine my remarks to the provisions in the bill relating to the morale, welfare, and recreation and activities for military personnel in my capacity as chairman of the Panel on Morale, Welfare, and Recreation of the Committee on Armed Services. I certainly wish to thank my ranking member, the gentleman from Guam (Mr. UNDERWOOD), for his commitment and help.

But these are far from normal circumstances. The morale, welfare, and recreation provisions are important, and I commend them to all Members of this great body. More to the point, the overreaching purpose of this bill is to strengthen the national defense. The barbaric, despicable acts of terrorism committed just last week brought home the grim reality to us that our enemies are real, they are clever, and they are determined. We must not rest until others responsible are brought to justice. We in Congress must not rest until we discharge our sacred duty to provide for the common defense of this great Nation.

In my opinion, we should have been doing more. However, this is not the time to dwell on what we did or did not do in the past. As Members of Congress, we must fulfill our responsibility to work together to provide the men and women who volunteer to serve in our military with the tools and resources they need to exact justice and ensure victory against the terrorists.

I am sure we will have disagreements about exactly how to do that as this effort moves forward. We have to keep focused and united behind the ultimate goal of securing liberty for ourselves and our posterity. This bill and the $40 billion supplemental we passed a few days ago are a good start. More should and will be done, but this bill, as we will amend it today and tomorrow, is a good follow-up to the supplemental, and I urge all Members to support it.

Mr. SKELTON. Madam Chairman, I yield 2 minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Madam Chairman, I thank the chairman and ranking member for putting together a good bill.

While I take issue with the bill's acceleration of national missile defense, the overall bill is worthy of support, especially given the importance of supporting our troops in the war on terrorism.

Let me take a moment to mention a little-noticed but important part of the bill, the maritime section. I thank the gentleman from California (Mr. HUNTER), the chairman of the Merchant Marine Panel, for crafting a quality bipartisan product.

The likelihood of a military buildup overseas shows that the need for a ready and viable Merchant Marine fleet and a shipbuilding industrial base remains as critical as ever. The committee recommends $104 million to maintain the Title 11 loan guarantee program, and provides $99 million for operation of the Maritime Administration, including the U.S. and State maritime academies.

In addition, we did not support the President's request to transfer the maritime security program from the Department of Transportation to the Department of Defense because the committee has not received any justification for the transfer.

As the Nation stands united after the terrorist attacks, today is not the time for controversial debates. But there are items in this bill worthy of a full debate and vote in the future.

For example, I believe the massive increase for a technologically unproven national missile defense to deal with the least likely terrorist threat to this country is misguided, given the more conventional and readily apparent terrorist threats that we face. Moreover, withdrawal from the ABM Treaty could undermine our ability to keep Russia as a reliable partner in the antiterrorism coalition.

The administration's fiscal year 2002 budget adds $3 billion for missile defense, a 57 percent increase. Its original increase for counterterrorism was only one-eighth as large, a mere 7 percent increase. The response to September 11 has already required defense increases, from air patrols at home to reserve call-ups to deployments overseas. But we should not use this tragedy as an excuse to throw money at the Pentagon. New spending should be justified by an overall strategy and reviewed by Congress. This crisis does not obviate the necessity to prioritize.

Again, I urge support for this bill to give full support to the American men and women who may be asked to put themselves in harm's way in our war on terrorism.

Mr. STUMP. Madam Chairman, I yield 3 minutes to the gentleman from Texas (Mr. THORNBERRY), the chairman of our Special Oversight Panel on Department of Energy Reorganization.

Mr. THORNBERRY. Madam Chairman, like other Members, I rise in appreciation and admiration for the leadership shown by our chairman, the gentleman from Arizona (Mr. STUMP), and by the gentleman from Missouri (Mr. SKELTON) in moving this bill, particularly at this difficult time.

I also appreciate the participation of all the members in the special panel dealing with the Department of Energy's nuclear weapons program. At this time, as it has been for the past few years, security of our nuclear weapons and the complex which produces them has been a very high matter of concern.

I can report to the House that General Gordon, who is the administrator of the National Nuclear Security Administration, has done a good job, in my view, in making sure that our nuclear weapons facilities are secure, and particularly in this difficult time.

Along with the very distinguished ranking member of the panel, the gentlewoman from California (Mrs. TAUSCHER), we have worked side by side over the past year in overseeing the reorganization which Congress passed a few years ago.

Included in this bill are some minor adjustments to the reorganization which I think are good and prudent and requested by General Gordon. But the bigger bill also provides more funding for our nuclear weapons projects, including some set-aside money for our facilities, which have been very badly underfunded in recent years, and I think helps give the necessary emphasis on these critical elements of our defense posture now, just as much as 2 weeks ago.

Madam Chairman, in the broader sense, I believe this bill takes important steps forward in making sure that we are prepared for the challenges of the future. One thing that the events of last week reminds us is that the United States can be attacked by more actors using more different methods than ever before, so we have to have a military that is more flexible and more adaptable. This committee has been pushing to make sure that we have expanded capabilities that can deal with this greater variety of threats.

Among the things that are included in this bill are a suggestion that the Secretary of Defense establish a transformation office within his office, to have an advocate in the highest reaches of the Pentagon to make sure that we are preparing for the wars and challenges of the future, not refighting the wars of the past.

Included in this bill are important provisions dealing with space, because while a lot of our focus now is on these particular acts of terrorism, this country can also be subject to economic terrorism, if for example satellites were disabled, and it would also of course cripple our military. Having control of space and giving space the proper attention it needs is a critical thing.

We support the Army's efforts to transform itself to have smaller units that are more mobile and more lethal, and obviously the events of recent days point out the importance of that. This bill also moves ahead with the conversion of the Trident Submarines into SSGNs. It is an important step that gives us additional capability.

So this bill helps move us forward and will make us better prepared to deal with the challenges ahead.

Mr. SKELTON. Madam Chairman, I yield 7 minutes to the gentlewoman from Georgia (Ms. MCKINNEY).

Ms. MCKINNEY. Madam Chairman, I have grave concerns about this bill. I would first like to say that I hope that reason and common sense prevail in any decisions on our Nation's future response to terrorism.

Madam Chairman, I pray for God's intervention in ensuring the safe return of our many young men and women who are now being sent off to fight this war against terrorism. They face tremendous dangers and uncertain futures, and their families will endure many long and sleepless nights waiting for their return. We must remember them all, and acknowledge the great personal sacrifices they are going to have to make on our behalf in the coming days.

H.R. 2586 represents a near $33 billion increase from last year. In comparison, appropriations for diplomacy and foreign aid total only $22.9 billion, a mere 6 percent of the entire defense budget.

□ 1345

With the financial mismanagement that continues to exist within the Department of Defense, increases should not be made until a system of financial responsibility is instituted to prevent waste and address the lack of accountability.

The single largest portion of the budget increase is dedicated to the development of missile defense systems. It should be apparent to us all now that ballistic missiles are not our worst threat at this time. Expensive high-tech weapons are no substitute for effective diplomacy. Arms control, disarmament, and international cooperation will be far more effective in advancing peace and security in the years ahead

and will cost far less than a missile shield.

This bill also prevents our Nation from reducing our nuclear weapons arsenal and from de-alerting our nuclear weapons stockpile. In light of recent events, I think it would be prudent to de-alert our nuclear missiles and to retire as many as possible, lest they become greater targets or be turned against us.

I regret that the committee did not support the Sanchez amendment to change current law to permit servicewomen and female dependents who are overseas to access military hospitals for the purpose of privately funded abortions. This provision is tantamount to gender discrimination and should be changed.

This bill also reduces the likelihood of the Navy's departure from Vieques. It is my hope that the administration will be permitted to go ahead with its plans for withdrawal from Vieques in 2003.

There have been recent revelations about the use of military intelligence for domestic purposes, specifically with respect to the surveillance of Dr. Martin Luther King, Jr., and Operation Lantern Spike. Evidence of such past activities give rise today to grave constitutional issues and concern about civil liberties. The 1975 report written by the Frank Church Committee revealed practices abhorrent in a free society. The Church committee exposed that in the name of State security a program of manipulation, surveillance, disruption, and murder was carried out with the consent of those at the highest levels of the United States Government and against domestic and international law. Domestic uses of the military have long been prohibited, for good reason, and the same should continue to apply.

The escalating war on drugs is another problem area for us. As with the continued bombing of Iraq, I think now is not the time to be fighting proxy wars overseas, making more enemies abroad than we may already now have. Now is a time to focus on diplomacy abroad and justice and security at home. As such, I do not support continued funding for training for civil conflicts in Colombia and elsewhere.

Despite my reservations with this legislation, it does include positive aspects that I applaud. I would like to commend the committee for the increase in military pay and salaries. This is an appropriate step that not only provides our servicemen and women with sufficient compensation but also furthers the professionalism and enhances the retention of our servicemen and women. Similarly, increases in moving allowances, housing expenditures, provisions permitting concurrent receipt of retired pay and veterans' disability benefits, and efforts to promote voting rights of personnel are praiseworthy.

Much has changed since the committee passed this bill in August. However, I am still confident that many of the nations that we perceive as a threat will respond to the expansion and proliferation of missile defense, the expanding role of the military and drug interdiction, and preventions of reductions in nuclear missiles. It is uncertain how these nations will respond, but I am confident that diplomacy and engagement will have a much more positive effect on our national security than will expanding the defense budget.

I urge this body to consider its role in developing not only national policy but also international relations, and to realize that as a global leader we have a role in not only preparing for war, but also in promoting peace.

Mr. STUMP. Madam Chairman, I yield 2 minutes to the gentleman from Kansas (Mr. RYUN), a member of the committee.

Mr. RYUN of Kansas. Madam Chairman, I want to thank the chairman and ranking member of the committee for their hard work on this bill.

Madam Chairman, this Congress is still experiencing the pain of a tremendous tragedy. America's military personnel and their families will be called on to make even greater sacrifices to protect the freedoms of our Nation. Unfortunately, for too many years they have been called on to do more with less.

Now, more than ever before, we realize our presence represents a stabilizing force to countries around the globe. With the pace of deployments likely to increase, the Committee on Armed Services has appropriately concentrated on enhancing quality-of-life issues in support of our deserving personnel.

I support H.R. 2586, the Fiscal Year 2002 National Defense Authorization Act, because it directly addresses the quality-of-life problems today's service members are experiencing. In total, the bill authorizes $343 billion for defense spending in 2002. Of the $33 billion increase from last year, military health care receives a 54 percent increase in funding. Clearly, this is one of the largest given in this critical area in many years.

It is a well-known adage in the military that you recruit soldiers and you retain families. Quality of life is essential in recruiting and retaining quality personnel. If we are serious about resolving the attrition problem, we must continue to focus on the quality of health care for the entire family. That is why I wanted to eliminate a burdensome requirement experienced by military spouses in maternity-related care.

I believe that service members should not have to worry about administrative health care problems their families may suffer. It detracts from their focus on their work, when their work demands total attention to protect our Nation. This bill appropriately calls on the Pentagon to make some changes. They are required to report on how they are operating under recent changes made in this aspect of beneficiary health care.

Congress must move ahead to remove the pressures felt by America's military personnel who put their lives on the line every day to protect America's freedom. H.R. 2586 makes great strides in adequately addressing pay, housing, and health care for our soldiers, sailors and Marines. I urge my colleagues to vote ''yes'' on this very important piece of legislation.

Mr. SKELTON. Madam Chairman, may I make an inquiry of the time we have remaining?

The CHAIRMAN. The gentleman from Missouri (Mr. SKELTON) has 33½ minutes remaining, and the gentleman from Arizona (Mr. STUMP) has 29 minutes remaining.

Mr. SKELTON. Madam Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

(Mr. BLUMENAUER asked and was given permission to revise and extend his remarks.)

Mr. BLUMENAUER. Madam Chairman, I appreciate the gentleman's courtesy in yielding me this time.

As the Nation's eyes turn towards what we can do to protect our citizens from these horrible actions of terrorist violence, it would be sad, in an era of unprecedented increase in military spending, if we did not also do everything we could to save the lives and health of innocent Americans.

Sadly, as the committee has recognized, the landscape across this country is still littered with the explosive residue from years of military testing, storage, unexploded ordnance and other toxins that have taken the lives of adults and children and threatened the health of Americans across the country, including right here in Washington, D.C.

I wish to thank the chairman and ranking member for the committee's action to do something about this important problem of unexploded ordnance. I appreciate the committee's including the most important provision of this legislation, which the gentleman from Alabama (Mr. RILEY) and I have introduced to deal with this problem that is not theoretical and touches every congressional district, and that is to inventory the sites and provide a program for their prioritization.

We are going to have to address the problem of unexploded ordnance at some time. The current rate of cleanup will take hundreds, some have even estimated it may take as many as a thousand, years. That is unacceptable. Sooner is better for the environment, for our citizens, and for the taxpayers. I hope that this last week's tragic incident will strengthen our resolve to do everything we can to make our citizens safe in every way possible.

Unexploded ordnance, also known as UXO, is the bombs and shells that did not go off as intended and are subsequently buried or litter the landscape. Our bill, the Ordnance and Explosives Risk Management Act (H.R. 2605), lays out policy guidelines to address this problem.

Section 311 of the Committee bill calls for an inventory of explosive risk sites at former military ranges. It requires DOD to complete and annually update the inventory that is already begun and establishes criteria for site prioritization among UXO sites.

I want to clarify the purpose of this prioritization requirement. It requires the Department of Defense to develop much more detailed information on the nature and extent of the unexploded ordnance problem that it has compiled to date. Recent GAO reports have concluded that the Department of Defense does not have a complete inventory of current and former training ranges, and that DOD may have overlooked as many as 200 former training ranges in compiling a survey of Formerly Used Defense Sites for the Senate Armed Services Committee. Thus, DOD has likely significantly underestimated the scope of the unexploded ordnance problem. In addition to woefully incomplete information on the scope of this problem. DOD has not been able to provide much information on the urgency of cleaning up the many sites that have been identified.

Some have expressed concern to me that the prioritization requirements of the new section 2710 (which is added to Chapter 160 of title 10, United States code) may preempt states' regulatory authority. That certainly is not the case. I want to emphasize that these requirements are simply intended to generate information on the relative urgency of necessary response actions at and within different ranges. These provisions are not intended to impair or alter, or diminish any existing federal or state authorities to establish requirements for investigating and responding to ordnance contamination.

Madam Chairman, I am pleased to note that the Senate is addressing similar issues to this inventory requirement regarding UXO in its version of the FY02 Defense Authorization. We in the House of Representatives look forward to combining and improving the language in conference in pursuit of what appear to be our common objectives.

It is difficult to find a Congressional district that does not have a UXO problem: over 1,000 formerly-used defense sites (FUDS) are known or suspected to be contaminated with it. They are located from extremely remote areas in Alaska to dense urban environments such as the Spring Valley neighborhood in Washington, DC.

Many of these sites are located in already heavily populated urban areas bordered by housing developments, schools, and parks. Much of this land is otherwise highly desirable, yet its use is restricted due to UXO contamination. At least 65 people have been killed in this country by accidents with UXO, most of them since World War II.

This inventory requirement is going to enable us to begin to learn more about the scope of the UXO problem and provide what is needed for our families to be safe, healthy, and economically secure.

Mr. STUMP. Madam Chairman, I yield 1 minute to the gentleman from Connecticut (Mr. SIMMONS), a member of the committee.

(Mr. SIMMONS asked and was given permission to revise and extend his remarks.)

Mr. SIMMONS. Madam Chairman, I rise today in strong support of this legislation; and I commend the chairman, the ranking member, and the staff for their excellent work on this bill.

The past week has been one of tremendous challenge for this Nation and for this Congress; and as we stand here today, thousands and thousands of Americans in uniform are moving by land, sea and air to take part in what may be a long and difficult campaign against a vicious enemy. It is with great seriousness and bipartisanship that we work here today.

When I served as a young lieutenant in Vietnam, America was divided on the war. This made the war particularly difficult for me and for my generation. Today, I hope we stand with strong bipartisan support for this defense authorization bill. It is my hope that this bipartisanship will continue as we deploy the men and women of our armed services to defend our citizens, our interests, and our values both here at home and abroad. They deserve our unanimous support, and they certainly have mine.

The Second District of Connecticut is home to the Naval Submarine Base at New London—the proud home to nearly 10,000 military families and civilians who maintain and support 21 fast attack submarines within Submarine Group Two. The quality of life improvements in this bill have a major affect to many of these hardworking people in the community I have the privilege of representing.

Our men and women in the military and their families are this bill's primary focus. The pay raise, the highest single increase since 1982, is a critical element towards improving retention, morale, recruitment, and quality of life. Each day there are thousands of men and women who get up and put on a uniform and serve their country abroad or on the seas. They guard our shores, provide stability in unstable regions, provide security to our allies, and deter our adversaries. These patriots have not experienced the years of prosperity in the same way that civilians have; this bill makes a significant step overcoming this disparity.

At the end of this month the Department of Defense will report the Quadrennial Defense Review to Congress outlining the findings of numerous reviews and studies it has conducted over the past months. This is expected to highlight the efforts of this administration to transform our military to meet the threats of the present day and those of the future. Madam Chairman, I was pleased that the President's budget and this bill already contains a significant step towards transforming our military to better meet the needs of the future, and it does so in a cost efficient manner through the Trident Submarine Conversion program.

Taking a Trident Ballistic Missile Submarine and converting it into a Guide Missile Submarine with 154 Tomahawk Cruise missiles is transformational. It provides the United States with a massive, stealthy, long-range knock-the-door-down capability, equal to 70% of the firepower of a carrier task force. A Guided Missile Submarine, an SSGN, could be manned by a crew of 120 compared to 7000 for carrier task force. The cost savings in personnel and in operations and maintenance is clear. This bill funds the conversion of two of the four Tridents currently requiring refueling and sets the course for the conversion of the remaining two. Let us now complete this transformational initiative.

Finally, I am especially pleased that this bill addresses one of my priorities—solving the problem of American soldiers on food stamps. Last year's targeted sustenance benefit and this year's large pay increase will make great strides toward reducing the numbers of our soldiers on food stamps. In addition, the bill continues to reduce out-of-pocket housing costs by increasing housing allowances to cover 88.7% of housing costs. Military families will therefore not be overburdened by the high cost of opting to live in off-base housing—at a time when DOD itself has deemed that 60% of the military family housing units it maintains are ''substandard.''

While the bill will reduce the need for soldiers to use the food stamp program, I am especially pleased that the bill includes language that will work to prevent soldiers from going on food stamps in the future. This bill directs the services to examine and evaluate their financial management training and supplementary programs to prevent financial mismanagement—a condition that not only can lead to military personnel needing food stamps, but also leads to marriage and family dissolution, service separation, and professional decline. At a time when personal bankruptcy filings are at near-record levels, I believe this is a smart, pro-active rather than reactive approach to meet the needs of our service men and women.

I thank the chairman of the Subcommittee on Military Personnel, the gentleman from New York (Mr. MCHUGH) and the ranking member, the gentleman from Hawaii (Mr. ABERCROMBIE), and the subcommittee staff for their assistance on the food stamp and financial management issues. I commend the chairman, the gentleman from Arizona (Mr. STUMP) the ranking member, the gentleman from Missouri (Mr. SKELTON) and the committee staff for putting together this legislation, and look forward to working with you in the future on these important issues.

Mr. SKELTON. Madam Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Madam Chairman, I thank the gentleman for yielding me this time.

Air Force Colonel John Boyd, perhaps our Nation's greatest military strategist, once said, ''Machines don't fight wars, people do, and they use their minds.'' Last week, a group of terrorists shattered all of our established notions of warfare, commandeering four of this country's own commercial airlines and utilizing them as weapons that wrought catastrophic damages on two of our major cities. Yet today, we gather to debate a defense bill oriented towards the type of war fought in past generations.

The tactics the perpetrators employed, fourth-generation warfare, are vastly different from traditional modes of battles. They are unorthodox and irregular, as likely to be carried out by non-state actors as nation states. They seek to create chaos by attacking people, cultures, and institutions rather

than militaries. They have been in development for years, and on September 11th they became impossible to ignore.

The bill we debate here today allocates $343 billion for the defense of our Nation. Will the expenditure of this money protect our Nation from the type of attack we faced last Tuesday? That is a key question. Will the 13 F–22s we will buy next year for $4 billion have been able to prevent the hijacking of these four airliners? What of the role of the 55-ton Howitzer the Army is requesting $500 million for? What of the role of the Land Attack Missile Destroyer? What about the ballistic missile defense system, the development of which to date has consumed over $60 billion of taxpayer money?

Will any of this equipment help prevent or counter the next attack against our Nation? Will this equipment, for instance, be of any use against a suitcase bomb, which uses conventional explosives to distribute nuclear waste products?

Our military establishment seeks $33 billion more than last year, the largest defense increase since the Cold War, for a total budget as large as the next 15 defense budgets combined, in order to leap ahead into the future. But this leap-ahead technology is rooted deeply in the past. Our current force is more than adequate at dealing with conventional battlefield threats. What we lack is the ability to deal with this new sort of warfare.

We need, then, a new set of principles to form the backbone of an efficient and effective national defense.

□ 1400

First, we need a force that is capable to adapt to changing circumstances, a force that is comfortable and capable countering a terrorist infiltration as an invading army. To accomplish this we need accurate and comprehensive information upon which to base our decisions. This includes information about ourselves, our systems, our current capabilities, our expenditures, as well as our potential enemies.

Finally, borrowing from Colonel Boyd, we need to acknowledge that our people, not our machines, are our most important assets.

The Pentagon, for example, in this context has never passed an independent audit, cannot properly document trillions of dollars in accounting entries, cannot account for all of its equipment, overpays its contractors and uses unrealistic assumptions in all aspects of planning, according to audit agencies.

We have the opportunity to construct an efficient and versatile force oriented towards the diverse threats facing our Nation, one that exploits the ability of a talented officer and enlisted corps and utilizes machines as their tools. But our Nation has much work to do before we complete that task, and we are in a position to accomplish it.

Madam Chairman, I want to thank the ranking member and also the Chair for this opportunity. I know they are trying to do what is best for this country. We have a lot more work to do.

Mr. STUMP. Madam Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Madam Chairman, more Americans died last Tuesday than in our Revolutionary War. Therefore, I strongly support this bill and commend the chairman, the gentleman from Arizona (Mr. STUMP), and our ranking minority member, the gentleman from Missouri (Mr. SKELTON), for their excellent bipartisan work on this national defense measure.

As a Reserve Naval intelligence officer and a new member of the committee, I strongly support almost all of the provisions of this bill. I would especially like to thank the gentleman from Arizona (Mr. STUMP), the gentleman from Ohio (Mr. NEY), the gentleman from California (Mr. THOMAS), the gentleman from California (Mr. DREIER), the gentleman from Missouri (Mr. SKELTON) for their support for my amendment, which would allow polling places to be established on military installations.

The Kirk-Langevin amendment would clarify an arcane statute that outlaws ''military presence at voting facilities,'' hence, allowing the Department of Defense 1999 memo to prohibit establishing polling places on military installations. The section of the U.S. Code that our amendment seeks to repeal was enacted in 1865 in response to irregularities during the 1863 elections involving Union troops at polling places in Maryland and Delaware. Voters in some States were reportedly asked to take an oath of loyalty to the Union before voting with Union soldiers preventing others from voting.

At the time the law was enacted, it was an appropriate response to these irregularities. However, the 1999 DOD interpretation of the statute makes voting for our men and women in uniform very difficult.

When the DOD issued a directive to base commanders instructing that polling places should not be located on military installations, it has forced existing polling places to be relocated. According to the CRS, an April 2000 survey of State election officials identified at least 20 jurisdictions that have lost polling places and others that were vulnerable. Some of those polling places had been used for at least 15 years. It is time to let State and county officials decide to choose the convenient places for our people to exercise the franchise granted by the Constitution.

Our amendment is to clarify this arcane law, making voting more accessible to our men and women in uniform. I thank my colleagues and I thank them for including this in the en bloc amendment and urge support for this legislation.

Mr. SKELTON. Madam Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. HOEFFEL).

Mr. HOEFFEL. Madam Chairman, I rise in support of this bill and in strong support of the Tauscher amendment that will be offered later today as part of an en bloc amendment that would require a Presidential strategic plan dealing with nonproliferation issues regarding Russia.

Clearly, the unstable situation in Russia and the uncertainty about the future of her nuclear weaponry and technology requires this kind of strategic plan to be performed. It is very appropriate that the gentlewoman from California (Mrs. TAUSCHER) offer this amendment to the defense authorization bill. I wanted to speak in strong support of it.

I also want to bring to the attention of the House that we have passed in the State authorization bill a similar proposal that I offered that would require a 5-year strategic plan to be done on our arms control and non-proliferation strategies in general. It is important that we pay close attention to these challenges, that we require both the State Department and, in this case, the Department of Defense to do this sort of planning under Presidential direction, and that we get our national security team and agencies to work together to deal with nonproliferation issues, with arms control matters.

Madam Chairman, I compliment the gentlewoman from California (Mrs. TAUSCHER) for bringing this matter to the attention of the House. I urge support for her amendment and the close attention to be paid to the future of proliferation issues. The events of last week bring home as clearly as possible the need for us to pay attention to keeping the nuclear weaponry, technology and information out of the hands of terrorists. This sort of strategic planning is the way to do it. I ask for support of the Tauscher amendment.

Mr. STUMP. Madam Chairman, I yield 3 minutes to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Madam Chairman, I congratulate the chairman and the ranking member for a good bipartisan bill. I rise in strong support of it.

Madam Chairman, I come to the floor today to discuss an inequity in the treatment of Americans who helped to win the Cold War. Unfortunately, an amendment that I would have offered to this bill was not made in order.

This same bill last year included the Energy Employees Occupational Illness Compensation Program Act of 2000. This act provides compensation to employees and survivors of employees suffering from illnesses incurred from exposure to beryllium in the performance of duty in America's nuclear weapons program.

Beryllium is a metal with structural and atomic characteristics that make it irreplaceable for many nuclear-related uses. Inhalation of beryllium dust, even at very low concentrations, can cause cancer and chronic beryllium disease, which gradually destroys lung

function many years after exposure. Thousands of workers involved in producing nuclear weapons, materials and components have suffered disability and horrible deaths.

Although beryllium has numerous commercial applications, the Departments of Energy and Defense have been the largest users. In the construction of our strategic nuclear arsenal, the Department of Energy had responsibility for the nuclear device, that is, the weapon, while the Department of Defense had responsibility for the delivery system, the missile, and the inertial guidance system which would deliver the device to target.

Congress has recognized its responsibility and determined that we are responsible in accordance with the Energy Employees Occupational Illness Compensation Program Act.

Although it was passed with the best of intentions, the act is a travesty because it is not equitable. It applies only to the DOE. A worker with the exact same condition developed under the exact same circumstances but who worked for the Department of Defense is not covered. Why should one Department of the Government have different responsibilities and liabilities than another Department?

If the Department of Energy has a responsibility to compensate its workers, then under the same circumstances the Department of Defense should have the same responsibility. I would not seek to greatly expand the scope of the Energy Employees Occupational Illness Compensation Program Act, but I insist that those people working for the Department of Defense under the same relationship and same conditions as those working for the Department of Energy receive the same benefit.

This inequitable treatment of people who did work on behalf of our national security must be addressed. These citizens who work on our national weapons program helped to win the Cold War, and they should not be punished unfairly only because they worked for one agency instead of another. I do not intend to give up on this matter. I and the people who are suffering from this disease are anxiously awaiting the Department of Defense's report on this subject, which is inexplicably late; and I will continue to pursue a legislative remedy for this injustice.

Mr. SKELTON. Madam Chairman, I yield 4 minutes to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Madam Chairman, I thank the gentleman for yielding me this time.

Madam Chairman, last Tuesday was a tragic reminder of what a dangerous place this world is. It is also a tragic reminder of how dangerous the world is not only for the men and women in uniform, but the people they protect. Last Tuesday, we did not do our job as well as we should have. The fact that any American died means that we have to do better.

This bill will address a lot of our Nation's needs, but it also leaves some things unattended. I regret to say this year's shipbuilding budget will lead to a Navy that is 210 ships in the very near future. That is inadequate. Maybe what happened on Tuesday will cause us to rethink that, and I hope so. I had the assurance 2 weeks ago from the Secretary of the Navy that he will try to do better. Unfortunately, he told me next year's budget does not look any better than this year's budget for shipbuilding.

Earlier I told my colleagues that defense was more important than tax breaks. I will say it again. Defending this Nation is more important than tax breaks. Having served in both State and local government, I can tell my colleagues that the States and cities can do almost everything; but they cannot defend the Nation. That is our job.

Madam Chairman, it is also equally important, as we are asking young people to put their lives on the line for our Nation, that we keep our promise to those people who have already served our Nation. One of the promises made to them was a lifetime of health care. Part of that was answered last year. This House, interestingly enough by over 400 votes, voted to allow our military retirees to continue using the base hospitals and to have their Medicare taxes, the taxes they pay just like every other person in America, be used to reimburse that base hospital for their care to ensure that promise was kept.

Over half of our Nation's military retirees live close to a military base, and the overwhelming preponderance of them did so so they could use the base hospital. Unfortunately, language was changed in conference last year that instead of saying they must do this, allowed Medicare and the Department of Defense health care system to reach an agreement. For 3 months under the Clinton administration and for 8 months under the Bush administration, neither HCFA nor the DOD have reached that agreement and now talks have broken off.

So on October 1, military retirees who walk into a base hospital will be turned away. Many have been going to those base hospitals since they were 18 years old. They like being called colonel or chief. They earned those titles. They want to go to the base hospital because that has been their family for 20 to 40 years of their life.

Madam Chairman, I have gone before the Committee on Rules with the same amendment that over 400 of my colleagues voted for last year. It is a very simple premise. It would allow our Nation's military retirees who pay Medicare taxes, just like every other American, to take their Medicare benefits to a base hospital.

Unfortunately, thus far the Committee on Rules has not made that amendment in order. I am here publicly to ask my colleagues, the gentleman from Missouri (Mr. SKELTON), the gentleman from Arizona (Mr. STUMP), I have met with the gentleman from Illinois (Mr. HASTERT), the ranking members on both sides of the Committee on Rules, let us make that amendment in order before we ask one more kid to serve their country with promises of doing good things for them. Let us keep the promises that we have made. Those promises have been made. Those promises were in the recruiting manuals all of the way up until 1991. It is the right thing to do. It can take an otherwise good bill and make it into a great bill. I think it is a very simple request.

Madam Chairman, I hope that request is fulfilled. I hope I do not have to cause mischief to get that amendment made in order.

Mr. STUMP. Madam Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Madam Chairman, I thank the gentleman from Arizona (Mr. STUMP) and the gentleman from Missouri (Mr. SKELTON) for a job well done on the bill.

The President, as we all know, is coming here tonight to address not only a joint session, but the American people, to describe not only his mission in the war on terrorism, but also how he will help stabilize and stimulate our economy and how sacrifice must be of a higher priority than personal inconvenience.

This is the first war of the 21st century, and it is nothing like anything we have ever faced. The enemy flies no flag, has no boundaries, and often goes unseen. We call it the asymmetrical threat; but this is one that is not subject to the traditional calculus of deterrence, which means that we also in this bill, and I am sure as we go to conference, will have to address the intelligence side of the House, not only by my colleagues' cooperation as an authorizing committee, but also with the appropriators to make sure that not only the intelligence community of our CIA but the military intelligence community is strengthened.

I thank on behalf of the Guard and Reserve Caucus, the gentleman from Mississippi (Mr. TAYLOR) and myself, the gentleman from Missouri (Mr. SKELTON), and the gentleman from Arizona (Mr. STUMP), for allowing us to play a part in the bill. I am pleased that the bill provides $807 million, $192 million more than the President's request for facilities enhancements to improve training and readiness for the Guard and Reserves.

Congress has worked hard in the past to close the procurement gap between the active and reserve components to ensure seamless integration of equipment and compatibility.

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That modernization of those reserve components is highlighted by the call-up that is happening right now. We cannot go to remote places of the world without relying upon the Guard and Reserve. We need their air assets to

build the air train, for the lift to get us to where we need to be.

As this bill supports them, I want to thank the gentleman from Missouri (Mr. SKELTON) and members of the committee on both sides of the aisle and the chairman for a job well done in this bill. Please support this defense bill.

Mr. SKELTON. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, last year in the bill that related to the Department of Defense, there was a provision that required the General Accounting Office, the GAO, to examine the Federal Government's progress in its effort to combat terrorism. As of today, the GAO is making its findings public.

First, let me point out that for quite some time, we have been in a quiet war against terrorism. Nothing has happened here on our soil. And as of September 11, the difference is now that everyone knows it. This report, which was well in the works before the horrific attacks on September 11, underscores our need to dedicate more attention to protecting Americans by combating terrorism.

This report is entitled ''Combatting Terrorism: Progress Made, but Executive Direction Needed to Address Evolving Challenges.''

The report concludes that while progress has been made, much remains to be done to establish overall leadership and coordination at the operational level and to implement a comprehensive national strategy. The report recommends the establishment of a single focal point for overall coordination and leadership and calls on the President to appoint a person to be responsible for threat assessments, strategy, budgeting, and oversight. The study further suggests the need for greater consolidation of Federal programs designed to assist State and local governments such as those managed by the Department of Justice and the Federal Emergency Management Agency.

This report, though it cannot be of help because of the September 11 acts that occurred, hopefully will be of help in the days and years ahead.

Madam Chairman, I reserve the balance of my time.

Mr. STUMP. Madam Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. FORBES).

Mr. FORBES. Madam Chairman, I rise in strong support of the National Defense Authorization Act. In the coming days, we will see a strong demonstration of America's military might. But as our military responds to Tuesday's tragic events, keep in mind that this is a military that has faced a decade of high tempo of operations, armed with declining numbers of personnel and decreased funding. This other battle, the battle to maintain readiness, has degraded America's security by encouraging the attrition of some of its most talented personnel.

Now more than ever, we need to support our service personnel, the true power behind America's military might.

We must give our soldiers, sailors, airmen and marines modern weaponry with which to keep American interests secure. We must support shipbuilding, aircraft procurement, homeland defense, and research and development. We must support the National Defense Authorization Act if we want to ensure that America will be able to respond to aggression, today and tomorrow. The National Defense Authorization Act addresses the urgent need to rebuild the U.S. military. I urge my fellow Members to support this balanced measure.

I thank the chairman and the ranking member for their hard work and dedication to this legislation.

Mr. STUMP. Madam Chairman, I yield 2 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Madam Chairman, I thank the gentleman for yielding me this time.

One of the more revealing elements of the approach undertaken by Osama bin Laden and his terrorist network is the importance of lengthy preparation, meticulous planning and guerilla warfare. However, it is not guerilla warfare in the traditional sense. As the barbaric attacks of September 11 clearly demonstrated, anything and everything is possible. In the minds of these terrorists, anything and everything is justified. Thus, the U.S. must be prepared on every front to confront and eradicate such an enemy.

This bill seeks to accomplish just that. The U.S. and democratic principles triumphed over tyranny and communism during the Cold War by following the tenets of the landmark document, NSC–68, and the doctrine of peace through strength. We did simply more than match capabilities; we overpowered our adversaries through a policy firmly rooted in U.S. military superiority and overwhelming strength. The resources and the funding that we allocate for the war against terrorism must follow this precedent. We must provide for a flexible, comprehensive, and definitive response which includes any and all options available to the U.S.

As Thomas Jefferson wrote in 1788, ''War requires every resource.'' Let us not gamble with the safety and security of the American people. Let us once again demonstrate congressional resolve. Let us render our full support to this important legislation.

Mr. STUMP. Madam Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. HAYES), a member of the committee.

Mr. HAYES. Madam Chairman, I thank the gentleman from Arizona (Mr. STUMP) and the gentleman from Missouri (Mr. SKELTON) for their absolutely tireless effort on the part of our military, our men and women in uniform.

Madam Chairman, the tragic events of September 11, 2001, have thrust our Nation's military into the spotlight and called to duty the brave men and women of the U.S. Armed Forces. Once again, U.S. citizens are rallying behind them in strong support of the harrowing mission they have been called upon to do. We in Congress just passed a $40 billion funding bill, half of which will be devoted to our military. This financial support, devoted to our national security, is long in coming. I am proud to say that as a member of the House Committee on Armed Services, this legislation that we passed in August took the first step in rebuilding our military after almost a decade of decay and neglect.

The bill in front of us today marks the most significant increase to the defense budget since the mid-1980s. It is targeted at two of the most critical areas crucial to maintaining a healthy and robust military: quality of life and readiness. For the soldiers in my district at Fort Bragg, North Carolina, the ability to adequately care for their families and train for the mission for which they are called are the two issues that are second to none. I believe this legislation makes significant progress in these areas. Furthermore, this bill supports the President's missile defense program and ensures a necessary and realistic testing program.

Madam Chairman, it is gross injustice and misfortune that it took the tragedy of a week ago to focus the public eye on the need for a more robust defense budget. I feel the legislation in front of us today takes that important first step and sets a clear and strong course to rebuild our Nation's defenses. I urge my colleagues to send a message, loud and clear, to our soldiers, sailors and airmen that we will strongly support them and give them the resources necessary to perform the mission at hand.

Mr. STUMP. Madam Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Madam Chairman, I wanted to briefly speak about an amendment that I had planned to offer. My amendment would have removed language added by the Committee on Armed Services regarding the B–1 bomber fleet. It is my understanding that an agreement has been worked out with the administration and the Committee on Armed Services that had raised concerns over reducing and consolidating the B–1 fleet. I understand that this is going to be worked out in conference.

It is my concern that we fight today's wars, not yesterday's wars. I believe that this agreement is going to be satisfactory. I just want to state for the record that modernizing the B–1 fleet is very important. I would strongly encourage the two parties to revisit the issue in conference.

Mr. HUNTER. Madam Chairman, will the gentleman yield?

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

Mr. HUNTER. Madam Chairman, I just want to add my thoughts on the B–1 fleet, the idea that we have been so short of money the last several years that we have been like a farmer who has three hay balers and he cannot afford to keep all three of them running, so he starts cannibalizing parts off one of them just so he can keep the other two in operation. That is not the way to run a military, but that is the way we have been forced to run part of our B–1 fleet.

And so the idea was to save money, we would cut down that fleet, coming down from the nineties to the sixties, and basically do away with those operations of some 30-some aircraft. That would take out of operation one of our fine assets, our most recently built bombers beyond the few B–2s that we have built, something that has got long-range capability. In fact, those packages may be utilized in upcoming air operations.

My own thoughts are that it is wise for us to spend the money that it takes for the spare parts and the operational support to keep the entire B–1 fleet in the air and operational. I think that makes sense. I think that is where the gentleman was going with his amendment.

Mr. FLAKE. I thank the gentleman. Yes, I want a discussion in conference and want to make sure that we do not foreclose on any option by the administration.

Mr. HUNTER. Let me just say I would be happy to work with the gentleman, with Democrat and Republican Members, and with the administration, to try to persuade them that keeping all our bombers in the air is the way to go.

Mr. STUMP. Madam Chairman, I yield 3 minutes to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Madam Chairman, I would like to talk with the gentleman from Missouri (Mr. SKELTON) who is an expert on the B–2 fleet.

I still think that most Americans do not realize what we have done with that capability, because I just left the buildings in San Diego where, during World War II, we built bombers at a rate that was remarkable. We built a bomber aircraft per hour. That meant that in 1 day, in 24 hours, we would build more aircraft than we have in the entire B–2 fleet. And in some cases, in missions in Europe and other places, we lost more than that many planes in a day. Yet the B–2 fleet, because it has the ability to avoid and evade enemy radar and, therefore, the ability to penetrate into an enemy's airspace directly over target, coupled with precision munitions, where instead of dropping a giant payload of hundreds of bombs on a bridge or another asset, you send one precision-targeted munition into that one strut on that bridge and bring it down, that capability, that precision munitions, coupled with stealth that we have with B–2, has made us very effective.

Mr. SKELTON. Madam Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Missouri.

Mr. SKELTON. As the gentleman knows, the B–2 fleet from Whiteman Air Force Base, which is in west central Missouri, did remarkable work during the Kosovo conflict. The precision ammunition that it used was the best effort in the history of aerial warfare. In this bill, we are working towards smaller precision-type ammunition, bombs, and I think that is a major step.

I also think that, regarding the B–2 fleet, we need certain upgrades to make sure that we stay ahead of all the technology so that, even more so, they will be stealthy. They are a first-class instrument of national defense. The B–2 fleet, as the gentleman knows, is so very, very important to our future. We must in our capacity as lawmakers and members of this committee make sure that the upgrades that are necessary for future technical advancement are bought and paid for.

On a related item, I might tell the gentleman from California that not long ago I was talking with a marine captain who had just relinquished his command as a company commander. I was asking him about his experience. He, of course, being a marine all the way through, was very proud of his service as commander of that company. But he did remark, ''We didn't have enough ammunition to train properly.''

The gentleman from California has done yeoman's work in the area. We need, I think, to do more in the area of ammunition. I know full well that I join him in that effort.

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Mr. HUNTER. Madam Chairman, I thank the gentleman from Missouri (Mr. SKELTON); and you know, we are working with the administration right now, and I know he joins this effort to try to make sure that this package that is being worked up now through the Pentagon includes a lot of ammo, not only for Marines but for the Army.

Mr. SKELTON. Madam Chairman, I reserve the balance of my time.

Mr. STUMP. Madam Chairman, I yield myself such time as I may consume.

I want to take this opportunity to thank the gentleman from Missouri (Mr. SKELTON), the ranking member, for all his help this past year. This is our first bill. It has been a joy to work it. He has been the epitome of a gentleman, and I thank the gentleman, my friend, for all his hard work. Few people are more diligent when it comes to the defense of this country than the gentleman from Missouri (Mr. SKELTON), and I commend him again.

I have no further speakers, Madam Chairman.

The CHAIRMAN. Does the gentleman from Missouri yield time?

Mr. SKELTON. How much time do I have remaining, Madam Chairman?

The CHAIRMAN. The gentleman from Missouri (Mr. SKELTON) has 20½ minutes. The gentleman from Arizona (Mr. STUMP) has 10 minutes.

Mr. SKELTON. Madam Chairman, I have one additional speaker who has a proposed colloquy with me, and I would like to wait a moment for that.

Mr. STUMP. Madam Chairman, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM), a member of the Committee on Appropriations.

Mr. CUNNINGHAM. Madam Chairman, the defense bill has been neglected for a long period of time, not necessarily by appropriations or even authorization, but by the utilization of our Armed Forces without replenishing those forces. It has prevented modernization in many areas.

I also serve on the Permanent Select Committee on Intelligence; and if we think about the depreciation of our personnel, of our equipment and every rock we turn over, whether it is parts, whether it is training, whether it is ship repair, there is a deficiency.

I would like for everyone to think also, because authorization goes to appropriations and under the appropriations cycle we fund the intelligence committees; but every time we had one of those 124 deployments, our intelligence agencies were forced to withdraw from their budget as well and not modernize both in the HUMINT, ELINT and areas in which they need to protect us from terrorism as well as national security from other sources.

I laud the gentlemen on both sides. One of my favorite Members here in Congress is the gentleman from Missouri (Mr. SKELTON), a direct descendant of Daniel Boone; and he believes in defense, as does the gentleman from Arizona (Mr. STUMP), the chairman, on our side of the aisle.

It is important now that the Nation realize just how far deficient that our Armed Forces are and our intelligence service; and if we are going to do an adequate job of protecting this country, then this must be just a start.

Mr. SKELTON. Madam Chairman, I would take this opportunity to thank my friend, the gentleman from California (Mr. CUNNINGHAM) for his very kind and generous remarks.

Madam Chairman, I yield 5 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. Madam Chairman, I appreciate the time from the gentleman from Missouri (Mr. SKELTON), and I want to pay my deep respects to him and to the gentleman from Arizona (Mr. STUMP), the Chair, and to the others.

Let me just say parenthetically, I think we here all enormously enjoy this job almost all the time, but this is such a grave time that I think none of us feel confident that we are fully adequate to these terrible decisions and we are all doing our best; and I particularly admire those who have the responsibility for national security, especially because from what I have

learned from our ranking member and others, there was a genuine effort to work together.

We understand that the kind of differences of opinion we have among ourselves do not mean a lack of national unity, but we also understand the importance of international perception, and we all carry with us a commitment to make sure that none of this murderous gang that has launched a war on innocent people here get any comfort from our debates; and indeed, I think and I understand this, there will be less of a debate in this particular bill over one very controversial issue, national missile defense, than there might otherwise have been and there will be some day.

While many regret that, I think that is an appropriate choice, and I commend the leadership on both sides for acknowledging that because we do run the risk that the people who do not understand that democracy is a strength and not a weakness might temporarily be emboldened by that. So many of us do note that we are supportive of a decision to forgo a all-out debate at this point, not because this is not an important issue, but because there will be another and better time in which to do it.

I do, however, want to stress one aspect of the missile defense question. President Bush has very wide, virtually unanimous support in this country in fashioning a response to this terrorism, which is based on his recognition that it cannot be done without significant international support. Just as a physical fact, given the location of Afghanistan, this, given all of the other problems we have with this far-flung network of murderous assailants that we confront, international cooperation is very important.

I was particularly struck that former President Bush made a point in a speech in Boston about the need for us to disavow any notion any might have had that America can go it alone. This reminds people why we need the rest of the world.

One discordant note in this, however, potentially, would be an American decision unilaterally to withdraw from the ABM treaty in the pursuit of national missile defense. Just as many of us are today acquiescing in the decision not to have a full-fledged debate on this issue, I hope the administration, in the interest of national unity and in the interest of getting that international supportive coalition that is so critical to success, will not be on the verge of or threatening to abdicate a treaty which is so important.

Cooperation from Russia and from the former Soviet states, Uzbekistan, Tajikistan, Kazakhstan, et cetera, that is very important. Cooperation with China is important. It would be, I think, a mistake if we were to make it harder to get that necessary multilateral cooperation by an excessive unilateral approach to the question of the antiballistic missile treaty.

Just as many of us are deferring our views on the overall issue because we do not want anyone outside this country to misunderstand, we do not want anyone to misapprehend the degree of unity and determination there is here in America, we believe unanimously, almost, certainly in this Congress, that we have not only the right, but the moral obligation, to use whatever physical force is necessary to pursue these murderers, because it is our obligation as the nation of great strength, to prevent them from trying striking again and again and again.

But we need to do that with a full respect to our own traditions. We need to show our moral as well as our physical superiority. Part of that has been correctly understood by the President of the United States and by Secretary Powell and others, a multilateral approach.

So, therefore, I hope very strongly that nothing will be done in the area of missile defense in this next few months that would jeopardize the important principles of multilateralism, of getting maximum cooperation. It cannot be a good policy for us completely to disregard the views of others on that one issue, when we are so eager to have their cooperation; and we ought to have their cooperation. We are asking for something in the world's interests, as well as our own.

So, again, I want to thank the ranking member, the Chair and others, for the example they are setting of cooperation.

Mr. STUMP. Madam Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. WELDON).

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Madam Chairman, I thank the gentleman for yielding me time.

I want to respond to our colleague's comments. The gentleman raises a valid point, and I want to acknowledge the fact that many of our colleagues who oppose missile defense are working in a very constructive way to move forward with this sense of unity; and we appreciate that.

I want to assure the gentleman that we are working together. In fact, on Wednesday, a group of us will travel to Moscow. We have been working for 2 months quietly behind the scenes with the administration, both the Department of Defense, the National Security Council and the White House, to put together a major package, the most comprehensive package ever, to engage Russia and its people in the area of the environment, education, health care, culture, agriculture, across-the-board, with a component of that being defense.

We are very sensitive to the gentleman's comments that we do not want to have this become an issue that becomes divisive. I share that feeling. Even though we may disagree on missile defense, I share the gentleman's sentiments. And I know many of our colleagues, like the gentleman from Ohio (Mr. KUCINICH) and others, feel the same way.

So we are using every ounce of energy to reach that compromise to work together. There will be members of the minority party on the trip. In fact, the gentleman from New York (Mr. HINCHEY) has agreed to go, the gentleman from Hawaii (Mr. ABERCROMBIE), the gentleman from Texas (Mr. EDWARDS) is looking at going with us.

We will have constructive discussions. I want to assure our colleague, the White House, the Defense Department, and the State Department understand the gentleman's comments. We do not want to have this become a split between us and Russia, and I want to pledge my support to working every possible way I can to make sure that we do exactly what the gentleman has asked us to do, and that is not box Russia out.

So I appreciate the gentleman's comments.

Mr. FRANK. Madam Chairman, will the gentleman yield?

Mr. WELDON of Pennsylvania. I yield to the gentleman from Massachusetts.

Mr. FRANK. Madam Chairman, given the fact that the gentleman acknowledges, yes, this is an area in which we differ, I appreciate very much his comments. And I hope that this will be part of the signal that we set, that we can maintain legitimate differences within our democratic structure without in any way endangering our unity.

Mr. SKELTON. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I thank the gentleman from Massachusetts (Mr. FRANK), for his comments on the need for working together with other countries. One of the pole stars of this entire effort against terrorism will be that of building a coalition of countries who desire and urge freedom for their people. So I thank the gentleman for pointing that out.

Madam Chairman, I yield 1 minute to the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. Madam Chairman, I want to join with those who have come to this floor today to express, first and foremost, the heartfelt feelings that all of us on the committee have for the extraordinary leadership on this committee, exemplified by the gentleman from Arizona (Mr. STUMP) and the gentleman from Missouri (Mr. SKELTON). Truly in this hour of need for our country and throughout their service on this committee, they have always put America first.

The help that I have received in putting forward legislation from people like the gentleman from Pennsylvania (Mr. WELDON) and the gentleman from California (Mr. HUNTER) and working with the gentleman from Mississippi (Mr. TAYLOR) and the gentleman from Hawaii (Mr. ABERCROMBIE), makes this

committee, makes this Chamber, especially during this hour of crisis, that much more significant, that much more important. To see the debate that just transpired between two colleagues lets the American people know how strong and firm and committed we remain.

Mr. STUMP. Madam Chairman, I yield 1 minute to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Madam Chairman, I just want to mention that with respect to the ranking member who was just talking about the need for a bilateral policy and working with our allies, obviously that system has now been energized, in light of the strike on the United States.

I think one other aspect of missile defense has been addressed by that, because one of the arguments of the Bush Administration to the Russians has been that while we did sign the ABM agreement with them and we promised not to defend ourselves against incoming missiles and they did the same thing with respect to the United States, our argument has been that this world is a very dangerous place external to that relationship between the Russians and the United States; that there are other states out there that would attack the United States that we should be worried about and who are developing missiles and developing those systems that could harm us.

□ 1445

I think that this strike on the United States has given a great deal of credibility to this message that we have been sending to the Russians, that we have not only a real threat, but we have obviously the supreme national interest of defending ourselves against that threat. I think there is going to be a new tone taken by the Russians post-strike.

Mr. SKELTON. Madam Chairman, I yield such time as she may consume to the gentlewoman from California (Ms. SANCHEZ) for the purposes of a colloquy.

Ms. SANCHEZ. Madam Chairman, I rise to engage the gentleman from Missouri (Mr. SKELTON), the distinguished ranking member of the committee, on an issue that directly impacts my district.

Mr. SKELTON. Madam Chairman, if the gentlewoman will yield, I would be pleased, of course, to engage with the gentlewoman from California in a discussion of her concerns.

Ms. SANCHEZ. Madam Chairman, as a member of the House Committee on Armed Services, I wish to bring to the attention of my colleagues and the administration a problem that involves a former active military facility in my congressional district, the Marine Corps Air Station of Tustin.

Mr. SKELTON. Madam Chairman, I would tell the gentlewoman that I am familiar with the facility, which was closed under the auspices of the Base Closure and Realignment Commission, also known as BRAC. The gentlewoman has discussed the status with me in the past.

Ms. SANCHEZ. Madam Chairman, as the gentleman from Missouri knows, MCAS Tustin was closed along with MCAS El Toro in Orange County, California. As in other communities throughout the Nation, the local public and their leaders have had to decide how best to use these former military installations. In the case of MCAS Tustin, there is currently a ''tug of war'' going on in my district about the different interests. The city of Tustin wishes to use most of the facility for purposes that exclude public benefit conveyances to Santa Ana Unified School District and Rancho Santiago Community College District.

Mr. SKELTON. Madam Chairman, if the gentlewoman will again yield, I might say that I am aware of the city of Tustin's base reuse plan and that there is currently a dispute between the city of Tustin and the school districts, as the gentlewoman mentions. I further understand that the Department of the Navy has been meeting with both parties to try to encourage a compromise solution to the outstanding issues regarding this former base.

Ms. SANCHEZ. Madam Chairman, that is correct. In short, the city of Tustin has not provided for the conveyance of enough appropriate land to accommodate the needs of the growing school district populations in Santa Ana. The land that the city of Tustin has offered to the school districts is contaminated and unusable for purposes of housing children. The Department of the Navy has assured me that the resolution of the issues surrounding conveyance of this Tustin property for educational needs is critical in any conveyance decision, and the Navy continues to encourage a local agreement on the issue and feels that the lack of an agreement on educational transfers seriously complicates and has stopped any Navy decision to convey MCAS Tustin property.

Mr. SKELTON. Madam Chairman, that is my understanding of the position of the Department of the Navy as well. As ranking minority member of the committee, I can assure the gentlewoman that the committee would take a very dim view of a transfer of land by the Navy before the issues that she raises today are resolved.

Ms. SANCHEZ. Madam Chairman, I thank the gentleman.

Mr. MCGOVERN. Madam Chairman, I have many concerns about this bill and our defense budget, including its overall size, weapons systems, and priorities. I have never supported funding for National Missile Defense, and I never will. This foolish and expensive program takes monies away that would be better spent, in my opinion, to combat terrorism, enhance readiness, and support research on battlefield medical and other support.

At the same time, I strongly support the significant increases in this authorizations bill for ''quality of life'' improvements for our uniformed men and women and their families. H.R. 2586 makes welcome advances in providing additional resources for military pay, health care, and housing, as well as health care for our military retirees.

I believe it is important to move this funding forward so that the Pentagon and our various defense agencies might rest assured that they have the resources they require to respond effectively to our current national security crisis.

I would like to take a moment, however, to talk about a small amount of military aid in this bill, small at least relative to the overall $343.1 billion authorized in H.R. 2586. But not small in the impact these funds will have in the country where they will be used.

This bill contains a little over $99 million in military aid for Colombia. In July, during debate on the foreign operations appropriations bill, many of my colleagues claimed that the amendment offered by Congressman HOEKSTRA and myself would eliminate military funding for Colombia. We said that was not true—that there were additional funds in the DOD bill. We were right.

President Pastrana recently announced that Colombia should rethink the entire approach of the United States-backed Plan Colombia. Indeed, as the Push Into Southern Colombia proceeds, President Pastrana described how coca fields are shifting from the southern state of Putumayo to regions never used before for drug cultivation. The various armed factions in Colombia—the guerrilla groups, the paramilitary forces and the Armed Forces—are now entering those regions, fighting for territorial control and bringing violence and death in their wake. And the expanded conflict has brought peace negotiations to a halt.

Rather than containing coca cultivation and decreasing the level of violence in Colombia, our policy is doing the opposite, and drawing Colombia and the United States into a wider conflict.

As we prepare for yet another war against an enemy that can easily shift territory and forces, we need to remember that military force alone can't win these campaigns.

Over $340 billion in military aid for the Pentagon alone won't guarantee success.

I support the efforts of president Bush, Secretary of State Powell and other members of the administration to create a global, multilateral effort to coordinate our diplomatic, economic, judicial, law enforcement, and intelligence resources. The United States cannot do this alone, and we should not ''go it alone.''

Increased food aid, development and economic assistance can make a significant difference in overcoming the poverty, hunger, ignorance, illiteracy, and oppression, which are often the breeding grounds of civil unrest, conflict and terrorism.

And unless the United States is actively engaged in finding just and lasting solutions to the many long-standing conflicts around the globe, including the Middle East, terrorism will continue to flourish.

Now, more than ever, we must make serious efforts to advance justice, human dignity and the rule of law to every corner of the globe.

And lest we forget, our national security is grounded in our ability to provide our own citizens with quality education, health care, a sound infrastructure, economic opportunity, and fundamental civil liberties.

So, while we take up consideration today of this defense bill, I urge my colleagues to also support significant new investments in food and development aid, in diplomatic resources, and in strengthening our domestic and international judicial and law enforcement programs. The September 11 terrorist attacks were attacks against our freedoms and the prosperity of our nation and our communities. We must ensure both continue to advance if we are to genuinely thwart the intent behind these evil acts.

Ms. McKINNEY. Madam Chairman, I have grave concerns about this bill.

I would first like to say that I hope that reason and common sense prevail in any decisions on our Nation's future response to terrorism.

Madam Chairman, I pray for God's intervention in ensuring the safe return of our many young men and women who are now being sent off to fight this war against terrorism. They face tremendous dangers and uncertain futures and their families will endure many long and sleepless nights waiting for their return. We must remember them all and acknowledge the great personal sacrifices they are going to have to make on our behalf in the coming days.

BUDGET INCREASE AND COMPARISON

The passage of H.R. 2586, the National Defense Authorization Act of 2002, by the House Armed Services Committee represented a near $33 billion dollar increase from fiscal year 2001, and provides a total of $343.3 billion in budget authority to the Department of Defense for fiscal year 2002. For the sake of comparison, the House of Representatives has passed an appropriation totaling $7.7 billion for the Department of State for fiscal year 2002, and the appropriation for Foreign Operations was passed by the House at $15.2 billion. The sum of these two appropriations—$22.9 billion—representing the amount allocated to diplomancy, international aid, and peace by the United States, rises only to 70 percent of the defense allocation increase and 6.7 percent of the entire defense budget.

With the financial mismanagement that continues to exist within the Department of Defense, increases should not be made to many programs until a system of financial responsibility is instituted to prevent future overspending and fiscal waste and to address the lack of accountability.

MISSILE DEFENSE

The single largest portion of the budget increase is dedicated to the development and proliferation of missile defense systems. It should be apparent to us all that ballistic missiles are not our worst threat at this time.

The committee's missile defense program is a carbon copy of the Bush administration proposal. It would dramatically increase the missile defense budget 57 percent—$3 billion to $8.3 billion. This accelerated missile defense program is virtually certain to lead China to increase the number of nuclear weapons pointed at United States cities and may discourage Russia from making deep cuts in its arsenal. It should be apparent be apparent to us all that ballistic missiles are not our worst threat at this time. This program has also had seriously questionable success in operational tests to date, and functional operation of any missile defense is still in doubt.

Expensive, high-tech weapons are no substitute for effective diplomacy, arms control, disarmament, and international cooperation. Cooperative international arms control and disarmament agreements will be far more effective in advancing peace and security in the years ahead and will cost far less than a missile shield.

NUCLEAR REDUCTIONS

Although both Russia and the United States have ratified START II, its implementation has become entangled in contradictory conditions by the Russian Duma and the U.S. Senate over the Anti-Ballistic Missile (ABM) Treaty. I have been encouraged by President Bush's proposal to unilaterally reduce the U.S. strategic arsenal, beginning with the 50 Peacekeeper (MX) missiles, which contain 500 nuclear warheads.

Unfortunately, current law prohibits the President from reducing the nuclear arsenal, other than through START II ratification. Current law also places unnecessary restrictions on the ability of the President to de-alert, or take off high-alert status, our nuclear weapons. Currently the United States and Russia have over 4,000 nuclear weapons aimed at each other—poised to be launched within minutes.

The committee unfortunately rejected the amendment by Representative TOM ALLEN to remove the restrictions in section 1302. It did allow a second, narrower amendment to remove the restrictions on the MX missile retirements. However, the committee denied the President the ability to negotiate deeper reductions with Russia by defeating the first Allen amendment.

The President, Secretary of Defense Rumsfeld, and the Joint Chiefs of Staff have all called for reductions in our strategic arsenal. Yet the majority party on our committee continues to cling to these weapons as cold war relics.

I was also disappointed that the committee rejected the amendment by Representative ELLEN TAUSCHER that would have de-alerted the nuclear weapons in our arsenal that are already slated for retirement. The first President Bush de-alerted thousands of nuclear weapons in 1991 as the Warsaw Pact disintegrated. The current President Bush has also supported the concept of taking nuclear weapons off hair-trigger alert. Unfortunately the committee again missed an opportunity to demonstrate leadership in reducing the nuclear danger. In light of recent events, I think that it would be prudent to de-alert as many nuclear missiles, and to retire as many as possible lest they become greater targets, or become threats against ourselves.

MEDICAL ACCESS AND GENDER

I regret that the committee did not support changing current law to permit service women and female dependents who serve or reside overseas to access military hospitals and other facilities for the purpose of privately funded abortions. Similar women who serve or reside within the United States have constitutionally protected right to access to legal and safe facilities that provide abortions. Left with no other option than to either seek an abortion in a potentially unsafe, foreign medical facility or to forgo an abortion altogether, this legal provision is tantamount to gender discrimination and should be changed. Not only does this threaten the health of such women, such a policy is seemingly unconstitutional, and further, it threatens retention and recruitment of soldiers. I urge my colleagues to support efforts to correct this discriminatory discrepancy.

VIEQUES, PUERTO RICO

I find it unfortunate that the committee has sought to reduce the likelihood of the Navy's departure from the island of Vieques, PR, and that the Reyes amendment was defeated. The people of Vieques were provided last year with the opportunity to choose their own fate with regards to the Navy range, and through a nonbinding referendum on June 29, 2001, overwhelmingly issued their desire for the Navy to depart from their island. The continued bombing erodes the safety, environment and economy of this island and its people, and should cease. It is my hope that the administration is permitted to proceed with the Navy's planned withdrawal from Vieques in 2003, and that the unlikely discovery of another ''suitable'' alternate site not be held as prerequisite for this departure.

DOMESTIC USE OF INTELLIGENCE

There have been recent revelations about the use of military intelligence for domestic purposes, specifically with respect to the surveillance of Dr. Martin Luther King, Jr., and Operation Lantern Spike. Evidence of such past activities give rise today to grave constitutional issues and concern about civil liberties. The 1975 report written by the Select Committee to Study Governmental Operations with Respect to Intelligence Activities revealed practices ''abhorrent in a free society.'' The Church Committee, named after its Chairman, Frank Church of Idaho, exposed that in the name of state security and program of manipulation, infiltration, surveillance, harassment, disruption, and murder was carried out with the consent of those at the highest levels of the United States government and against domestic and international law.

Proposals supporting the creation of a National Homeland Security Agency raise a specter of the return of the most egregious aspects of the domestic program that deprived too many Americans of their constitutional rights and in some cases their lives. 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.

INTERNATIONAL ASSISTANCE AND PROGRAMS

The escalating war on drugs is another problem area for us. Though I appreciate a reduction of $4 million from the contributions to Peru for counterdrug support, the events surrounding the death of American missionary Veronica Bowers and her 7-month old daughter highlight the role our Nation and military play in foreign affairs. Though it was private CIA contractors who were involved in this specific incident, our military resources are being used to train and support foreign nations in their efforts to curb drug production and distribution. As with the transgressions that resulted from training foreign militaries at the School of the Americas, human rights abuses can result from the training, arming, and empowerment of developing nations' armed forces. Further, we should be cautious that such activity does not draw our nation into difficult regional conflicts, and in light of the apparent failure of the war on drugs, the entire concept of military-based drug interdiction and it's efficacy should be reconsidered.

As with the continued bombing and overflights of Iraq and other operations, I think that

now is not the time to be fighting proxy wars overseas, making more enemies abroad than we may already have. Now is a time to focus on diplomacy abroad and justice and security within, and as such, I do not support continued funding and training for civil conflicts in Colombia or elsewhere.

QUALITY OF LIFE ISSUES

Despite my reservations with this legislation, it includes positive aspects that I applaud.

I would like to commend the committee, and particularly the Personnel Subcommittee for the increase in military pay and salaries. This is an appropriate step that not only provides our service men and women with sufficient compensation, but also achieves two other important goals: furthering the profession of the military and the responsibility inherent in the changing roles of the armed forces; and enhances the retention of service men and women. Similarly, increases in moving allowances, housing expenditures, provisions permitting concurrent receipt of retired pay and veteran's disability benefits, and efforts to protect voting rights of personnel are praiseworthy.

Much has changed since the committee passed this bill in August. Many of the nations that we perceive as a threat will respond to the expansion and proliferation of missile defense, the expanding role of the military in drug interdiction, and prevention of reductions in nuclear missiles. It is uncertain how these nations will respond, but I am confident that diplomacy and engagement will have much more positive effects on our national security than will an expanding defense budget. Similarly, the Department of Defense should be urged to respond to the trust that is instilled in it by reforming its financial management, reducing the obstruction that has plagued its history, and by eschewing involvement in domestic issues. I urge this body to prudently consider its role in developing not only national policy, but also international relations, and to realize that as the global leader we have a role not only in preparing for war, but also in promoting peace.

Mr. SOUDER. Madam Chairman, I rise in support of this bill at a particularly critical time for our Nation. As chairman of the Drug Policy Subcommittee and one of the cochairs of the Speaker's Task Force for a Drug Free America, however, I wanted to express my desire to work with all interested parties with respect to critical counterdrug programs.

My subcommittee and the Speaker's Task Force have watched with some concern as significant changes to the Defense Department's counterdrug program and organization have been considered. This is an issue which deserves careful attention, and I very much appreciate the Armed Service's Committee's clear statement of its support for a robust counterdrug role for the Department. I also appreciate the committee's stated intention to continue to direct careful and continuing attention to departmental reorganization initiatives in this area.

Our counterdrug efforts are interagency efforts that require cooperation and coordination from agencies across the Federal Government. It is critical that the Defense Department not unilaterally withdraw key support in this area or conduct fundamental reorganizations without consulting with the Office of National Drug Control Policy and other affected Federal agencies. Any policy changes in this area must be considered in light of the overall national drug control strategy issued by ONDCP.

I would also like to express my concern about a provision of this bill related to the Tethered Aerostat Radar System, or TARS. I intended to offer an amendment regarding this provision, but was not able to submit it due to the extremely early deadline set by the Rules Committee regarding the bill. The TARS system has been an important asset to our narcotics interdiction efforts along the southern border and the Caribbean and has been operated in cooperation between the Department of Defense and the U.S. Customs Service. TARS balloons provide a platform for radars to detect incoming aircraft attempting to smuggle drugs into the United States.

The Defense Department has determined that the TARS system is no longer needed for national defense purposes, and has now shut down virtually all of the aerostats which previously operated in the Caribbean and the Gulf of Mexico. However, the Customs Service strongly believes, as do I, that these assets remain critical to our drug interdiction efforts. The Department and the Customs Service have been attempting to reach an agreement to transfer the system completely to the Customs Service. Because of the change in administration, those discussions have been stalled. The relevant political officials have only recently started work at DOD, and we still do not have a confirmed Commissioner of Customs.

This bill contains a provision authorizing the Secretary of Defense to transfer the TARS system to the Customs Service, which I support. I am concerned, however, that the bill contains a specific deadline of the end of the next fiscal year by which the transfer must be completed or the system will effectively be shut down. Since Customs Service officials have not yet been able to resume discussions with the Defense Department on this matter, I do not believe that it is wise either to mandate a specific date for the resolution of this matter, or to pass legislation which would relieve the Defense Department of its responsibility to operate this system without providing for a mechanism to ensure that the counterdrug mission will continue.

I ask the committee to consider removing this deadline in the final version of the legislation and look forward to working with all interested parties to reach an appropriate resolution of this matter.

Mr. GALLEGLY. Madam Chairman, I rise today to thank both subcommittee Chairman MCHUGH and Chairman STUMP for their help in including my legislation within the Defense Authorization Act to create a Korea Defense Service Medal for those members of the Armed Forces who served, and still serve, in Korea.

Madam Chairman, more than 40,000 members of the United States Armed Forces have served on the Korean Peninsula each year since the armistice was signed in July 1953. Since then, an estimated 1,200 service men and women have died as a direct result of their service in Korea.

Service medals are given the veterans who serve in particular regions during times of hostility or the threat of hostility. For example, those who served in Berlin during the cold war were awarded a service medal. Since the Korean armistice was signed, there have been more than 40,000 breaches of the cease-fire, making it among the more dangerous places to serve. However, no campaign medal has been awarded for Korean service.

In light of the current crisis, it is appropriate that we honor the thousands of dedicated and brave men and women we have sent, and continue to send, to Korea. This recognition is long overdue.

On another note, I again want to thank Chairman STUMP for supporting several projects that will upgrade the Navy facilities at Pt. Mugu and Port Hueneme, CA. The chairman and his staff have been most helpful and his interest in these facilities and the welfare of our service men and women is greatly appreciated.

Mr. BILIRAKIS. Madam Chairman, some military retirees—individuals who are eligible for military retirement benefits as a result of a full service career—are also eligible for disability compensation from the VA based on a medical problem they incurred while in the service. Under present law, these service-disabled retirees must surrender a portion of their retired pay if they want to receive the disability compensation to which they are entitled. Congress enacted this unjust law in 1891.

Think of two soldiers who joined the Army together and were wounded in the same battle. Joe left the Army after his 4-year stint and joined the Department of Justice as a civilian employee. Jim stayed on and made a career in the military.

Thirty years later, both men are receiving Federal longevity retired pay based on their careers. Both are also eligible for VA disability compensation as a result of the injuries they sustained while in the Army. The difference is that in order to get his disability compensation, Jim must forfeit an equal amount of his retired pay, while Joe collects the full amount of both benefits without a deduction in either.

Why should the individual who chose a military career be penalized? One benefit is based on longevity in a career, the other on an injury sustained while in the service. Joe in our example can even receive civil service retirement credit for his four years in the military. Yet, Jim is branded a ''double dipper.'' This simply is not fair.

Nationwide, more than 500,000 disabled military retirees must give up their retired pay in order to receive their VA disability compensation. In effect, they must pay for their VA disability out of their military retirement—something no other Federal retiree must do. How can we possibly expect to maintain a viable national defense if service members realize that if they experience a service-connected disability, they cannot receive both VA disability compensation and military retired pay?

The 106th Congress took the first steps toward addressing this inequity by authorizing the military to pay a monthly allowance to military retirees with severe service-connected disabilities rated by the Department of Veterans' Affairs at 70 percent or greater. While these special compensation provisions do not correct the long-standing inequity of the current offset, they do move us one step closer to correcting this injustice once and for all.

In the beginning of the 107th Congress, I once again introduced H.R. 303, the Retired Pay Restoration Act, to eliminate the current offset between military retired pay and VA disability compensation. I am pleased to report that my bill has received strong bipartisan support with approximately 370 cosponsors in the

House—roughly 85 percent of House Members. A Senate companion bill, S. 170, has also received strong support with 73 cosponsors.

I would like to thank Military Personnel Subcommittee Chairman JOHN MCHUGH and full committee Chairman BOB STUMP for working with me this year to incorporate ''concurrent receipt'' language into H.R. 2586, the FY 2002 National Defense Authorization Act.

I also want to thank Representatives STEVE BUYER and CHARLIE BASS for their assistance. They have been stalwart supporters of eliminating the current offset.

H.R. 2586 includes a provision to authorize military retirees to receive VA disability compensation concurrently with military retired pay. This provision will take effect after the President submits legislation in an annual budget request and Congress enacts legislation to offset the cost of this initiative. While not perfect, I do believe that this language is an important step in our efforts to eliminate the offset between military retired pay and VA disability compensation.

Each of the thousands of disabled military retirees answered when America called. Now it's time for America to answer their call.

I urge colleagues to support H.R. 2586.

Mr. SAM JOHNSON of Texas. Madam Chairman, as a nation, we have unfortunately witnessed firsthand the true threats to our Nation's security. It is vital for every Member to support our men and women in uniform—and this bill. Right now, our troops are being sent into harm's way—to protect us.

They are being asked to leave their families and defend this country against an enemy we do not fully understand, for an amount of time we cannot determine. For 8 long years, we neglected our forces.

For America to win the war against terrorism, our military must have the best equipment, the best training, and the best resources available.

Our lives have changed forever, but the role of our military is still the same—to protect America. It is time to give them what they need now. They deserve our help and support.

You know, we live in the greatest nation on Earth. And we have a President and Commander-in-Chief who believes in our strength and in our military's might.

This bill today reflects that confidence. Rest assured, we can and will win this war against freedom.

Vote for freedom.

Vote for our men and women in uniform.

Vote for this bill.

Mr. ORTIZ. Madam Chairman, I rise in strong support of H.R. 2586, the National Defense Authorization Act for Fiscal Year 2002. I want to specifically address the provisions in the Act relating to military readiness.

First, I would like to express my appreciation to the Readiness Subcommittee leadership and to my colleagues, on both the subcommittee and the full committee, for the manner in which the readiness provisions of H.R. 2586 were developed this session. I want to express my personal thanks to my friend and colleague, CURT WELDON, for the extraordinary steps he took while serving as chairman of the Readiness Subcommittee to focus attention on the critical readiness issues facing our military and the Nation. While we may differ on some policy and program objectives, we on the subcommittee were able to get a better appreciation of the challenges our military personnel and dedicated civilian employees face in trying to do more with less. For their effort, we can all be proud. I personally remain concerned about how long they will be able to keep up the pace.

Accepting the budget realities we are facing, the readiness provisions in the bill reflect some of the steps I believe are necessary, with the dollars available, to make their tasks easier. It does not provide all that is needed. I remain perplexed when I reflect on the impact that the resource shortages are having on every facet of our military. That includes the stability of our dedicated civilian employees who are also being asked to remain productive while at the same time the Department appears to be trying to take away their jobs. I regret that we are unable to do more about the deplorable facilities our personnel must use to train and to maintain equipment. There is an immediate need for the administration and the Congress to scrub the budget to address this serious budget shortfall. I am very concerned that what was thought to be a certain commitment of additional funds for defense could turn out to be a hollow promise.

Madam Chairman, I want to make it very clear that I believe that the readiness policy provisions in H.R. 2586 represent a step in the right direction. We denied several policy modifications requested by the Department that would do harm to overall readiness. It is the dollar shortfall that raises my concern. I hope that as we continue with the passage of this bill and go into conference with the Senate, we will continue to search for opportunities to increase the resources available for the readiness accounts. We cannot afford to fail in this endeavor.

I hope my colleagues will join me in supporting H.R. 2586.

Mr. STUMP. Madam Chairman, I would like to submit the following letters for the CONGRESSIONAL RECORD for H.R. 2586, the National Defense Authorization Act of 2001.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, August 14, 2001.

Hon. BOB STUMP, Chairman,
Committee on Armed Services, Washington, DC.

DEAR MR. CHAIRMAN, This letter concerns the jurisdiction interest of the Committee on Transportation and Infrastructure in H.R. 2586, the Department of Defense Authorization Act for Fiscal Year 2002.

H.R. 2586, as ordered reported by the Committee on Armed Services, contains many provisions over which the Committee on Transportation and Infrastructure has jurisdiction. As in previous bills, these include all sections that affect the pay, benefits, and personnel of the United States Coast Guard and the United States Coast Guard Reserve.

Our Committee recognizes the importance of H.R. 2586 and the need for this legislation to move expeditiously. While we have a valid claim to jurisdiction over a number of provisions in the bill, including many that affect the United States Coast Guard, I do not intend to request a sequential referral of the bill. This is, of course, conditional on our mutual understanding that nothing in this legislation waives or affects the jurisdiction of the Transportation Committee, that every effort will be made to include any agreements worked out by our staffs as the bill is taken to the Floor, and that a copy of this letter and your response will be included in the Committee Report and as part of the record during consideration of the bill by the House.

The Committee on Transportation and Infrastructure also requests to be included as conferees on the provisions over which we have jurisdiction.

Thank you for your cooperation in this matter.

Sincerely,

DON YOUNG,
Chairman.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
Washington, DC, August 29, 2001.

Hon. DON YOUNG,
Chairman, Committee on Transportation and Infrastructure,
U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN. Thank you for your letter of August 14, 2001 regarding H.R. 2586, the National Defense Authorization Act for Fiscal Year 2002.

I agree that the Committee on Transportation and Infrastructure has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to request such a referral in the interest of expediting consideration of the bill. I agree that by foregoing a sequential referral, the Committee on Transportation and Infrastructure is not waiving its jurisdiction. Further, as you requested, this exchange of letters will be included in the Committee report on the bill.

Thank you for your cooperation in this matter.

Sincerely,

BOB STUMP,
Chairman.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON EDUCATION AND THE WORKFORCE,
Washington, DC, August 28, 2001.

Hon. BOB STUMP,
Chairman, Committee on Armed Services, Washington, DC.

DEAR CHAIRMAN STUMP. Thank you for working with me in your development of H.R. 2586, the ''National Defense Authorization Act for Fiscal Year 2002,'' specifically: 1. Section 341, ''Assistance to Local Educational Agencies that Benefit Dependents of Members of the Armed Forces and Department of Defense Civilian Employees'' 2. Section 342, ''Availability of Auxiliary Services of Defense Dependents education system for dependents who are home school students'' 3. Section 343, ''Report regarding Compensation for teachers employed in teaching positions in overseas schools operated by the Department of Defense'' 4. Section 509, ''One-year Extension of expiration date for certain force management authorities'' 5. Section 584, ''Clarification of military recruiter access to secondary school directory information about students.''

As you know, these provisions are within the jurisdiction of the Education and the Workforce Committee. While I do not intend to seek sequential referral of H.R. 2586, the Committee does hold an interest in preserving its future jurisdiction with respect to issues raised in the aforementioned provisions and its jurisdictional prerogatives should the provisions of this bill or any Senate amendments thereto be considered in a conference with the Senate. We would expect to be appointed as conferees on these provisions should be a conference with the Senate arise.

Again, I thank you for working with me in developing the amendments to H.R. 2586 and look forward to working with you on these issues in the future.

Sincerely,

JOHN BOEHNER,
Chairman.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, August 31, 2001.

Hon. BOB STUMP,
Chairman, House Committee on Armed Services, U.S. House of Representatives, Washington, DC.

DEAR BOB. Thank you for working with me regarding H.R. 2586, the ''National Defense Authorization Act for Fiscal Year 2002,'' which was referred to the Committee on Armed Services. As you know, the Committee on the Judiciary has a jurisdictional interest in this legislation, and I appreciate your acknowledgment of that jurisdictional interest. While the bill would be sequentially referred to the Judiciary Committee, I understand the desire to have this legislation considered expeditiously by the House; therefore, I do not intend to hold a hearing or markup on this legislation.

In agreeing to waive consideration by our Committee, I would expect you to agree that this procedural route should not be construed to prejudice the Committee on the Judiciary's jurisdictional interest and prerogatives on this or any similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to my Committee in the future. The Committee on the Judiciary takes this action with the understanding that the Committee's jurisdiction over the provisions within the Committee's jurisdiction is in no way diminished or altered, and that the Committee's right to the appointment of conferees during any conference on the bill is preserved. I would also expect your support in my request to the Speaker for the appointment of conferees from my Committee with respect to matters within the jurisdiction of my Committee should a conference with the Senate be convened on this or similar legislation.

Again, thank you for your cooperation on this important matter. I would appreciate your including our exchange of letters in your Committee's report to accompany H.R. 2586.

Sincerely,

F. JAMES SENSENBRENNER, JR.,
Chairman.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
Washington, DC, August 31, 2001.

Hon. F. JAMES SENSENBRENNER, JR.,
Chairman, Committee on the Judiciary, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN. Thank you for your letter of August 31, 2001 regarding H.R. 2586, the National Defense Authorization Act for Fiscal Year 2002.

I agree that the Committee on the Judiciary has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to request such a referral in the interest of expediting consideration of the bill. I agree that by foregoing a sequential referral, the Committee on the Judiciary is not waiving its jurisdiction. Further, as you requested, this exchange of letters will be included in the Committee report on the bill.

Thank you for your cooperation in this matter.

Sincerely,

BOB STUMP,
Chairman.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, August 31, 2001.

Hon. BOB STUMP,
Chairman, Committee on the Armed Services, Washington, DC.

DEAR MR. CHAIRMAN. Thank you for an opportunity to review the text of H.R. 2586, the National Defense Authorization Act of 2002, for provisions which are within the jurisdiction of the Committee on Resources. Among these provisions are those dealing with benefits for the National Oceanic and Atmospheric Administration Corps, environmental review, public lands, and territories of the United States.

Because of the continued cooperation and consideration you have afforded me and my staff in developing these provisions, I will not seek a sequential referral of H.R. 2586 based on their inclusion in the bill. Of course, this waiver is not intended to prejudice any future jurisdictional claims over these provisions or similar language. I also reserve the right to seek to have conferees named from the Committee on Resources on these provisions, should such a conference become necessary.

Once again, I appreciate working with you and your staff on these matters, and look forward to urging my colleagues to support and pass H.R. 2586.

Sincerely,

JAMES V. HANSEN,
Chairman.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, September 4, 2001.

Hon. BOB STUMP,
Chairman, Committee on Armed Services, U.S. House of Representatives, Washington, DC.

DEAR CHAIRMAN STUMP. On August 1, 2001, the Committee on Armed Services ordered reported H.R. 2586, the National Defense Authorization Act for Fiscal Year 2002. As ordered reported by the Committee on Armed Services, this legislation contains a number of provisions that fall within the jurisdiction of the Committee on Energy and Commerce. These provisions include the following:

Section 509—One-year extension of expiration date for certain force management authorities.

Section 514—Improved disability benefits for certain reserve component members.

Subtitle A of title 6—Pay and Allowances

Section 611—One-year extension of certain bonus and special pay authorities for reserve forces.

Section 612—One-year extension of certain bonus and special pay authorities for nurse officer candidates, registered nurses, and nurse anesthetists.

Section 2906—Environmental compliance and environmental response requirements.

Section 3131—Termination date of Office of River Protection, Richland, Washington.

Section 3132—Organizational modifications for National Nuclear Security Administration.

Section 3201—Defense Nuclear Facilities Safety Board Authorization.

I understand that two provisions within my jurisdiction that are in the bill as ordered reported will be deleted in the reported version of H.R. 2586: (1) section 316, concerning the authority of the Department of Defense to accept and store mercury and (2) section 712, listing requirements regarding a Presidential task force. Further, I understand that section 3134, dealing with the disposition of surplus plutonium at the Savannah River Site in Aiken, South Carolina, will be modified to make clear that it only deals with military surplus plutonium, and therefore will not fall within my committee's jurisdiction.

Recognizing your interest in bringing this legislation before the House expeditiously, the Committee on Energy and Commerce agrees not to seek a sequential referral of the bill based on the provisions listed above. By agreeing not to seek a sequential referral, the Committee on Energy and Commerce does not waive its jurisdiction over these provisions or any other provisions of the bill that may fall within its jurisdiction. In addition, the Committee on Energy and Commerce reserves its right to seek conferees on any provisions within its jurisdiction which are considered in the House-Senate conference, and asks for your support in being accorded such conferees.

I request you include this letter as part of the report on H.R. 2586 and as part of the Record during consideration of this bill by the House.

Sincerely,

W.J. ''BILLY'' TAUZIN,
Chairman.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, September 5, 2001.

Hon. BOB STUMP,
Chairman,
Committee on Armed Services, Washington, DC.

DEAR MR. CHAIRMAN: The Committee on Government Reform has decided not to assert its jurisdiction over the following provisions of H.R. 2586, the National Defense Authorization Act for Fiscal Year 2002, that fall within the Committee's jurisdiction.

Title III—Operation and Maintenance

Section 333. Continuation of contractor manpower reporting system in Department of the Army.

Title V—Military Personnel Policy

Section 519. Use of military leave for funeral honors duty by Reserve members and National Guardsmen.

Section 588. Payment of FEHBP premiums for certain Reservists called to active duty in support of contingency operations.

Title VIII—Acquisition Policy, Acquisition Management, and Related Matters.

Section 803. Two-year extension of program applying simplified procedures to certain commercial items.

Section 811 through 819. Erroneous Payment Recovery.

Title X—General Provisions

Section 1041. Limited access to sensitive unclassified information for administrative support contractors.

Title XI—Civilian Personnel

Section 1101. Undergraduate training program for employees of the National Imagery and Mapping Agency.

Section 1103. Payment of expenses to obtain professional credentials.

Section 1104. Retirement portability elections for certain Department of Defense and Coast Guard employees.

Section 1105. Removal of requirement that granting civil service compensatory time be based on amount of irregular occasional overtime work.

Section 1106. Applicability of certain laws to certain individuals assigned to work in the Federal Government.

Section 1107. Limitation on premium pay.

Section 1108. Use of common occupational and health standards as a basis for differential payments made as a consequence of exposure to asbestos.

Section 1110. ''Monroney amendment'' restored to its prior form.

Title XXXII—Defense Nuclear Facilities Safety Board

Section 3132. Organizational modifications for National Nuclear Security Administration.

As you know, House Rule X, Establishment and Jurisdiction of Standing Committees, grants the Committee on Government Reform wide jurisdiction over government management issues including matters related to Federal civil service, procurement policy, and property disposal. The Committee's decision not to exercise its jurisdiction for these provisions is not intended or designed to limit our jurisdiction over any future consideration of related matters. I also

intend to request that I be appointed as a conferee on all of the sections of the bill that fall within the jurisdiction of the Committee on Government Reform.

Mr. Chairman, we appreciate your consultation with the Government Reform Committee on these matters.

Sincerely,

DAN BURTON,
Chairman.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC, September 6, 2001.

Hon. BOB STUMP,
Chairman, Committee on Armed Services, Washington, DC.

DEAR MR. CHAIRMAN. I understand that on Wednesday, August 1, 2001, the Committee on Armed Services ordered favorably reported H.R. 2586, the National Defense Authorization Act for Fiscal Year 2002. The bill includes a number of provisions that fall within the legislative jurisdiction of the Committee on International Relations pursuant to Rule X(1)(j) of the House of Representatives.

The specific provisions within our committee's jurisdiction are: (1) Section 1011, Revision in Types of Excess Naval Vessels for Which Approval by Law is Required for Disposal to Foreign Countries; (2) Section 1045, Sense of Congress on the Importance of the Kwajalein Missile Range/Ronald Reagan Defense Initiative Test Site at Kwajalein Atoll; (3) Section 1201, Clarification of Authority to Furnish Nuclear Test Monitoring Equipment to Foreign Governments; (4) Section 1202, Acquisition of Logistical Support for Security Forces; (5) Section 1203, Report on the Sale and Transfer of Military Hardware, Expertise, and Technology from States of the Former Soviet Union to the People's Republic of China; (6) Section 1205, Extension of Authority to Provide Assistance Under Weapons of Mass Destruction Act for Support of United Nations-Sponsored Efforts to Inspect and Monitor Iraqi Weapons Activities; (7) Section 1206, Repeal of Requirement for Reporting to Congress on Military Deployments to Haiti; (8) Section 1207, Report by Comptroller General on Provision of Defense Articles, Services, and Military Education and Training to Foreign Countries and International Organizations; and (9) Title XIII, Cooperative Threat Reduction with States of the Former Soviet Union.

Pursuant to Chairman Dreier's expected announcement that the Committee on Rules will move expeditiously to consider a rule for H.R. 2586 and your desire to have the bill considered on the House floor next week, the Committee on International Relations will not seek a sequential referral of the bill as a result of including these provisions, without waiving or ceding now or in the future this committee's jurisdiction over the provisions in question. I believe, however, that certain of these provisions, particularly sections 1011 and 1045, require additional refinement, and I look forward to working with you as H.R. 2586 moves through the legislative process to make any appropriate changes to these provisions. I will seek to have conferees appointed for these provisions during any House-Senate conference committee.

Although this letter was not included in the report accompanying H.R. 2586, I intend to publish this letter in the Congressional Record and make it part of the record during consideration of the bill by the House of Representatives.

With best wishes,

Sincerely,

HENRY J. HYDE,
Chairman.

Mr. SKELTON. Madam Chairman, I yield back the balance of my time.

Mr. STUMP. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for the general debate has expired.

Pursuant to the order of the House of Wednesday, September 19, 2001, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2586

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Defense Authorization Act for Fiscal Year 2002''.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; findings.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees defined.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.
Sec. 105. Defense Inspector General.
Sec. 106. Chemical demilitarization program.
Sec. 107. Defense health programs.

Subtitle B—Army Programs

Sec. 111. Extension of multiyear contract for Family of Medium Tactical Vehicles.
Sec. 112. Repeal of limitations on bunker defeat munitions program.

Subtitle C—Air Force Programs

Sec. 121. Responsibility of Air Force for contracts for all defense space launches.
Sec. 122. Multi-year procurement of C–17 aircraft.

Subtitle D—Chemical Munitions Destruction

Sec. 141. Destruction of existing stockpile of lethal chemical agents and munitions.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.
Sec. 202. Amount for basic and applied research.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Cooperative Department of Defense-Department of Veterans Affairs medical research program.
Sec. 212. Advanced Land Attack Missile program.
Sec. 213. Collaborative program for development of advanced radar systems for naval applications.

Subtitle C—Ballistic Missile Defense

Sec. 231. Transfer of responsibility for procurement for missile defense programs from Ballistic Missile Defense Organization to military departments.
Sec. 232. Repeal of program element requirements for ballistic missile defense programs.
Sec. 233. Support of ballistic missile defense activities of the Department of Defense by the national defense laboratories of the Department of Energy.
Sec. 234. Missile defense testing initiative.
Sec. 235. Missile Defense System Test Bed Facilities.

Subtitle D—Other Matters

Sec. 241. Establishment of unmanned aerial vehicle joint operational test bed system.
Sec. 242. Demonstration project to increase small business and university participation in Office of Naval Research efforts to extend benefits of science and technology research to fleet.
Sec. 243. Management responsibility for Navy mine countermeasures programs.
Sec. 244. Program to accelerate the introduction of innovative technology in defense acquisition programs.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.
Sec. 302. Working capital funds.
Sec. 303. Armed Forces Retirement Home.
Sec. 304. Transfer from National Defense Stockpile Transaction Fund.

Subtitle B—Environmental Provisions

Sec. 311. Inventory of explosive risk sites at former military ranges.
Sec. 312. National security impact statements.
Sec. 313. Reimbursement for certain costs in connection with Hooper Sands site, South Berwick, Maine.
Sec. 314. River mitigation studies.
Sec. 315. Elimination of annual report on contractor reimbursement for costs of environmental response actions.

Subtitle C—Commissaries and Nonappropriated Fund Instrumentalities

Sec. 321. Reserve component commissary benefits.
Sec. 322. Reimbursement for noncommissary use of commissary facilities.
Sec. 323. Civil recovery for nonappropriated fund instrumentality costs related to shoplifting.

Subtitle D—Workforce and Depot Issues

Sec. 331. Fiscal year 2002 limitations on workforce reviews.
Sec. 332. Applicability of core logistics capability requirements to nuclear aircraft carriers.
Sec. 333. Continuation of contractor manpower reporting system in Department of the Army.
Sec. 334. Limitation on expansion of Wholesale Logistics Modernization Program.
Sec. 335. Pilot project for exclusion of certain expenditures from limitation on private sector performance of depot-level maintenance.
Sec. 336. Protections for purchasers of articles and services manufactured or performed by working-capital funded industrial facilities of the Department of Defense.

Subtitle E—Defense Dependents Education

Sec. 341. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.

Sec. 342. Availability of auxiliary services of defense dependents' education system for dependents who are home school students.
Sec. 343. Report regarding compensation for teachers employed in teaching positions in overseas schools operated by the Department of Defense.

Subtitle F—Other Matters

Sec. 351. Availability of excess defense personal property to support Department of Veterans Affairs initiative to assist homeless veterans.
Sec. 352. Continuation of limitations on implementation of Navy-Marine Corps Intranet contract.
Sec. 353. Completion and evaluation of current demonstration programs to improve quality of personal property shipments of members.
Sec. 354. Expansion of entities eligible for loan, gift, and exchange of documents, historical artifacts, and obsolete combat materiel.

Subtitle G—Service Contracting Reform

Sec. 361. Short title.
Sec. 362. Required cost savings level for change of function to contractor performance.
Sec. 363. Applicability of study and reporting requirements to new commercial or industrial type functions.
Sec. 364. Repeal of waiver for small functions.
Sec. 365. Requirement for equity in public-private competitions.
Sec. 366. Reporting requirements regarding Department of Defense's service contractor workforce.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Revision in permanent end strength minimum levels.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Fiscal year 2002 limitation on non-dual status technicians.
Sec. 415. Limitations on numbers of Reserve personnel serving on active duty or full-time National Guard duty in certain grades for administration of Reserve components.

Subtitle C—Other Matters Relating to Personnel Strengths

Sec. 421. Increase in percentage by which active component end strengths for any fiscal year may be increased.
Sec. 422. Active duty end strength exemption for National Guard and reserve personnel performing funeral honors functions.
Sec. 423. Increase in authorized strengths for Air Force officers on active duty in the grade of major.

Subtitle D—Authorization of Appropriations

Sec. 431. Authorization of appropriations for military personnel.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—General Personnel Management Authorities

Sec. 501. Enhanced flexibility for management of senior general and flag officer positions.
Sec. 502. Original appointments in regular grades for Academy graduates and certain other new officers.
Sec. 503. Temporary reduction of time-in-grade requirement for eligibility for promotion for certain active-duty list officers in grades of first lieutenant and lieutenant (junior grade).
Sec. 504. Increase in senior enlisted active duty grade limit for Navy, Marine Corps, and Air Force.
Sec. 505. Authority for limited extension of medical deferment of mandatory retirement or separation.
Sec. 506. Authority for limited extension on active duty of members subject to mandatory retirement or separation.
Sec. 507. Clarification of disability severance pay computation.
Sec. 508. Officer in charge of United States Navy Band.
Sec. 509. One-year extension of expiration date for certain force management authorities.

Subtitle B—Reserve Component Personnel Policy

Sec. 511. Placement on active-duty list of certain reserve officers on active duty for a period of three years or less.
Sec. 512. Expanded application of Reserve special selection boards.
Sec. 513. Exception to baccalaureate degree requirement for appointment of reserve officers to grades above first lieutenant.
Sec. 514. Improved disability benefits for certain reserve component members.
Sec. 515. Time-in-grade requirement for reserve component officers with a non-service connected disability.
Sec. 516. Reserve members considered to be deployed for purposes of personnel tempo management.
Sec. 517. Funeral honors duty performed by Reserve and Guard members to be treated as inactive-duty training for certain purposes.
Sec. 518. Members of the National Guard performing funeral honors duty while in non-Federal status.
Sec. 519. Use of military leave for funeral honors duty by Reserve members and National Guardsmen.

Subtitle C—Joint Specialty Officers and Joint Professional Military Education

Sec. 521. Nominations for joint specialty.
Sec. 522. Joint duty credit.
Sec. 523. Retroactive joint service credit for duty in certain joint task forces.
Sec. 524. Revision to annual report on joint officer management.
Sec. 525. Requirement for selection for joint specialty before promotion to general or flag officer grade.
Sec. 526. Independent study of joint officer management and joint professional military education reforms.
Sec. 527. Professional development education.
Sec. 528. Authority for National Defense University to enroll certain private sector civilians.
Sec. 529. Continuation of reserve component professional military education test.

Subtitle D—Military Education and Training

Sec. 531. Defense Language Institute Foreign Language Center.
Sec. 532. Authority for the Marine Corps University to award degree of master of strategic studies.
Sec. 533. Increase in number of foreign students authorized to be admitted to the service academies.
Sec. 534. Increase in maximum age for appointment as a cadet or midshipman in Senior Reserve Officer Training Corps scholarship programs.
Sec. 535. Active duty participation as a cadet or midshipman in Senior ROTC advanced training.
Sec. 536. Authority to modify the service obligation of certain ROTC cadets in military junior colleges receiving financial assistance.
Sec. 537. Modification of nurse officer candidate accession program restriction on students attending educational institutions with Senior Reserve Officers' Training programs.
Sec. 538. Repeal of limitation on number of Junior Reserve Officers' Training Corps (JROTC) units.
Sec. 539. Reserve health professionals stipend program expansion.
Sec. 540. Housing allowance for the Chaplain for the Corps of Cadets, United States Military Academy.

Subtitle E—Decorations, Awards, and Commendations

Sec. 541. Authority for award of the medal of honor to Humbert R. Versace for valor during the Vietnam War.
Sec. 542. Review regarding award of medal of honor to certain Jewish American and Hispanic American war veterans.
Sec. 543. Authority to issue duplicate medal of honor.
Sec. 544. Authority to replace stolen military decorations.
Sec. 545. Waiver of time limitations for award of Navy Distinguished Flying Cross to certain persons.
Sec. 546. Korea Defense Service medal.
Sec. 547. Cold War Service medal.
Sec. 548. Option to convert award of Armed Forces Expeditionary Medal awarded for Operation Frequent Wind to Vietnam Service Medal.

Subtitle F—Matters Relating to Voting

Sec. 551. Voting assessments and assistance for members of the uniformed services.
Sec. 552. Electronic voting demonstration project.

Subtitle G—Matters Relating to Military Spouses and Family Members

Sec. 561. Improved financial and other assistance to military spouses for job training and education.
Sec. 562. Authority to conduct surveys of dependents and survivors of military retirees.
Sec. 563. Clarification of treatment of classified information concerning persons in a missing status.
Sec. 564. Transportation to annual meeting of next-of-kin of persons unaccounted for from conflicts after World War II.
Sec. 565. Amendments to charter of Defense Task Force on Domestic Violence.

Subtitle H—Military Justice and Legal Matters

Sec. 571. Requirement that courts-martial consist of not less than 12 members in capital cases.
Sec. 572. Right of convicted accused to request sentencing by military judge.
Sec. 573. Codification of requirement for regulations for delivery of military personnel to civil authorities when charged with certain offenses
Sec. 574. Authority to accept voluntary legal services for members of the Armed Forces.

Subtitle I—Other Matters

Sec. 581. Shipment of privately owned vehicles when making permanent change of station moves within United States.

Sec. 582. Payment of vehicle storage costs in advance.
Sec. 583. Permanent authority for use of military recruiting funds for certain expenses at Department of Defense recruiting functions.
Sec. 584. Clarification of military recruiter access to secondary school directory information about students.
Sec. 585. Repeal of requirement for final Comptroller General report relating to Army end strength allocations.
Sec. 586. Posthumous Army commission in the grade of captain in the Chaplains Corps to Ella E. Gibson for service as chaplain of the First Wisconsin Heavy Artillery regiment during the Civil War.
Sec. 587. National Guard Challenge Program.
Sec. 588. Payment of FEHBP premiums for certain Reservists called to active duty in support of contingency operations.
Sec. 589. 18-month enlistment pilot program.
Sec. 590. Per diem allowance for lengthy or numerous deployments.
Sec. 591. Congressional review period for change in ground combat exclusion policy.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Increase in basic pay for fiscal year 2002.
Sec. 602. Basic pay rate for certain reserve commissioned officers with prior service as an enlisted member or warrant officer.
Sec. 603. Subsistence allowances.
Sec. 604. Eligibility for basic allowance for housing while between permanent duty stations.
Sec. 605. Uniform allowance for officers.
Sec. 606. Family separation allowance for certain members electing to serve unaccompanied tour of duty.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. One-year extension of certain bonus and special pay authorities for reserve forces.
Sec. 612. One-year extension of certain bonus and special pay authorities for nurse officer candidates, registered nurses, and nurse anesthetists.
Sec. 613. One-year extension of other bonus and special pay authorities.
Sec. 614. Conforming accession bonus for dental officers authority with authorities for other special pay and bonuses.
Sec. 615. Additional type of duty resulting in eligibility for hazardous duty incentive pay.
Sec. 616. Equal treatment of reservists performing inactive-duty training for receipt of aviation career incentive pay.
Sec. 617. Secretarial discretion in prescribing submarine duty incentive pay rates.
Sec. 618. Imposition of critical wartime skill requirement for eligibility for Individual Ready Reserve bonus.
Sec. 619. Installment payment authority for 15-year career status bonus.
Sec. 620. Accession bonus for new officers.

Subtitle C—Travel and Transportation Allowances

Sec. 631. Minimum per diem rate for travel and transportation allowance for travel performed upon a change of permanent station and certain other travel.
Sec. 632. Payment or reimbursement of temporary subsistence expenses.
Sec. 633. Increased weight allowance for transportation of baggage and household effects for junior enlisted members.
Sec. 634. Reimbursement of members for mandatory pet quarantine fees for household pets.
Sec. 635. Availability of dislocation allowance for married member, whose spouse is a member, assigned to military family housing.
Sec. 636. Elimination of prohibition on receipt of dislocation allowance by members ordered to first duty station.
Sec. 637. Partial dislocation allowance authorized for housing moves ordered for Government convenience.
Sec. 638. Allowances for travel performed in connection with members taking authorized leave between consecutive overseas tours.
Sec. 639. Funded student travel as part of school-sponsored exchange programs.

Subtitle D—Retirement and Survivor Benefit Matters

Sec. 641. Contingent authority for concurrent receipt of military retired pay and veterans' disability compensation.

Subtitle E—Other Matters

Sec. 651. Funeral honors duty allowance for retired members.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—TRICARE Program

Sec. 701. Implementing cost-effective payment rates under the TRICARE program.
Sec. 702. Waiver of nonavailability statement or preauthorization requirement.
Sec. 703. Improvements in administration of the TRICARE program.
Sec. 704. Sub-acute and long-term care program reform.
Sec. 705. Reimbursement of travel expenses of a parent, guardian, or responsible family member of a minor covered beneficiary.

Subtitle B—Other Matters

Sec. 711. Prohibition against requiring military retirees to receive health care solely through the Department of Defense.
Sec. 712. Trauma and medical care pilot program.
Sec. 713. Enhancement of medical product development.
Sec. 714. Repeal of obsolete report requirement.
Sec. 715. Clarifications and improvements regarding the Department of Defense Medicare-Eligible Retiree Health Care Fund.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Policy and Management

Sec. 801. Acquisition milestones.
Sec. 802. Acquisition workforce qualifications.
Sec. 803. Two-year extension of program applying simplified procedures to certain commercial items.
Sec. 804. Contracts for services to be performed outside the United States.
Sec. 805. Codification and modification of ''Berry Amendment'' requirements.

Subtitle B—Erroneous Payments Recovery

Sec. 811. Short title.
Sec. 812. Identification of errors made by executive agencies in payments to contractors and recovery of amounts erroneously paid.
Sec. 813. Disposition of recovered funds.
Sec. 814. Sources of recovery services.
Sec. 815. Management improvement programs.
Sec. 816. Reports.
Sec. 817. Relationship to authority of inspectors general.
Sec. 818. Privacy protections.
Sec. 819. Definition.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Sec. 901. Further reductions in defense acquisition and support workforce.
Sec. 902. Sense of Congress on establishment of an Office of Transformation in the Department of Defense.
Sec. 903. Revised joint report on establishment of national collaborative information analysis capability.
Sec. 904. Elimination of triennial report by Chairman of the Joint Chiefs of Staff on roles and missions of the Armed Forces.
Sec. 905. Repeal of requirement for semiannual reports through March 2003 on activities of Joint Requirements Oversight Council.
Sec. 906. Correction of references to Air Mobility Command.
Sec. 907. Organizational alignment change for Director for Expeditionary Warfare.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. Transfer authority.
Sec. 1002. Incorporation of classified annex.
Sec. 1003. Limitation on funds for Bosnia and Kosovo peacekeeping operations for fiscal year 2002.
Sec. 1004. Increase in limitations on administrative authority of the Navy to settle admiralty claims.

Subtitle B—Naval Vessels

Sec. 1011. Revision in types of excess naval vessels for which approval by law is required for disposal to foreign nations.

Subtitle C—Counter-Drug Activities

Sec. 1021. Extension of reporting requirement regarding Department of Defense expenditures to support foreign counter-drug activities.
Sec. 1022. Authority to transfer Tracker aircraft currently used by Armed Forces for counter-drug purposes.
Sec. 1023. Authority to transfer Tethered Aerostat Radar System currently used by Armed Forces for counter-drug purposes.

Subtitle D—Reports

Sec. 1031. Requirement that Department of Defense reports to Congress be accompanied by electronic version.
Sec. 1032. Report on Department of Defense role in homeland security matters.
Sec. 1033. Revision of annual report to Congress on National Guard and reserve component equipment.

Subtitle E—Other Matters

Sec. 1041. Department of Defense gift authorities.
Sec. 1042. Termination of referendum requirement regarding continuation of military training on island of Vieques, Puerto Rico, and imposition of additional conditions on closure of live-fire training range.
Sec. 1043. Repeal of limitation on reductions in Peacekeeper ICBM missiles.
Sec. 1044. Sense of the Congress on the importance of the Kwajalein Missile Range/Ronald Reagan Defense Initiative Test Site at Kwajalein Atoll.
Sec. 1045. Transfer of Vietnam era F–4 aircraft to nonprofit museum.
Sec. 1046. Bomber force structure.
Sec. 1047. Technical and clerical amendments.

TITLE XI—CIVILIAN PERSONNEL

Sec. 1101. Undergraduate training program for employees of the National Imagery and Mapping Agency.
Sec. 1102. Pilot program for payment of retraining expenses.
Sec. 1103. Payment of expenses to obtain professional credentials.
Sec. 1104. Retirement portability elections for certain Department of Defense and Coast Guard employees.
Sec. 1105. Removal of requirement that granting civil service compensatory time be based on amount of irregular or occasional overtime work.
Sec. 1106. Applicability of certain laws to certain individuals assigned to work in the Federal Government.
Sec. 1107. Limitation on premium pay.
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TITLE XXII—NAVY

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Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Authorization of Appropriations, Navy.
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TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.
Sec. 2304. Authorization of appropriations, Air Force.
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TITLE XXIV—DEFENSE AGENCIES

Sec. 2401. Authorized defense agencies construction and land acquisition projects.
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TITLE XXXIV—NAVAL PETROLEUM RESERVES

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Sec. 3501. Authorization of appropriations for fiscal year 2002.
Sec. 3502. Define ''war risks'' to vessels to include confiscation, expropriation, nationalization, and deprivation of the vessels.
Sec. 3503. Holding obligor's cash as collateral under title XI of Merchant Marine Act, 1936.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

For purposes of this Act, the term ''congressional defense committees'' means—

(1) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 2002 for procurement for the Army as follows:

(1) For aircraft, $1,987,491,000.

(2) For missiles, $1,097,286,000.

(3) For weapons and tracked combat vehicles, $2,367,046,000.

(4) For ammunition, $1,208,565,000.

(5) For other procurement, $4,143,986,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2002 for procurement for the Navy as follows:

(1) For aircraft, $8,337,243,000.

(2) For weapons, including missiles and torpedoes, $1,476,692,000.

(3) For shipbuilding and conversion, $9,321,121,000.

(4) For other procurement, $4,157,313,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2002 for procurement for the Marine Corps in the amount of $1,025,624,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2002 for procurement of ammunition for the Navy and the Marine Corps in the amount of $463,507,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 2002 for procurement for the Air Force as follows:

(1) For aircraft, $10,705,687,000.

(2) For missiles, $3,226,336,000.

(3) For ammunition, $871,344,000.

(4) For other procurement, $8,250,821,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 2002 for Defense-wide procurement in the amount of $2,267,346,000.

SEC. 105. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 2002 for procurement for the Inspector General of the Department of Defense in the amount of $1,800,000.

SEC. 106. CHEMICAL DEMILITARIZATION PROGRAM.

There is hereby authorized to be appropriated for fiscal year 2002 the amount of $1,078,557,000 for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 107. DEFENSE HEALTH PROGRAMS.

Funds are hereby authorized to be appropriated for fiscal year 2002 for the Department of Defense for procurement for carrying out health care programs, projects, and activities of the Department of Defense in the total amount of $267,915,000.

Subtitle B—Army Programs

SEC. 111. EXTENSION OF MULTIYEAR CONTRACT FOR FAMILY OF MEDIUM TACTICAL VEHICLES.

In order to ensure that an adequate number of vehicles of the ''A1'' variant of the Family of Medium Tactical Vehicles program continue to be fielded to the Army, the Secretary of the Army may extend for one additional year the existing multiyear procurement contract, authorized by section 112(b) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1648) and awarded on October 14, 1998, for procurement of vehicles under that program (notwithstanding the maximum period for such contracts otherwise applicable under section 2306b(k) of title 10, United States Code) if the Secretary determines that it is necessary to do so in order to prevent a break in production of those vehicles.

SEC. 112. REPEAL OF LIMITATIONS ON BUNKER DEFEAT MUNITIONS PROGRAM.

Section 116 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2682) is repealed.

Subtitle C—Air Force Programs

SEC. 121. RESPONSIBILITY OF AIR FORCE FOR CONTRACTS FOR ALL DEFENSE SPACE LAUNCHES.

(a) IN GENERAL.—(1) Chapter 807 of title 10, United States Code, is amended by inserting after section 8062 the following new section:

''§ 8063. Contracts for space launches: responsibility of Air Force for all Department of Defense elements

''The Secretary of the Air Force shall ensure that contracts for space launch vehicles and space launch services for all elements of the Department of Defense are prepared, negotiated, executed, and managed in a manner that maximizes launch effectiveness, minimizes cost of launch services, provides clear visibility to all elements into contract costs and functions, and, where practicable, takes advantage of commercial space launch capabilities.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 8062 the following new item:

''8063. Contracts for space launches: responsibility of Air Force for all Department of Defense elements.''.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees and the congressional intelligence committees a report on the implementation of section 8063 of title 10, United States Code, as added by subsection (a).

SEC. 122. MULTI-YEAR PROCUREMENT OF C–17 AIRCRAFT.

If the Secretary of Defense certifies to the congressional defense committees before the enactment of this Act that it is in the interest of the Department of Defense to proceed with a follow-on multi-year procurement of additional C–17 aircraft, then the Secretary may, in accordance

with section 2306b of title 10, United States Code, enter into a new multi-year procurement contract or extend the current multi-year procurement contract beginning in fiscal year 2002 to procure up to 60 additional C–17 aircraft in order to meet the Department's airlift requirements.

Subtitle D—Chemical Munitions Destruction

SEC. 141. DESTRUCTION OF EXISTING STOCKPILE OF LETHAL CHEMICAL AGENTS AND MUNITIONS.

Section 152 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 50 U.S.C. 1521 note) is amended—

(1) in subsection (b)—

(A) by inserting ''for that site'' after ''in place''; and

(B) by adding at the end the following new paragraphs:

''(4) Emergency preparedness and response capabilities have been established at the site and in the surrounding communities to respond to emergencies involving risks to public health or safety that are identified by the Secretary of Defense as being risks resulting from the storage or destruction of lethal chemical agents and munitions at the site.

''(5) The Under Secretary of Defense for Acquisition, Technology, and Logistics recommends initiation of destruction at the site after considering the recommendation by the board established by subsection (g).''; and

(2) by adding at the end the following new subsection:

''(g) OVERSIGHT BOARDS.—(1) The Under Secretary of Defense for Acquisition, Technology, and Logistics shall convene, for each site at which the chemical munitions stockpile is stored, an independent oversight board composed of—

''(A) the Secretary of the Army;

''(B) the Director of the Federal Emergency Management Agency;

''(C) the Administrator of the Environmental Protection Agency;

''(D) the President of the National Academy of Sciences;

''(E) the Governor of the State in which the site is located; and

''(F) one individual designated by the Under Secretary from a list of three local representatives of the area in which the site is located, prepared jointly by the Member of the House of Representatives who represents the Congressional District in which the site is located and the Senators representing the State in which the site is located.

''(2) Not later than six months after each such board is convened, the board shall make a recommendation to the Under Secretary whether the destruction of the chemical munitions stockpile should be initiated at the site.

''(3) The Under Secretary may not recommend initiation of destruction of the chemical munitions stockpile at a site after considering a negative recommendation of the board until 90 days after the Under Secretary provides notice to Congress of the intent to recommend initiation of destruction.''.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2002 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $6,749,025,000.

(2) For the Navy, $10,863,274,000.

(3) For the Air Force, $14,455,653,000.

(4) For Defense-wide activities, $15,591,978,000, of which $217,355,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR BASIC AND APPLIED RESEARCH.

(a) FISCAL YEAR 2002.—Of the amounts authorized to be appropriated by section 201, $4,973,843,000 shall be available for basic research and applied research projects.

(b) BASIC RESEARCH AND APPLIED RESEARCH DEFINED.—For purposes of this section, the term ''basic research and applied research'' means work funded in program elements for defense research and development under Department of Defense category 6.1 or 6.2.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. COOPERATIVE DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS MEDICAL RESEARCH PROGRAM.

Of the funds authorized to be appropriated by section 201(4), $5,000,000 shall be available for the cooperative Department of Defense/Department of Veterans Affairs medical research program. The Secretary of Defense shall transfer such amount to the Secretary of Veterans Affairs for such purpose not later than 30 days after the date of the enactment of this Act.

SEC. 212. ADVANCED LAND ATTACK MISSILE PROGRAM.

(a) PROGRAM REQUIRED.—The Secretary of Defense shall establish a competitive program for the development of an advanced land attack missile for the DD–21 land attack destroyer and other naval combatants.

(b) REPORT.—The Secretary of Defense shall submit to the congressional defense committees, with the submission of the budget request for the Department of Defense for fiscal year 2003, a report providing the program plan for the Advanced Land Attack Missile program, the schedule for that program, and funding required for that program.

(c) FUNDING.—Of the amount authorized to be appropriated under section 201(2) for research, development, test, and evaluation for the Navy, $20,000,000 shall be available in PE 0603795N for the Advanced Land Attack Missile program.

SEC. 213. COLLABORATIVE PROGRAM FOR DEVELOPMENT OF ADVANCED RADAR SYSTEMS FOR NAVAL APPLICATIONS.

(a) PROGRAM REQUIRED.—The Secretary of Defense shall carry out a program to develop and demonstrate advanced technologies and concepts leading to advanced radar systems for naval and other applications.

(b) DESCRIPTION OF PROGRAM.—The program under subsection (a) shall be carried out collaboratively pursuant to a memorandum of agreement to be entered into by the Director of Defense Research and Engineering, the Secretary of the Navy, and the Director of the Defense Advanced Research Projects Agency. The program shall include the following activities:

(1) Activities needed to develop and deploy advanced electronics materials, including specifically wide band gap electronics components needed to extend the range and sensitivity of naval radars.

(2) Identification of acquisition systems for use of the new technology.

(c) REPORT.—Not later than January 31, 2002, the Director of Defense Research and Engineering, the Secretary of the Navy, and the Director of the Defense Advanced Research Projects Agency shall submit to the congressional defense committees a joint report on the implementation of the program under subsection (a). The report shall include the following:

(1) A description of the memorandum of agreement referred to in subsection (b).

(2) A schedule for the program.

(3) Identification of the funding required for fiscal year 2003 and for the future-years defense program to carry out the program.

(4) A list of program capability goals and objectives.

(d) FUNDING.—(1) Of the amount authorized to be appropriated for Defense-wide activities by section 201(4) for the Defense Advanced Research Projects Agency, $41,000,000 shall be available for applied research and maturation of high frequency and high power wide band gap semiconductor electronics technology to carry out the program under subsection (a).

(2) Of the amount authorized to be appropriated by section 201(2) for the Department of the Navy, $15,500,000 shall be available to carry out the program under subsection (a).

Subtitle C—Ballistic Missile Defense

SEC. 231. TRANSFER OF RESPONSIBILITY FOR PROCUREMENT FOR MISSILE DEFENSE PROGRAMS FROM BALLISTIC MISSILE DEFENSE ORGANIZATION TO MILITARY DEPARTMENTS.

(a) BUDGETING OF MISSILE DEFENSE PROCUREMENT AUTHORITY.—(1) Subsection (a) of section 224 of title 10, United States Code is amended by striking ''procurement'' both places it appears and inserting ''research, development, test, and evaluation''.

(2) Such section is further amended by striking subsections (b) and (c) and inserting the following:

''(b) COVERED PROGRAMS.—Subsection (a) applies to any ballistic missile defense program for which research, development, test, and evaluation is carried out by the Ballistic Missile Defense Organization.''.

(3)(A) The heading of that section is amended to read as follows:

''§ 224. Ballistic missile defense programs: display of amounts for research, development, test, and evaluation''.

(B) The item relating to section 224 in the table of sections at the beginning of chapter 9 of such title is amended to read as follows:

''224. Ballistic missile defense programs: display of amounts for research, development, test, and evaluation.''.

(b) TRANSFER CRITERIA.—The Secretary of Defense shall establish, and submit to the congressional defense committees, criteria for the transfer of ballistic missile defense programs from the Ballistic Missile Defense Organization to the military departments. Those criteria shall, at a minimum, address technical maturity of the program, availability of facilities for production, and service commitment to procurement funding.

(c) NOTIFICATION OF TRANSFER.—Before responsibility for a ballistic missile defense program is transferred from the Ballistic Missile Defense Organization to the Secretary of a military department, the Secretary of Defense shall submit to the congressional defense committees notice in writing of the Secretary's intent to make that transfer. The Secretary shall include with such notice a certification that the program has met the criteria established under subsection (b) for such a transfer. The transfer may then be carried out after the end of the 60-day period beginning on the date of such notice.

SEC. 232. REPEAL OF PROGRAM ELEMENT REQUIREMENTS FOR BALLISTIC MISSILE DEFENSE PROGRAMS.

(a) REPEAL.—Section 223 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 9 of such title is amended by striking the item relating to section 223.

SEC. 233. SUPPORT OF BALLISTIC MISSILE DEFENSE ACTIVITIES OF THE DEPARTMENT OF DEFENSE BY THE NATIONAL DEFENSE LABORATORIES OF THE DEPARTMENT OF ENERGY.

(a) FUNDS TO CARRY OUT CERTAIN BALLISTIC MISSILE DEFENSE ACTIVITIES.—Of the amounts authorized to be appropriated to the Department of Defense pursuant to section 201(4), $25,000,000 shall be available, subject to subsection (b) and at the discretion of the Director of the Ballistic Missile Defense Organization, for research, development, and demonstration activities at the national laboratories of the Department of Energy in support of the missions of the Ballistic Missile Defense Organization, including the following activities:

(1) Technology development, concept demonstration, and integrated testing to enhance

performance, reduce risk, and improve reliability in hit-to-kill interceptors for ballistic missile defense.

(2) Support for science and engineering teams to assess critical technical problems and prudent alternative approaches as agreed upon by the Director of the Ballistic Missile Defense Organization and the Administrator for Nuclear Security.

(b) REQUIREMENT FOR MATCHING FUNDS FROM NNSA.—Funds shall be available as provided in subsection (a) only if the Administrator for Nuclear Security makes available matching funds for the activities referred to in subsection (a).

(c) MEMORANDUM OF UNDERSTANDING.—The activities referred to in subsection (a) shall be carried out under the memorandum of understanding entered into by the Secretary of Energy and the Secretary of Defense for the use of national laboratories for ballistic missile defense programs, as required by section 3131 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2034) and modified pursuant to section 3132 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–455) to provide for jointly funded projects.

SEC. 234. MISSILE DEFENSE TESTING INITIATIVE.

(a) TESTING INFRASTRUCTURE.—(1) The Secretary of Defense shall ensure that each annual budget request of the Department of Defense—

(A) is designed to provide for comprehensive testing of ballistic missile defense programs during early stages of development; and

(B) includes necessary funding to support and improve test infrastructure and provide adequate test assets for the testing of such programs.

(2) The Secretary shall ensure that ballistic missile defense programs incorporate, to the greatest possible extent, operationally realistic test configurations (referred to as ''test bed'' configurations) to demonstrate system performance across a broad range of capability and, during final stages of operational testing, to demonstrate reliable performance.

(3) The Secretary shall ensure that the test infrastructure for ballistic missile defense programs is capable of supporting continued testing of ballistic missile defense systems after deployment.

(b) REQUIREMENTS FOR EARLY STAGES OF SYSTEM DEVELOPMENT.—In order to demonstrate acceptable risk and developmental stability, the Secretary of Defense shall ensure that any ballistic missile defense program incorporates, to the maximum extent practicable, the following elements during the early stages of system development:

(1) Pursuit of parallel conceptual approaches and technological paths for all critical problematic components until effective and reliable solutions can be demonstrated.

(2) Comprehensive ground testing in conjunction with flight-testing for key elements of the proposed system that are considered to present high risk, with such ground testing to make use of existing facilities and combinations of facilities that support testing at the highest possible levels of integration.

(3) Where appropriate, expenditures to enhance the capabilities of existing test facilities, or to construct new test facilities, to support alternative complementary test methodologies.

(4) Sufficient funding of test instrumentation to ensure accurate measurement of all critical test events and, where possible, incorporation of mobile assets to enhance flexibility in test configurations.

(5) Incorporation into the program of sufficient schedule flexibility and expendable test assets, including missile interceptors and targets, to ensure that failed or aborted tests can be repeated in a prudent, but expeditious manner.

(6) Incorporation into flight-test planning for the program, where possible, of—

(A) methods referred to as ''campaign testing'' and ''test through failure'' and other appropriate test methods in order to reduce costs per test event;

(B) events to demonstrate engagement of multiple targets, ''shoot-look-shoot'', and other planned operational concepts; and

(C) exploitation of opportunities to facilitate early development and demonstration of ''family of systems'' concepts.

(c) SPECIFIC REQUIREMENTS FOR GROUND-BASED MID-COURSE INTERCEPTOR SYSTEMS.—For ground-based mid-course interceptor systems, the Secretary of Defense shall initiate steps during fiscal year 2002 to establish a flight-test capability of launching not less than three missile defense interceptors and not less than two ballistic missile targets to provide a realistic test infrastructure.

SEC. 235. MISSILE DEFENSE SYSTEM TEST BED FACILITIES.

(a) AUTHORITY TO ACQUIRE OR CONSTRUCT FACILITIES.—(1) The Secretary of Defense, using funds appropriated to the Department of Defense for research, development, test, and evaluation for fiscal years after fiscal year 2001 that are available for programs of the Ballistic Missile Defense Organization, may carry out construction projects, or portions of construction projects, including projects for the acquisition, improvement, or construction of facilities of general utility, to establish and operate the Missile Defense System Test Bed Facilities.

(2) The authority provided in paragraph (1) may be used to acquire, improve, or construct facilities at a total cost not to exceed $500,000,000.

(b) AUTHORITY TO PROVIDE ASSISTANCE TO LOCAL COMMUNITIES.—(1) Subject to paragraph (2), the Secretary of Defense, using funds appropriated to the Department of Defense for research, development, test, and evaluation for fiscal years after fiscal year 2001 that are available for programs of the Ballistic Missile Defense Organization, may provide assistance, by grant or otherwise, to local communities to meet the need for increased municipal or community services or facilities resulting from the construction, installation, or operation of the Missile Defense System Test Bed Facilities.

(2) Assistance may be provided to a community under paragraph (1) only if the Secretary of Defense determines that there is an immediate and substantial increase in the need for municipal or community services or facilities as a direct result of the construction, installation, or operation of the Missile Defense System Test Bed Facilities.

Subtitle D—Other Matters

SEC. 241. ESTABLISHMENT OF UNMANNED AERIAL VEHICLE JOINT OPERATIONAL TEST BED SYSTEM.

(a) ESTABLISHMENT OF TEST BED SYSTEM.—The commander of the United States Joint Forces Command shall establish a capability (referred to as a ''test bed'') within the facilities and resources of that command to evaluate and ensure joint interoperability of unmanned aerial vehicle systems. That capability shall be independent of the military departments and shall be managed directly by the Joint Forces Command.

(b) REQUIRED TRANSFER OF PREDATOR UAV ASSETS.—The Secretary of the Navy shall transfer to the commander of the Joint Forces Command the two Predator unmanned aerial vehicles currently undergoing operational testing by the Navy, together with associated payloads and antennas and the associated tactical control system (TCS) ground station.

(c) USE BY JOINT FORCES COMMAND.—The items transferred pursuant to subsection (a) may be used by the commander of the United States Joint Forces Command only through the independent joint operational test bed system established pursuant to subsection (a) for testing of those items, including further development of the associated tactical control system (TCS) ground station, other aspects of unmanned aerial vehicle interoperability, and participation in such experiments and exercises as the commander considers appropriate to the mission of that command.

(d) DEADLINE FOR TRANSFERS.—The transfers required by subsection (b) shall be completed not later than 90 days after the date of the enactment of this Act.

(e) TRANSFER WHEN NO LONGER REQUIRED BY JOINT FORCES COMMAND.—Upon a determination by the commander of the United States Joint Forces Command that any of the items transferred pursuant to subsection (a) are no longer needed by that command for use as provided in subsection (c), those items shall be transferred to the Secretary of the Air Force.

SEC. 242. DEMONSTRATION PROJECT TO INCREASE SMALL BUSINESS AND UNIVERSITY PARTICIPATION IN OFFICE OF NAVAL RESEARCH EFFORTS TO EXTEND BENEFITS OF SCIENCE AND TECHNOLOGY RESEARCH TO FLEET.

(a) PROJECT REQUIRED.—The Secretary of the Navy, acting through the Chief of Naval Research, shall carry out a demonstration project to increase access to Navy facilities of small businesses and universities that are engaged in science and technology research beneficial to the fleet.

(b) PROJECT ELEMENTS.—In carrying out the demonstration project, the Secretary shall—

(1) establish and operate a Navy Technology Extension Center at a location to be selected by the Secretary;

(2) permit participants in the Small Business Innovation Research Program (SBIR) and Small Business Technology Transfer Program (STTR) that are awarded contracts by Office of Naval Research to acccess and use Navy facilities without charge for purposes of carrying out such contracts; and

(3) permit universities, institutions of higher learning, and Federally Funded Research and Development Centers (FFRDC) collaborating with SBIR and STTR participants to use Navy facilities.

(c) REPORT.—Not later than February 1, 2004, the Secretary shall submit to Congress a report on the demonstration project. The report shall include a description of the activities carried out under the demonstration project and any recommendations for the improvement or expansion of the demonstration project that the Secretary considers appropriate.

SEC. 243. MANAGEMENT RESPONSIBILITY FOR NAVY MINE COUNTERMEASURES PROGRAMS.

Section 216(a) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1317), as most recently amended by section 211 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1946), is amended by striking ''through 2003'' and inserting ''through 2008''.

SEC. 244. PROGRAM TO ACCELERATE THE INTRODUCTION OF INNOVATIVE TECHNOLOGY IN DEFENSE ACQUISITION PROGRAMS.

(a) PROGRAM REQUIRED.—The Secretary of Defense shall carry out a program to provide opportunities for the increased introduction of innovative and cost-saving technology in acquisition programs of the Department of Defense. The program, to be known as the Challenge Program, shall provide an individual or activity within or outside the Department of Defense with the opportunity to propose alternatives, to be known as challenge proposals, at the component, subsystem, or system level of an existing Department of Defense acquisition program that would result in improvements in performance, affordability, manufacturability, or operational capability at the component, subsystem, or system level of that acquisition program.

(b) PANEL.—(1) In carrying out the Challenge Program, the Secretary of Defense shall establish a panel of highly qualified scientists and

engineers (hereinafter in this section referred to as the ''Panel'') under the auspices of the Under Secretary of Defense for Acquisition, Technology, and Logistics. The duty of the Panel shall be to carry out review and evaluation of challenge proposals under subsection (c).

(2) A member of the Panel may not participate in any review and evaluation of a challenge proposal under subsection (c) if at any time within the previous five years that member has, in any capacity, participated in or been affiliated with the Department of Defense program for which the challenge proposal is proposed.

(c) REVIEW AND EVALUATION OF CHALLENGE PROPOSALS.—(1) Under procedures prescribed by the Secretary, an individual or activity within or outside the Department of Defense may submit challenge proposals to the Panel.

(2) The Panel shall carry out an expedited evaluation of each challenge proposal submitted under paragraph (1) to determine whether a prima facie case has been made that the challenge proposal will result in improvements in performance, affordability, manufacturability, or operational capability at the component, subsystem, or system level of the applicable acquisition program. If the Panel determines that such a case has not been made, the Panel may turn down the challenge proposal. In any other case, the Panel shall provide for a full review of the challenge proposal under paragraph (3).

(3) In carrying out a full review of a challenge proposal, the Panel shall ensure the following:

(A) Any incumbent that would be displaced by the implementation of the challenge proposal is provided notice of the challenge proposal and a full opportunity to demonstrate why the challenge proposal should not be implemented.

(B) Notice of the full review of the challenge proposal is published in one or more appropriate commercial publications of national circulation.

(C) If one or more other challenge proposals are submitted on matters relating to the challenge proposal being reviewed, the Panel shall, to the maximum extent practicable, carry out a full review of those other challenge proposals together with the full review of the original challenge proposal.

(4) The Secretary of Defense shall ensure that the Panel, in carrying out review and evaluation of challenge proposals under this subsection, has the authority to call upon the technical resources of the laboratories, research, development, and engineering centers, test and evaluation activities, and other elements of the Department.

(d) FINDINGS OF SUBSTANTIAL SUPERIORITY.—If, after the full review of a challenge proposal is completed, the Panel finds that the challenge proposal will result in improvements in performance, affordability, manufacturability, or operational capability at the component, subsystem, or system level of the applicable acquisition program that are substantially superior to that of the incumbent, the Panel shall submit that finding to the Under Secretary.

(e) ACTION UPON FINDINGS.—Upon receiving a finding under subsection (d), the Under Secretary shall carry out a plan to acquire and implement the challenge proposal with respect to which the finding was made. The Secretary shall carry out such plan—

(1) after canceling the contract of any incumbent that would be displaced by the implementation of the challenge proposal; or

(2) after an appropriate program milestone (such as the expiration of such a contract) has been reached.

(f) ELIMINATION OF CONFLICTS OF INTEREST.—In carrying out each review and evaluation under subsection (c), the Secretary shall ensure the elimination of conflicts of interest.

(g) FUNDING.—Of the funds authorized to be appropriated by section 201(4) for Defense-wide research, development, test, and evaluation for fiscal year 2002, $40,000,000 shall be available in PE 63826D8Z for the Challenge Program required by this section.

(h) REPORT.—The Secretary shall submit to Congress, with the submission of the budget request for the Department of Defense for each fiscal year beginning with fiscal year 2003, a report on the implementation of this section. The report shall include the number and scope of challenge proposals submitted, reviewed and evaluated, found to be substantially superior, and implemented.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2002 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $21,015,280,000.

(2) For the Navy, $26,587,962,000.

(3) For the Marine Corps, $2,898,114,000.

(4) For the Air Force, $25,811,462,000.

(5) For Defense-wide activities, $11,922,131,000.

(6) For the Army Reserve, $1,814,246,000.

(7) For the Naval Reserve, $1,003,690,000.

(8) For the Marine Corps Reserve, $144,023,000.

(9) For the Air Force Reserve, $2,017,866,000.

(10) For the Army National Guard, $3,705,359,000.

(11) For the Air National Guard, $3,967,361,000.

(12) For the Defense Inspector General, $152,021,000.

(13) For the United States Court of Appeals for the Armed Forces, $9,096,000.

(14) For Environmental Restoration, Army, $389,800,000.

(15) For Environmental Restoration, Navy, $257,517,000.

(16) For Environmental Restoration, Air Force, $385,437,000.

(17) For Environmental Restoration, Defense-wide, $23,492,000.

(18) For Environmental Restoration, Formerly Used Defense Sites, $190,255,000.

(19) For Overseas Humanitarian, Disaster, and Civic Aid programs, $49,700,000.

(20) For Drug Interdiction and Counter-drug Activities, Defense-wide, $820,381,000.

(21) For the Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Trust Fund, $25,000,000.

(22) For Defense Health Program, $17,570,750,000.

(23) For Cooperative Threat Reduction programs, $403,000,000.

(24) For Overseas Contingency Operations Transfer Fund, $2,844,226,000.

(25) Support for International Sporting Competitions, Defense, $15,800,000.

SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2002 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Working Capital Funds, $1,951,986,000.

(2) For the National Defense Sealift Fund, $407,708,000.

SEC. 303. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2002 from the Armed Forces Retirement Home Trust Fund the sum of $71,440,000 for the operation of the Armed Forces Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval Home.

SEC. 304. TRANSFER FROM NATIONAL DEFENSE STOCKPILE TRANSACTION FUND.

(a) TRANSFER AUTHORITY.—To the extent provided in appropriations Acts, not more than $150,000,000 is authorized to be transferred from the National Defense Stockpile Transaction Fund to operation and maintenance accounts for fiscal year 2002 in amounts as follows:

(1) For the Army, $50,000,000.

(2) For the Navy, $50,000,000.

(3) For the Air Force, $50,000,000.

(b) TREATMENT OF TRANSFERS.—Amounts transferred under this section—

(1) shall be merged with, and be available for the same purposes and the same period as, the amounts in the accounts to which transferred; and

(2) may not be expended for an item that has been denied authorization of appropriations by Congress.

(c) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The transfer authority provided in this section is in addition to the transfer authority provided in section 1001.

Subtitle B—Environmental Provisions

SEC. 311. INVENTORY OF EXPLOSIVE RISK SITES AT FORMER MILITARY RANGES.

(a) INVENTORY REQUIRED.—(1) Chapter 160 of title 10, United States Code, is amended by adding at the end the following new section:

''§2710. Former military ranges: inventory of explosive risk sites; use of inventory; public safety issues

''(a) DEFINITIONS.—In this section:

''(1) The term 'former military range' means a military range presently located in the United States that—

''(A) is or was owned by, leased to, or otherwise possessed or used by the Federal Government;

''(B) is designated as a closed, transferred, or transferring military range (rather than as an active or inactive range); or

''(C) is or was used as a site for the disposal of military munitions or for the use of military munitions in training or research, development, testing, and evaluation.

''(2) The term 'abandoned military munitions' means unexploded ordnance and other abandoned military munitions, including components thereof and chemical weapons materiel, that pose a threat to human health or safety.

''(3) The term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions.

''(4) The term 'United States', in a geographic sense, includes the Commonwealth of Puerto Rico and the territories and possessions.

''(b) INVENTORY REQUIRED.—(1) The Secretary of Defense shall develop and maintain an inventory of former military ranges that are known or suspected to contain abandoned military munitions.

''(2) The information for each former military range in the inventory shall include, at a minimum, the following:

''(A) A unique identifier for the range and its current designation as either a closed, transferred, or transferring range.

''(B) An appropriate record showing the location, boundaries, and extent of the range, including identification of the State and political subdivisions of the State in which the range is located and any Tribal lands encompassed by the range.

''(C) Known persons and entities, other than a military department, with any current ownership interest or control of lands encompassed by the range.

''(D) Any restrictions or other land use controls currently in place that might affect the potential for public and environmental exposure to abandoned military munitions.

''(c) SITE PRIORITIZATION.—(1) With respect to each former military range included on the inventory, the Secretary of Defense shall assign the range a relative priority for response activities based on the overall conditions at the range. The level of response priority assigned the range shall be included with the information required by subsection (b)(2) to be maintained for the range.

''(2) In assigning the response priority for a former military range, the Secretary of Defense shall primarily consider factors relating to safety and environmental hazard potential, such as the following:

''(A) Whether there are known, versus suspected, abandoned military munitions on all or any portion of the range and the types of munitions present or suspected to be present.

''(B) Whether public access to the range is controlled, and the effectiveness of these controls.

''(C) The potential for direct human contact with abandoned military munitions at the range and evidence of people entering the range.

''(D) Whether a response action has been or is being undertaken at the range under the Formerly Used Defense Sites program or other programs.

''(E) The planned or mandated dates for transfer of the range from military control.

''(F) The extent of any documented incidents involving abandoned military munitions at or from the range. In this subparagraph, the term 'incidents' means any or all of the following: explosions, discoveries, injuries, reports, and investigations.

''(G) The potential for drinking water contamination or the release of weapon components into the air.

''(H) The potential for destruction of sensitive ecosystems and damage to natural resources.

''(d) UPDATES AND AVAILABILITY.—(1) The Secretary of Defense shall annually update the inventory and site prioritization list to reflect new information that becomes available. The inventory shall be available in published and electronic form.

''(2) The Secretary of Defense shall work with adjacent communities to provide information concerning conditions at the former military range and response activities, and shall respond to inquiries. At a minimum, the Secretary shall notify immediately affected individuals, appropriate State, local, tribal, and Federal officials, and, when appropriate, civil defense or emergency management agencies.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2710. Former military ranges: inventory of explosive risk sites; use of inventory; public safety issues.''.

(b) INITIAL INVENTORY.—The inventory required by section 2710 of title 10, United States Code, as added by subsection (a), shall be completed and made available not later than one year after the date of the enactment of this Act.

SEC. 312. NATIONAL SECURITY IMPACT STATEMENTS.

(a) EVALUATION OF NATIONAL SECURITY IMPACTS REQUIRED.—(1) Chapter 160 of title 10, United States Code, is amended by inserting after section 2710, as added by section 311, the following new section:

''§ 2711. Environmental impact statements and environmental assessments: evaluation of national security impacts of proposed action and alternatives

''(a) AGENCY ACTION.—Whenever an environmental impact statement or environmental assessment is required under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) to be prepared in connection with a proposed Department of Defense action, the Secretary of Defense shall include as a part of the environmental impact statement or environmental assessment a detailed evaluation of the impact of the proposed action, and each alternative to the proposed action considered in the statement or assessment, on national security, including the readiness, training, testing, and operations of the armed forces.

''(b) AGENCY INPUT.—The Secretary of Defense shall also include the evaluation required by subsection (a) in any input provided by the Department of Defense as a cooperating agency to a lead agency preparing an environmental impact statement or environmental assessment.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2711. Environmental impact statements and environmental assessments: evaluation of national security impacts of proposed action and alternatives.''.

(b) EFFECTIVE DATE.—Section 2711 of title 10, United States Code, as added by subsection (a), shall take effect on the date of the enactment of this Act and apply with respect to any environmental impact statement or environmental assessment prepared by the Secretary of Defense that has not been released in final form as of that date.

SEC. 313. REIMBURSEMENT FOR CERTAIN COSTS IN CONNECTION WITH HOOPER SANDS SITE, SOUTH BERWICK, MAINE.

Using amounts authorized to be appropriated by section 301(15) for environmental restoration for the Navy, the Secretary of the Navy may pay $1,005,478 to the Hooper Sands Special Account within the Hazardous Substance Superfund established by section 9507 of the Internal Revenue Code of 1986 (26 U.S.C. 9507) to reimburse the Environmental Protection Agency in full for certain response costs incurred by the Environmental Protection Agency for actions taken pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) at the Hooper Sands site in South Berwick, Maine, pursuant to an interagency agreement entered into by the Department of the Navy and the Environmental Protection Agency in January 2001.

SEC. 314. RIVER MITIGATION STUDIES.

(a) PORT OF ORANGE, SABINE RIVER.—The Secretary of Defense may conduct a study regarding mitigation needs in connection with protruding structures and submerged objects remaining from the World War II Navy ship building industry located at the former Navy installation in Orange, Texas, which create navigational hazards along the Sabine River and surrounding the Port of Orange.

(b) PHILADELPHIA NAVAL SHIPYARD, DELAWARE RIVER.—The Secretary of Defense may conduct a study regarding mitigation needs in connection with floating and partially submerged debris possibly relating to the Philadelphia Naval Shipyard in that portion of the Delaware River from Philadelphia to the mouth of the river which create navigational hazards along the river.

(c) USE OF EXISTING INFORMATION.—In conducting the studies authorized by this section, the Secretary shall take into account any information available from other studies conducted in connection with the same navigation channels.

(d) CONSULTATION.—The Secretary shall conduct the studies authorized by this section in consultation with appropriate State and local government entities and Federal agencies.

(e) REPORT ON STUDY RESULTS.—Not later than April 30, 2002, the Secretary of Defense shall submit to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a report that summarizes the results of the studies conducted under this section.

(f) COST SHARING.—Nothing in this section is intended to require non-Federal cost sharing of the costs incurred by the Secretary of Defense to conduct the studies authorized by this section.

(g) REMOVAL AUTHORITY.—Consistent with existing laws, using funds authorized to be appropriated for these purposes, and after providing notice to Congress, the Secretary of Defense may work with the other Federal, State, local, and private entities—

(1) to remove the protruding structures and submerged objects along the Sabine River and surrounding the Port of Orange that resulted from the abandonment of the ship building industry and Navy installation in Orange, Texas; and

(2) to remove floating and partially submerged debris in the portion of the Delaware River subject to the study under subsection (b).

(h) RELATION TO OTHER LAWS AND AGREEMENTS.—This section is not intended to modify any authorities provided to the Secretary of the Army by the Water Resources Development Act of 1986 (33 U.S.C. 2201 et seq.), nor is it intended to modify any non-Federal cost-sharing responsibilities outlined in any local cooperation agreements.

SEC. 315. ELIMINATION OF ANNUAL REPORT ON CONTRACTOR REIMBURSEMENT FOR COSTS OF ENVIRONMENTAL RESPONSE ACTIONS.

Section 2706 of title 10, United States Code, is amended by striking subsection (c).

Subtitle C—Commissaries and Nonappropriated Fund Instrumentalities

SEC. 321. RESERVE COMPONENT COMMISSARY BENEFITS.

(a) ELIGIBILITY FOR COMMISSARY BENEFITS.—Section 1063 of title 10, United States Code, is amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b) and (c) as subsections (d) and (e), respectively; and

(3) by inserting after the section heading the following new subsections:

''(a) ELIGIBILITY.—Subject to subsection (c), the Secretary concerned shall authorize members of the Ready Reserve described in subsection (b) to have 24 days of eligibility to use commissary stores of the Department of Defense for any calendar year.

''(b) COVERED MEMBERS.—Subsection (a) applies with respect to the following members of the Ready Reserve:

''(1) A member of the Selected Reserve who is satisfactorily participating in required training as prescribed in section 10147(a)(1) of this title or section 502(a) of title 32 in that calendar year.

''(2) A member of the Ready Reserve (other than a member described in paragraph (1)) who satisfactorily completes 50 or more points credible under section 12732(a)(2) of this title in that calendar year.

''(c) REDUCED NUMBER OF COMMISSARY VISITS FOR NEW MEMBERS.—The number of commissary visits authorized for a member of the Selected Reserve described in subsection (b)(1) who enters the Selected Reserve after the beginning of the calendar year shall be equal to twice the number of full months remaining in the calendar year.''.

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

''§ 1063. Use of commissary stores: members of Ready Reserve''.

(2) The table of sections at the beginning of chapter 54 of such title is amended by striking the item relating to section 1063 and inserting the following new item:

''1063. Use of commissary stores: members of Ready Reserve.''.

SEC. 322. REIMBURSEMENT FOR NONCOMMISSARY USE OF COMMISSARY FACILITIES.

Section 2685 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(f) REIMBURSEMENT FOR NONCOMMISSARY USE OF COMMISSARY FACILITIES.—(1) If the Secretary concerned uses for noncommissary purposes a commissary facility whose construction was financed (in whole or in part) using the proceeds of adjustments or surcharges authorized by subsection (a) or revenues referred to in subsection (e), the Secretary concerned shall reimburse the commissary surcharge account for the depreciated value of the investment made with such proceeds and revenues.

''(2) In paragraph (1), the term 'construction' has the meaning given such term in subsection (d)(2).''.

SEC. 323. CIVIL RECOVERY FOR NON-APPROPRIATED FUND INSTRUMENTALITY COSTS RELATED TO SHOPLIFTING.

Section 3701(b)(1)(B) of title 31, United States Code, is amended by inserting before the comma at the end the following: '', including actual and administrative costs related to shoplifting, theft detection, and theft prevention''.

Subtitle D—Workforce and Depot Issues

SEC. 331. FISCAL YEAR 2002 LIMITATIONS ON WORKFORCE REVIEWS.

(a) WORKFORCE REVIEW DEFINED.—In this section, the term ''workforce review'' has the meaning given the term in section 2461a(a) of title 10, United States Code.

(b) LIMITED NUMBER OF FULL-TIME EQUIVALENT POSITIONS REVIEWED.—During fiscal year 2002, the total number of full-time equivalent positions considered for possible change to performance by the private sector through the performance of a workforce review may not exceed the following:

(1) 328, in the case of full-time equivalent positions for civilian employees of the Department of the Army;

(2) 453, in the case of full-time equivalent positions for civilian employees of the Department of the Navy;

(3) 936, in the case of full-time equivalent positions for civilian employees of the Department of the Air Force; and

(4) 1,336, in the case of full-time equivalent positions for civilian employees of the Department of Defense, other than civilian employees of a military department.

(c) ADDITIONAL LIMITATION.—None of the full-time equivalent positions for civilian employees of the Department of the Navy that may be considered in a workforce review during fiscal year 2002 may involve civilian employees who perform functions on behalf of the Marine Corps.

SEC. 332. APPLICABILITY OF CORE LOGISTICS CAPABILITY REQUIREMENTS TO NUCLEAR AIRCRAFT CARRIERS.

Section 2464(a)(3) of title 10, United States Code, is amended by striking ''nuclear aircraft carriers'' and inserting ''nuclear refueling of aircraft carriers''.

SEC. 333. CONTINUATION OF CONTRACTOR MANPOWER REPORTING SYSTEM IN DEPARTMENT OF THE ARMY.

Section 343 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 569) is amended—

(1) by striking subsection (a) and inserting the following new subsection (a):

''(a) REPORTING REQUIREMENT FOR DEPARTMENT OF THE ARMY.—(1) Not later than March 1 of each fiscal year, the Secretary of the Army shall submit to Congress a report describing the use during the previous fiscal year of non-Federal entities to provide services to the Department of the Army.

''(2) The data collection required to prepare the report is deemed to be in compliance with the requirements of chapter 35 of title 44, United States Code, commonly known as the Paperwork Reduction Act.

''(3) The report required by this section is needed to comply with sections 115a and 129a of title 10, United States Code, and is not a procurement action.'';

(2) by striking ''Department of Defense'' each place it appears and inserting ''Department of the Army''; and

(3) by adding at the end the following new subsection:

''(d) GAO EVALUATION.—Not later than 60 days after the Secretary submits to Congress the report required under subsection (a) for a fiscal year, the Comptroller General shall submit to Congress an evaluation of the report.''.

SEC. 334. LIMITATION ON EXPANSION OF WHOLESALE LOGISTICS MODERNIZATION PROGRAM.

(a) LIMITATION.—The Secretary of the Army may not authorize the expansion of the Wholesale Logistics Modernization Program beyond the original legacy systems included in the scope of the contract awarded in December 1999 until the Secretary certifies to Congress that the original legacy systems have been successfully replaced.

(b) GAO EVALUATION.—Not later than 60 days after the Secretary of the Army submits to Congress the certification required under subsection (a), the Comptroller General shall submit to Congress an evaluation of the certification.

SEC. 335. PILOT PROJECT FOR EXCLUSION OF CERTAIN EXPENDITURES FROM LIMITATION ON PRIVATE SECTOR PERFORMANCE OF DEPOT-LEVEL MAINTENANCE.

Section 2474 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(g) PILOT PROJECT FOR THE EXCLUSION OF CERTAIN EXPENDITURES FROM LIMITATION ON PRIVATE SECTOR PERFORMANCE OF DEPOT-LEVEL MAINTENANCE.—

''(1) AMOUNTS EXCLUDED.—Amounts expended out of funds described in paragraph (2) for the performance of a depot-level maintenance and repair workload by non-Federal Government personnel at a Center of Industrial and Technical Excellence named in paragraph (4) shall not be counted for the purposes of section 2466(a) of this title if the personnel are provided by private industry pursuant to a public-private partnership undertaken by the Center under subsection (b).

''(2) FUNDS FOR FISCAL YEARS 2002 THROUGH 2006.—The funds referred to in paragraph (1) are funds available to the Air Force for depot-level maintenance and repair workloads for fiscal year 2002, 2003, 2004, 2005, or 2006, and shall not exceed 10 percent of the total funds available in any single year.

''(3) REPORTING REQUIREMENTS.—All funds covered by paragraph (1) shall be included as a separate item in the reports required under paragraphs (1), (2), and (3) of section 2466(e) of this title.

''(4) COVERED CENTERS.—(A) The Centers of Industrial and Technical Excellence referred to in paragraph (1) are the following:

''(i) Oklahoma City Air Logistics Center, Oklahoma.

''(ii) Ogden Air Logistics Center, Utah.

''(iii) Warner-Robins Air Logistics Center, Georgia.

''(B) The Secretary of the Air Force shall designate as a Center of Industrial and Technical Excellence under this section any of the air logistics centers named in subparagraph (A) that have not previously been so designated and shall specify the core competencies for which the designation is made.''.

SEC. 336. PROTECTIONS FOR PURCHASERS OF ARTICLES AND SERVICES MANUFACTURED OR PERFORMED BY WORKING-CAPITAL FUNDED INDUSTRIAL FACILITIES OF THE DEPARTMENT OF DEFENSE.

(a) GENERAL RULE.—Section 2563(c) of title 10, United States Code, is amended—

(1) in paragraph (1)(B), by striking ''in any case of willful misconduct or gross negligence'' and inserting ''as provided in paragraph (3)''; and

(2) by adding at the end the following new paragraph:

''(3) Paragraph (1)(B) does not apply in any case of willful misconduct or gross negligence or in the case of a claim by a purchaser of articles or services under this section that damages or injury arose from the failure of the Government to comply with quality, schedule, or cost performance requirements in the contract to provide the articles or services.''.

(b) CONFORMING AMENDMENT.—Section 2474(e)(2)(B)(i) of such title is amended by striking ''in a case of willful conduct or gross negligence'' and inserting ''under the circumstances described in section 2563(c)(3) of this title''.

Subtitle E—Defense Dependents Education

SEC. 341. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) EDUCATIONAL AGENCIES ASSISTANCE.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, $30,000,000 shall be available only for the purpose of providing educational agencies assistance to local educational agencies.

(b) NOTIFICATION.—Not later than June 30, 2002, the Secretary of Defense shall notify each local educational agency that is eligible for educational agencies assistance for fiscal year 2002 of—

(1) that agency's eligibility for educational agencies assistance; and

(2) the amount of the educational agencies assistance for which that agency is eligible.

(c) DISBURSEMENT OF FUNDS.—The Secretary of Defense shall disburse funds made available under subsection (a) not later than 30 days after the date on which notification to the eligible local educational agencies is provided pursuant to subsection (b).

(d) DEFINITIONS.—In this section:

(1) The term ''educational agencies assistance'' means assistance authorized under section 386(b) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 7703 note).

(2) The term ''local educational agency'' has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

SEC. 342. AVAILABILITY OF AUXILIARY SERVICES OF DEFENSE DEPENDENTS' EDUCATION SYSTEM FOR DEPENDENTS WHO ARE HOME SCHOOL STUDENTS.

Section 1407 of the Defense Dependents' Education Act of 1978 (20 U.S.C. 926) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

''(d) AUXILIARY SERVICES AVAILABLE TO HOME SCHOOL STUDENTS.—(1) A dependent who is educated in a home school setting, but who is eligible to enroll in a school of the defense dependents' education system, shall be permitted to use or receive auxiliary services of that school without being required to either enroll in that school or register for a minimum number of courses offered by that school. The dependent may be required to satisfy other eligibility requirements applicable to students actually enrolled in that school who use or receive the same auxiliary services.

''(2) For purposes of paragraph (1), the term 'auxiliary services' includes registration in individual courses, use of academic resources, access to the library of the school, after hours use of school facilities, and participation in music, sports, and other extracurricular and interscholastic activities.''.

SEC. 343. REPORT REGARDING COMPENSATION FOR TEACHERS EMPLOYED IN TEACHING POSITIONS IN OVERSEAS SCHOOLS OPERATED BY THE DEPARTMENT OF DEFENSE.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report evaluating the method currently used by the Secretary to fix the basic compensation for teachers and teaching positions in the Department of Defense under the Defense Department Overseas Teachers Pay and Personnel Practices Act (20 U.S.C. 901 et seq.). The report shall include the recommendations of the Secretary regarding a proposal to increase such compensation to reflect the average of the range of rates of basic compensation for similar teaching positions of a comparable level of duties and responsibilities for teachers employed in public schools in the

District of Columbia metropolitan area, which includes the District of Columbia Public Schools, Arlington Public Schools, Alexandria City Public Schools, Fairfax County Public Schools, Montgomery County Public Schools, and Prince George's County Public Schools.

Subtitle F—Other Matters

SEC. 351. AVAILABILITY OF EXCESS DEFENSE PERSONAL PROPERTY TO SUPPORT DEPARTMENT OF VETERANS AFFAIRS INITIATIVE TO ASSIST HOMELESS VETERANS.

(a) TRANSFER AUTHORITY.—Section 2557(a) of title 10, United States Code, is amended—

(1) by striking ''The Secretary'' and inserting ''(1) The Secretary''; and

(2) by adding at the end the following new paragraph:

''(2) The Secretary of Defense may make excess clothing, shoes, sleeping bags, and related nonlethal excess supplies available to the Secretary of Veterans Affairs for distribution to homeless veterans and programs assisting homeless veterans. The transfer of nonlethal excess supplies to the Secretary of Veterans Affairs under this paragraph shall be without reimbursement.''.

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

''§ 2557. Excess nonlethal supplies: availability for homeless veteran initiatives and humanitarian relief''.

(2) The table of sections at the beginning of chapter 152 of such title is amended by striking the item relating to section 2557 and inserting the following new item:

''2557. Excess nonlethal supplies: availability for homeless veteran initiatives and humanitarian relief.''.

SEC. 352. CONTINUATION OF LIMITATIONS ON IMPLEMENTATION OF NAVY-MARINE CORPS INTRANET CONTRACT.

(a) EXCLUSION OF MARINE CORPS.—Subsection (c) of section 814 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398; 114 Stat. 1654A–215) is amended—

(1) by striking ''PROHIBITION ON INCREASE OF RATES CHARGED.—'' and inserting ''PROHIBITIONS.—(1)'';

(2) by striking ''fiscal year 2001'' and inserting ''fiscal year 2002''; and

(3) by adding at the end the following new paragraph:

''(2) The Navy Intranet contract may not include any activities of the Marine Corps.''.

(b) LIMITATION ON PHASED IMPLEMENTATION.—Subsection (b)(4) of such section is amended—

(1) by striking ''fiscal year 2001'' both places it appears and inserting ''fiscal year 2002''; and

(2) by striking ''Marine Corps, the naval shipyards, or'' both places it appears and inserting ''naval shipyards or''.

SEC. 353. COMPLETION AND EVALUATION OF CURRENT DEMONSTRATION PROGRAMS TO IMPROVE QUALITY OF PERSONAL PROPERTY SHIPMENTS OF MEMBERS.

(a) COMPLETION.—The Secretary of Defense shall conduct to completion all demonstration programs in the Department of Defense that were designed to improve the movement of household goods of members of the Armed Forces and were being conducted or authorized as of October 1, 2000,

(b) EVALUATION.—Not later than August 31, 2002, the Secretary of Defense shall submit to Congress a report evaluating whether the demonstration programs referred to in subsection (a), as implemented, satisfy the goals (as contained in the General Accounting Report NSIAD 97–49) for such demonstration programs previously agreed upon between the Department of Defense and representatives of private sector entities involved in the transportation of household goods for members of the Armed Forces.

(c) INTERIM REPORTS.—Not later than January 15, 2002, and April 15, 2002, the Secretary shall submit to Congress interim reports regarding the progress of the demonstration programs referred to in subsection (a).

SEC. 354. EXPANSION OF ENTITIES ELIGIBLE FOR LOAN, GIFT, AND EXCHANGE OF DOCUMENTS, HISTORICAL ARTIFACTS, AND OBSOLETE COMBAT MATERIEL.

Section 2572(a)(1) of title 10, United States Code, is amended by inserting before the period at the end the following: '', county, or other political subdivision of a State''.

Subtitle G—Service Contracting Reform

SEC. 361. SHORT TITLE.

This subtitle may be cited as the ''Department of Defense Service Contracting Reform Act of 2001''.

SEC. 362. REQUIRED COST SAVINGS LEVEL FOR CHANGE OF FUNCTION TO CONTRACTOR PERFORMANCE.

Section 2461(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(5)(A) A commercial or industrial type function of the Department of Defense may not be changed to performance by the private sector unless, as a result of the cost comparison examination required under paragraph (3)(A), that employed the most efficient organization process described in Office of Management and Budget Circular A–76 or any successor administrative regulation or policy, at least a 10-percent cost savings would be achieved by performance of the function by the private sector over the term of the contract.

''(B) The cost savings requirement specified in subparagraph (A) does not apply to any contracts for special studies and analyses, construction services, architectural services, engineering services, medical services, scientific and technical services related to (but not in support of) research and development, and depot-level maintenance and repair services.

''(C) The Secretary of Defense may waive the cost savings requirement if—

''(i) the written waiver is prepared by the Secretary of Defense, or the relevant Assistant Secretary or agency head; and

''(ii) the written waiver is accompanied by a detailed determination that national security interests are so compelling as to preclude compliance with the requirement for a cost comparison examination.

''(D) The Secretary of Defense shall publish a copy of the waiver in the Federal Register.''.

SEC. 363. APPLICABILITY OF STUDY AND REPORTING REQUIREMENTS TO NEW COMMERCIAL OR INDUSTRIAL TYPE FUNCTIONS.

(a) NEW FUNCTIONS.—Section 2461(a) of title 10, United States Code, is amended—

(1) by striking ''CHANGE IN PERFORMANCE.—'' and inserting ''CHANGE IN OR INITIATION OF PERFORMANCE.—(1)''; and

(2) by adding at the end the following new paragraphs:

''(2) In the case of a commercial or industrial type function of the Department of Defense not previously performed by Department of Defense civilian employees or a contractor, the performance of the function by the private sector may not be initiated until—

''(A) the Secretary of Defense conducts a cost comparison examination that employs the most efficient organization process described in Office of Management and Budget Circular A-76, and its supplemental handbook or any successor administrative regulation or policy; and

''(B) a determination is made that performance of the function by the private sector would be less costly over the term of the contract than performance by Department of Defense civilian employees during that same period.

''(3) This subsection does not apply to the following contracts:

''(A) A contract between the Department of Defense and the private sector for work with a contract value of less than $1,000,000 so long as the work was not divided, modified, or in any way changed for the purpose of avoiding the requirements of this section.

''(B) A contract for special studies and analyses, construction services, architectural services, engineering services, medical services, scientific and technical services related to (but not in support of) research and development, and depot-level maintenance and repair services.

''(4) The Secretary of Defense may waive the applicability of this section if—

''(A) the written waiver is prepared by the Secretary of Defense, or the relevant Assistant Secretary or agency head; and

''(B) the written waiver is accompanied by a detailed determination that—

''(i) there is no reasonable expectation that civilian employees would win a public-private competition for the function; and

''(ii) the issuance of a waiver would not serve to reduce significantly the level of or quality of competition in the future award or performance of work.

''(5) The Secretary of Defense shall publish a copy of the waiver in the Federal Register.''.

(b) MINIMAL LEVELS OF PUBLIC-PRIVATE COMPETITION FOR NEW WORK.—(1) Notwithstanding the use of the waiver authority provided in section 2461 of title 10, United States Code, as amended by this section, not less than the percentage specified in paragraph (2) of the total dollars expended during a specified fiscal year for the performance by contractors of commercial or industrial type functions of the Department of Defense not previously performed by Department of Defense civilian employees or the private sector (that are not otherwise exempt from comparison under such section) shall be expended for service contracts that are awarded after the completion of cost comparison examinations.

(2) The requirements of paragraph (1) apply as follows:

(A) Not less than 10 percent, for fiscal year 2003.

(B) Not less than 20 percent, for fiscal year 2004.

(C) Not less than 30 percent, for fiscal year 2005.

(c) CLERICAL AMENDMENTS.—(1) The heading of such section 2461 is amended to read as follows:

''§ 2461. Commercial or industrial type functions: required studies and reports before conversion to, or initiation of, contractor or civilian employee performance''.

(2) The item relating to such section in the table of sections at the beginning of chapter 146 of title 10, United States Code, is amended to read as follows:

''2461. Commercial or industrial type functions: required studies and reports before conversion to, or initiation of, contractor or civilian employee performance.''.

SEC. 364. REPEAL OF WAIVER FOR SMALL FUNCTIONS.

Section 2461 of title 10, United States Code, is amended by striking subsection (d).

SEC. 365. REQUIREMENT FOR EQUITY IN PUBLIC-PRIVATE COMPETITIONS.

Section 2461 of title 10, United States Code, is amended by inserting after subsection (c) the following new subsection:

''(d) EQUITY IN PUBLIC-PRIVATE COMPETITION.—(1) For any fiscal year in which commercial or industrial type functions of the Department of Defense performed by Department of Defense civilian employees are studied for possible change to private sector performance, the Secretary of Defense shall subject approximately the same number of positions held by non-Federal employees under contracts with the Department of Defense to the same cost comparison examination described in subsection (b)(3), subject to the completion of the terms of those contracts.

''(2) To the extent possible, the Secretary of Defense should, in complying with this subsection, select those contract positions held by non-Federal employees under contracts with the Department of Defense that are associated with commercial or industrial type functions that are, or have been, performed at least in part by Department of Defense civilian employees at any time on or after October 1, 1980.

''(3) Notwithstanding any limitation on the number of Department of Defense civilian employees established by law, regulation, or policy, the Department of Defense may continue to employ, or may hire, such civilian employees as are necessary to perform functions acquired through the public-private competitions required by this subsection or any other provision of this section.''.

SEC. 366. REPORTING REQUIREMENTS REGARDING DEPARTMENT OF DEFENSE'S SERVICE CONTRACTOR WORKFORCE.

(a) IMPOSITION OF REPORTING REQUIREMENT.—(1) Chapter 146 of title 10, United States Code, is amended by inserting after section 2461a the following new section:

''§ 2461b. Use of private sector to perform commercial or industrial type function: contractor reporting requirements

''(a) DEFINITIONS.—In this section:

''(1) CONTRACTOR.—The term 'contractor' includes a subcontractor.

''(2) SECRETARY CONCERNED.—The term 'Secretary concerned' includes the Secretary of Defense with respect to matters concerning the Defense Agencies.

''(b) GENERAL REPORTING REQUIREMENT.—The Secretary concerned shall require each defense contractor to report to secure websites established and maintained by the Defense Agencies and military departments the same contractor direct and indirect manhour and cost information collected by the Department of the Army pursuant to part 668 of title 32, Code of Federal Regulations, as in effect on December 26, 2000, in terms of functions performed, appropriations funding the contract, and identification of the subordinate organizational elements within the Defense Agency or military department directly overseeing the contractor performance. The indirect information reported may comprise annualized rates for an entire company, which are not apportioned by specific contracts.

''(c) ASSIGNMENT OF REPORTING RESPONSIBILITY.—The Defense Agency or military department containing the major organizational element receiving or reviewing the work performed by a defense contractor shall be responsible for collecting the data required by this section, even where all or part of the contracted work is funded by appropriations not controlled by the Secretary concerned. If the Defense Agency or military department containing the major organizational element receiving or reviewing the work performed by the contractor is different from the Defense Agency or military department containing the contracting activity, the Secretary concerned shall ensure that the contractor reports the required information to the Defense Agency or military department containing the major organizational element receiving or reviewing the work performed by the contractor.

''(d) TIMING OF CONTRACTOR REPORTING TO ASSURE DATA QUALITY.—The Secretary concerned shall require contractors to report the information described in subsection (c) to the secure web-site contemporaneous with submission of a request for payment (for example, voucher, invoice, or request for progress payment) or not later than quarterly.

''(e) CONTRACT REQUIREMENT EFFECTIVE DATE.—The Secretary concerned shall include the reporting requirement described in this section in each contract solicitation issued, contract awarded, and bilateral modification of an existing contract executed, by the Secretary concerned after October 1, 2001.

''(f) CONTRACTOR SELF-EXEMPTION.—The Secretary concerned shall exempt a contractor from the data collection requirement imposed by this section if the contractor certifies in writing that the contractor does not have an internal system for aggregating billable hours in the direct or indirect pools, or an internal payroll accounting system, and does not otherwise have to ever provide this information to the Government. A contractor may not claim an exemption on the sole basis that the contractor is a foreign contractor, that services are provided pursuant to a firm fixed price or time and materials contract or similar instrument, that the payroll system of the contractor is performed by another person, or that the contractor has too many subcontractors. The validity of this certification is the only requirement in this section subject to audit and verification by the Secretary concerned.

''(g) REPORT TO CONGRESS AND COMPTROLLER GENERAL ACTIONS.—The Secretary concerned shall submit the information collected under subsection (c) to Congress not later than October 1 of each year for the prior fiscal year. Not later than April 1 of each year, the Comptroller General will review the information submitted for the prior fiscal year to assess compliance with this section and the effectiveness of Department of Defense initiatives to integrate this information into its budgeting process.

''(h) PUBLICATION OF REPORTS.—After completion of the Comptroller General review under subsection (h), the Secretary concerned shall take steps to make the nonproprietary compilations of the data public on web sites, using the publication standard expressed by the Department of the Army in part 668 of title 32, Code of Federal Regulations.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2461a the following new item:

''2461b. Use of private sector to perform commercial or industrial type function: contractor reporting requirements.''.

(b) EFFECTIVE DATE.—Section 2461b of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 2001.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2002, as follows:

(1) The Army, 480,000.

(2) The Navy, 376,000.

(3) The Marine Corps, 172,600.

(4) The Air Force, 358,800.

SEC. 402. REVISION IN PERMANENT END STRENGTH MINIMUM LEVELS.

(a) REVISED END STRENGTH FLOORS.—Section 691(b) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking ''372,000'' and inserting ''376,000''; and

(2) in paragraph (4), by striking ''357,000'' and inserting ''358,800''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2001, or the date of the enactment of this Act, whichever is later.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2002, as follows:

(1) The Army National Guard of the United States, 350,000.

(2) The Army Reserve, 205,000.

(3) The Naval Reserve, 87,000.

(4) The Marine Corps Reserve, 39,558.

(5) The Air National Guard of the United States, 108,400.

(6) The Air Force Reserve, 74,700.

(7) The Coast Guard Reserve, 8,000.

(b) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2002, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 22,974.

(2) The Army Reserve, 13,108.

(3) The Naval Reserve, 14,811.

(4) The Marine Corps Reserve, 2,261.

(5) The Air National Guard of the United States, 11,591.

(6) The Air Force Reserve, 1,437.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

The minimum number of military technicians (dual status) as of the last day of fiscal year 2002 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army National Guard of the United States, 23,128.

(2) For the Army Reserve, 5,999.

(3) For the Air National Guard of the United States, 22,422.

(4) For the Air Force Reserve, 9,818.

SEC. 414. FISCAL YEAR 2002 LIMITATION ON NON-DUAL STATUS TECHNICIANS.

(a) LIMITATION.—The number of non-dual status technicians employed by the reserve components of the Army and the Air Force as of September 30, 2002, may not exceed the following:

(1) For the Army Reserve, 1,095.

(2) For the Army National Guard of the United States, 1,600.

(3) For the Air Force Reserve, 90.

(4) For the Air National Guard of the United States, 350.

(b) NON-DUAL STATUS TECHNICIANS DEFINED.—In this section, the term ''non-dual status technician'' has the meaning given that term in section 10217(a) of title 10, United States Code.

SEC. 415. LIMITATIONS ON NUMBERS OF RESERVE PERSONNEL SERVING ON ACTIVE DUTY OR FULL-TIME NATIONAL GUARD DUTY IN CERTAIN GRADES FOR ADMINISTRATION OF RESERVE COMPONENTS.

(a) OFFICERS.—The text of section 12011 of title 10, United States Code, is amended to read as follows:

''(a) LIMITATIONS.—(1) Of the total number of members of a reserve component who are serving on full-time reserve component duty at the end of any fiscal year, the number of those members who may be serving in each of the grades of

major, lieutenant colonel, and colonel may not, as of the end of that fiscal year, exceed the number determined in accordance with the following table:

''Total number of members of a reserve component serving on full-time reserve component duty:	*Number of officers of that reserve component who may be serving in the grade of:*		
	Major	*Lieutenant Colonel*	*Colonel*
Army Reserve:			
10,000	*1,390*	*740*	*230*
11,000	*1,529*	*803*	*242*
12,000	*1,668*	*864*	*252*
13,000	*1,804*	*924*	*262*
14,000	*1,940*	*984*	*272*
15,000	*2,075*	*1,044*	*282*
16,000	*2,210*	*1,104*	*291*
17,000	*2,345*	*1,164*	*300*
18,000	*2,479*	*1,223*	*309*
19,000	*2,613*	*1,282*	*318*
20,000	*2,747*	*1,341*	*327*
21,000	*2,877*	*1,400*	*336*
Army National Guard:			
20,000	*1,500*	*850*	*325*
22,000	*1,650*	*930*	*350*
24,000	*1,790*	*1,010*	*370*
26,000	*1,930*	*1,085*	*385*
28,000	*2,070*	*1,160*	*400*
30,000	*2,200*	*1,235*	*405*
32,000	*2,330*	*1,305*	*408*
34,000	*2,450*	*1,375*	*411*
36,000	*2,570*	*1,445*	*411*
38,000	*2,670*	*1,515*	*411*
40,000	*2,770*	*1,580*	*411*
42,000	*2,837*	*1,644*	*411*
Marine Corps Reserve:			
1,100	*106*	*56*	*20*
1,200	*110*	*60*	*21*
1,300	*114*	*63*	*22*
1,400	*118*	*66*	*23*
1,500	*121*	*69*	*24*
1,600	*124*	*72*	*25*
1,700	*127*	*75*	*26*
1,800	*130*	*78*	*27*
1,900	*133*	*81*	*28*
2,000	*136*	*84*	*29*
2,100	*139*	*87*	*30*
2,200	*141*	*90*	*31*
2,300	*143*	*92*	*32*
2,400	*145*	*94*	*33*
2,500	*147*	*96*	*34*
2,600	*149*	*98*	*35*
Air Force Reserve:			
500	*83*	*85*	*50*
1,000	*155*	*165*	*95*
1,500	*220*	*240*	*135*
2,000	*285*	*310*	*170*
2,500	*350*	*369*	*203*
3,000	*413*	*420*	*220*
3,500	*473*	*464*	*230*
4,000	*530*	*500*	*240*
4,500	*585*	*529*	*247*
5,000	*638*	*550*	*254*
5,500	*688*	*565*	*261*
6,000	*735*	*575*	*268*
7,000	*770*	*595*	*280*
8,000	*805*	*615*	*290*
10,000	*835*	*635*	*300*

''Total number of members of a reserve component serving on full-time reserve component duty:	Number of officers of that reserve component who may be serving in the grade of:		
	Major	Lieutenant Colonel	Colonel
Air National Guard:			
5,000	333	335	251
6,000	403	394	260
7,000	472	453	269
8,000	539	512	278
9,000	606	571	287
10,000	673	630	296
11,000	740	688	305
12,000	807	742	314
13,000	873	795	323
14,000	939	848	332
15,000	1,005	898	341
16,000	1,067	948	350
17,000	1,126	998	359
18,000	1,185	1,048	368
19,000	1,235	1,098	377
20,000	1,283	1,148	380.

''(2) Of the total number of members of the Naval Reserve who are serving on full-time reserve component duty at the end of any fiscal year, the number of those members who may be serving in each of the grades of lieutenant commander, commander, and captain may not, as of the end of that fiscal year, exceed the number determined in accordance with the following table:

''Total number of members of Naval Reserve serving on full-time reserve component duty	Number of officers who may be serving in the grade of:		
	Lieutenant commander	Commander	Captain
10,000	807	447	141
11,000	867	467	153
12,000	924	485	163
13,000	980	503	173
14,000	1,035	521	183
15,000	1,088	538	193
16,000	1,142	555	203
17,000	1,195	565	213
18,000	1,246	575	223
19,000	1,291	585	233
20,000	1,334	595	242
21,000	1,364	603	250
22,000	1,384	610	258
23,000	1,400	615	265
24,000	1,410	620	270.

''(b) DETERMINATIONS BY INTERPOLATION.—If the total number of members of a reserve component serving on full-time reserve component duty is between any two consecutive numbers in the first column of the appropriate table in paragraph (1) or (2) of subsection (a), the corresponding authorized strengths for each of the grades shown in that table for that component are determined by mathematical interpolation between the respective numbers of the two strengths. If the total number of members of a reserve component serving on full-time reserve component duty is more or less than the highest or lowest number, respectively, set forth in the first column of the appropriate table in paragraph (1) or (2) of subsection (a), the Secretary concerned shall fix the corresponding strengths for the grades shown in that table at the same proportion as is reflected in the nearest limit shown in the table.

''(c) REALLOCATIONS TO LOWER GRADES.—Whenever the number of officers serving in any grade for duty described in subsection (a) is less than the number authorized for that grade under this section, the difference between the two numbers may be applied to increase the number authorized under this section for any lower grade.

''(d) SECRETARIAL WAIVER.—(1) Upon determining that it is in the national interest to do so, the Secretary of Defense may increase for a particular fiscal year the number of reserve officers that may be on full-time reserve component duty for a reserve component in a grade referred to in a table in subsection (a) by a number that does not exceed the number equal to 5 percent of the maximum number specified for the grade in that table.

''(2) Whenever the Secretary exercises the authority provided in paragraph (1), the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives notice in writing of the adjustment made.

''(e) FULL-TIME RESERVE COMPONENT DUTY DEFINED.—In this section, the term 'full-time reserve component duty' means the following duty:

''(1) Active duty described in sections 10211, 10302, 10303, 10304, 10305, 12310, or 12402 of this title.

''(2) Full-time National Guard duty (other than for training) under section 502(f) of title 32.

''(3) Active duty described in section 708 of title 32.''.

(b) SENIOR ENLISTED MEMBERS.—The text of section 12012 of title 10, United States Code, is amended to read as follows:

''(a) LIMITATIONS.—Of the total number of members of a reserve component who are serving on full-time reserve component duty at the end of any fiscal year, the number of those members in each of pay grades of E–8 and E–9 who may be serving on active duty under section 10211 or 12310, or on full-time National Guard duty under the authority of section 502(f) of title 32 (other than for training) in connection with organizing, administering, recruiting, instructing, or training the reserve components or the National Guard may not, as of the end of that fiscal year, exceed the number determined in accordance with the following table:

''Total number of members of a reserve component serving on full-time reserve component duty:	Number of members of that reserve component who may be serving in the grade of:	
	E-8	E-9
Army Reserve:		
10,000	1,052	154
11,000	1,126	168
12,000	1,195	180
13,000	1,261	191
14,000	1,327	202
15,000	1,391	213
16,000	1,455	224
17,000	1,519	235
18,000	1,583	246
19,000	1,647	257
20,000	1,711	268
21,000	1,775	278
Army National Guard:		
20,000	1,650	550
22,000	1,775	615
24,000	1,900	645
26,000	1,945	675
28,000	1,945	705
30,000	1,945	725
32,000	1,945	730
34,000	1,945	735
36,000	1,945	738
38,000	1,945	741
40,000	1,945	743
42,000	1,945	743
Naval Reserve:		
10,000	340	143
11,000	364	156
12,000	386	169
13,000	407	182
14,000	423	195
15,000	435	208
16,000	447	221
17,000	459	234
18,000	471	247
19,000	483	260
20,000	495	273
21,000	507	286
22,000	519	299
23,000	531	312
24,000	540	325
Marine Corps Reserve:		
1,100	50	11
1,200	55	12
1,300	60	13
1,400	65	14
1,500	70	15
1,600	75	16
1,700	80	17
1,800	85	18
1,900	89	19
2,000	93	20
2,100	96	21
2,200	99	22
2,300	101	23
2,400	103	24
2,500	105	25
2,600	107	26
Air Force Reserve:		
500	75	40
1,000	145	75
1,500	208	105
2,000	270	130
2,500	325	150
3,000	375	170

''Total number of members of a reserve component serving on full-time reserve component duty:	Number of members of that reserve component who may be serving in the grade of:	
	E-8	E-9
3,500	420	190
4,000	460	210
4,500	495	230
5,000	530	250
5,500	565	270
6,000	600	290
7,000	670	330
8,000	740	370
10,000	800	400
Air National Guard		
5,000	1,020	405
6,000	1,070	435
7,000	1,120	465
8,000	1,170	490
9,000	1,220	510
10,000	1,270	530
11,000	1,320	550
12,000	1,370	570
13,000	1,420	589
14,000	1,470	608
15,000	1,520	626
16,000	1,570	644
17,000	1,620	661
18,000	1,670	678
19,000	1,720	695
20,000	1,770	712.

''(b) DETERMINATIONS BY INTERPOLATION.—If the total number of members of a reserve component serving on full-time reserve component duty is between any two consecutive numbers in the first column of the table in subsection (a), the corresponding authorized strengths for each of the grades shown in that table for that component are determined by mathematical interpolation between the respective numbers of the two strengths. If the total number of members of a reserve component serving on full-time reserve component duty is more or less than the highest or lowest number, respectively, set forth in the first column of the table in subsection (a), the Secretary concerned shall fix the corresponding strengths for the grades shown in the table at the same proportion as is reflected in the nearest limit shown in the table.

''(c) REALLOCATIONS TO LOWER GRADE.—Whenever the number of officers serving in pay grade E–9 for duty described in subsection (a) is less than the number authorized for that grade under this section, the difference between the two numbers may be applied to increase the number authorized under this section for pay grade E–8.

''(d) SECRETARIAL WAIVER.—(1) Upon determining that it is in the national interest to do so, the Secretary of Defense may increase for a particular fiscal year the number of reserve enlisted members that may be on active duty or full-time National Guard duty as described in subsection (a) for a reserve component in a pay grade referred to in a table in subsection (a) by a number that does not exceed the number equal to 5 percent of the maximum number specified for that grade and reserve component in the table.

''(2) Whenever the Secretary exercises the authority provided in paragraph (1), the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives notice in writing of the adjustment made.

''(e) FULL-TIME RESERVE COMPONENT DUTY DEFINED.—In this section, the term 'full-time reserve component duty' has the meaning given the term in section 12011(e) of this title.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2001, or the date of the enactment of this Act, whichever is later.

Subtitle C—Other Matters Relating to Personnel Strengths

SEC. 421. INCREASE IN PERCENTAGE BY WHICH ACTIVE COMPONENT END STRENGTHS FOR ANY FISCAL YEAR MAY BE INCREASED.

(a) INCREASE.—Section 115(c)(1) of title 10, United States Code, is amended by striking ''1 percent'' and inserting ''2 percent''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2001, or the date of the enactment of this Act, whichever is later.

SEC. 422. ACTIVE DUTY END STRENGTH EXEMPTION FOR NATIONAL GUARD AND RESERVE PERSONNEL PERFORMING FUNERAL HONORS FUNCTIONS.

Section 115(d) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

''(10) Members of reserve components on active duty to prepare for and to perform funeral honors functions for funerals of veterans in accordance with section 1491 of this title.

''(11) Members on full-time National Guard duty to prepare for and perform funeral honors functions for funerals of veterans in accordance with section 1491 of this title.''.

SEC. 423. INCREASE IN AUTHORIZED STRENGTHS FOR AIR FORCE OFFICERS ON ACTIVE DUTY IN THE GRADE OF MAJOR.

The table in section 523(a)(1) of title 10, United States Code, is amended by striking the figures under the heading ''Major'' in the portion of the table relating to the Air Force and inserting the following:

''9,861
10,727
11,593
12,460
13,326
14,192
15,058
15,925
16,792
17,657
18,524
19,389
20,256
21,123
21,989
22,855
23,721
24,588
25,454''.

Subtitle D—Authorization of Appropriations

SEC. 431. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2002 a total of $82,279,101,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2002.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—General Personnel Management Authorities

SEC. 501. ENHANCED FLEXIBILITY FOR MANAGEMENT OF SENIOR GENERAL AND FLAG OFFICER POSITIONS.

(a) REPEAL OF LIMIT ON NUMBER OF OFFICERS ON ACTIVE DUTY IN GRADES OF GENERAL AND ADMIRAL.—Section 528 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 32 of such title is amended by striking the item relating to section 528.

SEC. 502. ORIGINAL APPOINTMENTS IN REGULAR GRADES FOR ACADEMY GRADUATES AND CERTAIN OTHER NEW OFFICERS.

(a) REPEAL OF REQUIREMENT FOR ONE YEAR OF ACTIVE DUTY IN A RESERVE GRADE.—Section 532(e) of title 10, United States Code, is repealed.

(b) MILITARY ACADEMY GRADUATES.—Section 4353(b) of such title is amended to read as follows:

''(b) A cadet who completes the prescribed course of instruction, is qualified for an original appointment in a regular component under section 532 of this title, and meets such other criteria for appointment as a commissioned officer in the Army as may be prescribed by the Secretary of the Army shall, upon graduation, be appointed a second lieutenant in the Regular Army under section 531 of this title, unless appointed under that section in a regular component of one of the other armed forces in accordance with section 541 of this title.''.

(c) NAVAL ACADEMY GRADUATES.—Section 6967 of such title is amended—

(1) by inserting ''(a)'' before ''Under regulations''; and

(2) by adding at the end the following:

''(b) A midshipman who completes the prescribed course of instruction, is qualified for an original appointment in a regular component under section 532 of this title, and meets such other criteria for appointment as a commissioned officer in the naval service as may be prescribed by the Secretary of the Navy shall, upon graduation, be appointed an ensign in the Regular Navy or a second lieutenant in the Regular Marine Corps under section 531 of this title, unless appointed under that section in a regular component of one of the other armed forces in accordance with section 541 of this title.''.

(d) AIR FORCE ACADEMY GRADUATES.—Section 9353(b) of such title is amended to read as follows:

''(b) A cadet who completes the prescribed course of instruction, is qualified for an original appointment in a regular component under section 532 of this title, and meets such other criteria for appointment as a commissioned officer in the Air Force as may be prescribed by the Secretary of the Air Force shall, upon graduation, be appointed a second lieutenant in the Regular Air Force under section 531 of this title, unless appointed under that section in a regular component of one of the other armed forces in accordance with section 541 of this title.''.

(e) ROTC DISTINGUISHED GRADUATES.—Section 2106(a) of such title is amended by adding at the end the following new sentence: ''However, a member of the program selected for an appointment under this section who, under regulations prescribed by the Secretary of the military department concerned, is designated or selected as a Distinguished Graduate (or the equivalent) shall be appointed as a regular officer.''.

(f) OTHER COMMISSIONING PROGRAMS.—(1) Chapter 33 of such title is amended by adding at the end the following new section:

''§ 542. Distinguished Graduates of officer commissioning programs other than service academies and ROTC

''A person who is selected for an original appointment as a commissioned officer in the Army, Navy, Air Force, or Marine Corps as a result of satisfactory completion of an officer commissioning program other than the course of instruction at one of the service academies named in section 541 of this title or the Senior Reserve Officers' Training Corps program and who, under regulations prescribed by the Secretary of the military department concerned, is designated or selected as a Distinguished Graduate of that program (or the equivalent) shall be appointed as a regular officer.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''542. Distinguished Graduates of officer commissioning programs other than service academies and ROTC.''.

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect on May 1, 2002.

SEC. 503. TEMPORARY REDUCTION OF TIME-IN-GRADE REQUIREMENT FOR ELIGIBILITY FOR PROMOTION FOR CERTAIN ACTIVE-DUTY LIST OFFICERS IN GRADES OF FIRST LIEUTENANT AND LIEUTENANT (JUNIOR GRADE).

(a) AUTHORITY.—Subsection (a) of section 619 of title 10, United States Code, is amended—

(1) in paragraph (1)(B), by inserting before the period at the end the following: '', or such shorter period as may be in effect under paragraph (6)''; and

(2) by adding at the end the following new paragraph:

''(6)(A) When the needs of the service require, the Secretary of the military department concerned may reduce to eighteen months the period of service in grade applicable for purposes of paragraph (1)(B) in the case of officers who are serving in a position that is authorized for officers in the grade of captain or, in the case of the Navy, lieutenant.

''(B) If the Secretary of the military department concerned uses the authority provided in subparagraph (A), the number of captains or, in the case of the Navy, lieutenants on the active-duty list may not exceed the number of positions for which officers in that grade are authorized by more than one percent.

''(C) The authority under subparagraph (A) and the limitation under subparagraph (B) expire on September 30, 2005.''.

(b) STYLISTIC AMENDMENTS.—Such section is further amended as follows:

(1) Subsection (a) is amended by striking ''(a)(1)'' and inserting ''(a) TIME-IN-GRADE REQUIREMENTS.—(1)''.

(2) Subsection (b) is amended by striking ''(b)(1)'' and inserting ''(b) CONTINUED ELIGIBILITY FOR CONSIDERATION FOR PROMOTION OF OFFICERS WHO HAVE PREVIOUSLY FAILED OF SELECTION.—(1)''.

(3) Subsection (c) is amended by striking ''(c)(1)'' and inserting ''(c) OFFICERS TO BE CONSIDERED BY PROMOTION BOARDS.—(1)''.

(4) Subsection (d) is amended by inserting ''CERTAIN OFFICERS NOT TO BE CONSIDERED.—'' after ''(d)''.

(c) TECHNICAL AMENDMENT.—Subsection (a)(4) of such section is amended by striking ''clause (A)'' and inserting ''subparagraph (A)''.

SEC. 504. INCREASE IN SENIOR ENLISTED ACTIVE DUTY GRADE LIMIT FOR NAVY, MARINE CORPS, AND AIR FORCE.

(a) MEMBERS IN PAY GRADE E–8.—Section 517(a) of title 10, United States Code, is amended by striking ''2 percent (or, in the case of the Army, 2.5 percent)'' and inserting ''2.5 percent''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2001, or the date of the enactment of this Act, whichever is later.

SEC. 505. AUTHORITY FOR LIMITED EXTENSION OF MEDICAL DEFERMENT OF MANDATORY RETIREMENT OR SEPARATION.

The text of section 640 of title 10, United States Code, is amended to read as follows:

''(a) If the Secretary of the military department concerned determines that the evaluation of the physical condition of an officer and determination of the officer's entitlement to retirement or separation for physical disability require hospitalization or medical observation and that such hospitalization or medical observation cannot be completed with confidence in a manner consistent with the member's well being before the date on which the officer would otherwise be required to retire or be separated under this title, the Secretary may defer the retirement or separation of the officer under this title.

''(b) A deferral of retirement or separation under subsection (a) may not extend for more than 30 days after completion of the evaluation requiring hospitalization or medical observation.''.

SEC. 506. AUTHORITY FOR LIMITED EXTENSION ON ACTIVE DUTY OF MEMBERS SUBJECT TO MANDATORY RETIREMENT OR SEPARATION.

(a) SECTION 12305 STOP-LOSS AUTHORITY.—Section 12305 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) Upon the termination of a suspension made under the authority of subsection (a) of a provision of law otherwise requiring the separation or retirement of officers on active duty because of age, length of service or length of service in grade, or failure of selection for promotion, the Secretary concerned shall extend by up to 90 days the otherwise required separation or retirement date of any officer covered by the suspended provision whose separation or retirement date, but for the suspension, would have been before the date of the termination of the suspension or within 90 days of the date of such termination.''.

(b) SECTION 123 STOP-LOSS AUTHORITY.—Section 123 of such title is amended by adding at the end the following new subsection:

''(d) Upon the termination of a suspension made under the authority of subsection (a) of a provision of law otherwise requiring the separation or retirement of officers on active duty because of age, length of service or length of service in grade, or failure of selection for promotion, the Secretary concerned shall extend by up to 90 days the otherwise required separation or retirement date of any officer covered by the suspended provision whose separation or retirement date, but for the suspension, would have been before the date of the termination of the suspension or within 90 days of the date of such termination.''.

SEC. 507. CLARIFICATION OF DISABILITY SEVERANCE PAY COMPUTATION.

(a) CLARIFICATION.—Section 1212(a)(2) of title 10, United States Code, is amended by striking ''for promotion'' in subparagraph (C) and the first place it appears in subparagraph (D).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to members separated under section 1203 or 1206 of title 10, United States Code, on or after date of the enactment of this Act.

SEC. 508. OFFICER IN CHARGE OF UNITED STATES NAVY BAND.

(a) DETAIL AND GRADE.—Section 6221 of title 10, United States Code, is amended to read as follows:

§ 6221. United States Navy Band; officer in charge

''(a) There is a Navy band known as the United States Navy Band.

''(b) An officer of the Navy designated for limited duty under section 5589 or 5596 of this title who is serving in a grade not below lieutenant commander may be detailed by the Secretary of the Navy as Officer in Charge of the United States Navy Band. While so serving, an officer so detailed shall hold the grade of captain if recommended by the Secretary of the Navy for appointment to that grade and appointed to that grade by the President, by and with the advice and consent of the Senate. Such an appointment may be made notwithstanding section 5596(d) of this title.''.

(b) CLERICAL AMENDMENT.—The item relating to section 6221 in the table of sections at the beginning of chapter 565 of such title is amended to read as follows:

''6221. United States Navy Band; officer in charge.''.

SEC. 509. ONE-YEAR EXTENSION OF EXPIRATION DATE FOR CERTAIN FORCE MANAGEMENT AUTHORITIES.

(a) EARLY RETIREMENT AUTHORITY FOR ACTIVE FORCE MEMBERS.—Section 4403(i) of the National Defense Authorization Act for Fiscal

Year 1993 (10 U.S.C. 1293 note) is amended by striking ''December 31, 2001'' and inserting ''December 31, 2002''.

(b) SSB AND VSI.—Sections 1174a(h)(1) and 1175(d)(3) of title 10, United States Code, are amended by striking ''December 31, 2001'' and inserting ''December 31, 2002''.

(c) SELECTIVE EARLY RETIREMENT BOARDS.—Section 638a(a) of such title is amended by striking ''December 31, 2001'' and inserting ''December 31, 2002''.

(d) TIME-IN-GRADE REQUIREMENT FOR RETENTION OF GRADE UPON VOLUNTARY RETIREMENT.—Section 1370 of such title is amended by striking ''December 31, 2001'' in subsections (a)(2)(A) and (d)(5) and inserting ''December 31, 2002''.

(e) MINIMUM COMMISSIONED SERVICE FOR VOLUNTARY RETIREMENT AS AN OFFICER.—Sections 3911(b), 6323(a)(2), and 8911(b) of such title are amended by striking ''December 31, 2001'' and inserting ''December 31, 2002''.

(f) TRAVEL, TRANSPORTATION, AND STORAGE BENEFITS.—Sections 404(c)(1)(C), 404(f)(2)(B)(v), 406(a)(2)(B)(v), and 406(g)(1)(C) of title 37, United States Code, and section 503(c)(1) of the National Defense Authorization Act for Fiscal Year 1991 (37 U.S.C. 406 note) are amended by striking ''December 31, 2001'' and inserting ''December 31, 2002''.

(g) EDUCATIONAL LEAVE FOR PUBLIC AND COMMUNITY SERVICE.—Section 4463(f) of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 1143a note) is amended by striking ''December 31, 2001'' and inserting ''December 31, 2002''.

(h) TRANSITIONAL HEALTH BENEFITS.—Subsections (a)(1), (c)(1), and (e) of section 1145 of title 10, United States Code, are amended by striking ''December 31, 2001'' and inserting ''December 31, 2002''.

(i) TRANSITIONAL COMMISSARY AND EXCHANGE BENEFITS.—Section 1146 of such title is amended by striking ''December 31, 2001'' both places it appears and inserting ''December 31, 2002''.

(j) TRANSITIONAL USE OF MILITARY HOUSING.—Paragraphs (1) and (2) of section 1147(a) of such title are amended by striking ''December 31, 2001'' and inserting ''December 31, 2002''.

(k) CONTINUED ENROLLMENT OF DEPENDENTS IN DEFENSE DEPENDENTS' EDUCATION SYSTEM.—Section 1407(c)(1) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 926(c)(1)) is amended by striking ''December 31, 2001'' and inserting ''December 31, 2002''.

(l) FORCE REDUCTION TRANSITION PERIOD DEFINED FOR CERTAIN GUARD AND RESERVE BENEFITS.—Section 4411 of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 12681 note) is amended by striking ''December 31, 2001'' and inserting ''December 31, 2002''.

(m) RETIRED PAY FOR NON-REGULAR SERVICE.—Sections 12731(f) and 12731a(b) of title 10, United States Code, are amended by striking ''December 31, 2001'' and inserting ''December 31, 2002''.

(n) AFFILIATION WITH GUARD AND RESERVE UNITS; WAIVER OF CERTAIN LIMITATIONS.—Section 1150(a) of such title is amended by striking ''December 31, 2001'' and inserting ''December 31, 2002''.

(o) RESERVE MONTGOMERY GI BILL.—Section 16133(b)(1)(B) of such title is amended by striking ''December 31, 2001'' and inserting ''December 31, 2002''.

Subtitle B—Reserve Component Personnel Policy

SEC. 511. PLACEMENT ON ACTIVE-DUTY LIST OF CERTAIN RESERVE OFFICERS ON ACTIVE DUTY FOR A PERIOD OF THREE YEARS OR LESS.

(a) CLARIFICATION OF EXEMPTION.—Section 641(1)(D) of title 10, United States Code, is amended to read as follows:

''(D) on active duty under section 12301(d) of this title, other than as provided under subparagraph (C), if the call or order to active duty, under regulations prescribed by the Secretary concerned, specifies a period of three years or less and continued placement on the reserve active-status list;''.

(b) RETROACTIVE APPLICATION.—(1) The Secretary of the military department concerned may provide that an officer who was excluded from the active-duty list under section 641(1)(D) of title 10, United States Code, as amended by section 521 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–108), shall be considered to have been on the active-duty list during the period beginning on the date on which the officer was so excluded and ending on the date of the enactment of this Act.

(2) The Secretary of the military department concerned may provide that a Reserve officer who was placed on the active-duty list on or after October 30, 1997, shall be placed on the reserve active-status list if the officer otherwise meets the conditions specified in section 641(1)(D) of title 10, United States Code, as amended by subsection (a).

SEC. 512. EXPANDED APPLICATION OF RESERVE SPECIAL SELECTION BOARDS.

(a) SPECIAL SELECTION BOARD FOR BELOW-THE-ZONE CONSIDERATION.—Section 14502 of title 10, United States Code, is amended—

(1) in subsection (a)(1), by striking ''from in or above the promotion zone'';

(2) in subsection (a)(3), by inserting ''for selection for promotion from in or above the promotion zone'' after ''for consideration''; and

(3) in subsection (b)(1), by striking ''from in or above the promotion zone''.

(b) TECHNICAL AMENDMENT.—Subsection (b)(1) of such section is amended by striking ''under this chapter by a selection board'' and inserting ''by a promotion board convened under section 14101(a) of this title''.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to any Reserve officer who was not considered for promotion because of administrative error, or was considered for promotion but not selected because of material error, under part III of subtitle E of title 10, United States Code, on or after October 1, 1996.

SEC. 513. EXCEPTION TO BACCALAUREATE DEGREE REQUIREMENT FOR APPOINTMENT OF RESERVE OFFICERS TO GRADES ABOVE FIRST LIEUTENANT.

Section 12205(b) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(2) by inserting after paragraph (3) the following new paragraph (4):

''(4) The appointment to a grade in the Army Reserve of a person whose original appointment as an officer in the Army Reserve was through the Officer Candidate School program and who immediately before that original appointment was an enlisted member on active duty.''.

SEC. 514. IMPROVED DISABILITY BENEFITS FOR CERTAIN RESERVE COMPONENT MEMBERS.

(a) MEDICAL AND DENTAL CARE.—Sections 1074a(a)(3) and 1076(a)(2)(C) of title 10, United States Code, are each amended by striking '', if the'' and all that follows through ''member's residence''.

(b) ELIGIBILITY FOR DISABILITY RETIREMENT OR SEPARATION.—Sections 1204(2)(B)(iii) and 1206(2)(B)(iii) of title 10, United States Code, are each amended by striking '', if the'' and all that follows through ''member's residence''.

(c) RECOVERY, CARE, AND DISPOSITION OF REMAINS.—Section 1481(a)(2)(D) of title 10, United States Code, is amended by striking '', if the site is outside reasonable commuting distance from the member's residence''.

(d) PAY.—Sections 204(g)(1)(D), 204(h)(1)(D), and 206(a)(3)(C) of title 37, United States Code, are each amended by striking '', if the site is outside reasonable commuting distance from the member's residence''.

SEC. 515. TIME-IN-GRADE REQUIREMENT FOR RESERVE COMPONENT OFFICERS WITH A NONSERVICE CONNECTED DISABILITY.

Section 1370(d)(3)(B) of title 10, United States Code, is amended to read as follows:

''(B) A person covered by subparagraph (A) who has completed at least six months of satisfactory service in grade may be credited with satisfactory service in the grade in which serving at the time of transfer or discharge, notwithstanding failure of the person to complete three years of service in that grade, if that person—

''(i) is transferred from an active status or discharged as a reserve commissioned officer solely due to the requirements of a nondiscretionary provision of law requiring that transfer or discharge due to the person's age or years of service; or

''(ii) is retired under chapter 1223 of this title because the person no longer meets the qualification for membership in the Ready Reserve solely because of a physical disability, as determined, at a minimum, by a medical evaluation board.''.

SEC. 516. RESERVE MEMBERS CONSIDERED TO BE DEPLOYED FOR PURPOSES OF PERSONNEL TEMPO MANAGEMENT.

Section 991(b) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting ''active'' before ''service''; and

(B) by adding at the end the following: ''For the purpose of applying the preceding sentence to a member of a reserve component performing active service, the housing in which the member resides when on garrison duty at the member's permanent duty station or homeport, as the case may be, shall be considered to be either the housing the member normally occupies when on garrison duty or the member's permanent civilian residence.'';

(2) by striking paragraph (2);

(3) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(4) in paragraph (3) (as so redesignated), by striking ''in paragraphs (1) and (2)'' and inserting ''in paragraph (1)''.

SEC. 517. FUNERAL HONORS DUTY PERFORMED BY RESERVE AND GUARD MEMBERS TO BE TREATED AS INACTIVE-DUTY TRAINING FOR CERTAIN PURPOSES.

(a) RESERVE MEMBERS.—Section 12503(a) of title 10, United States Code, is amended by adding at the end the following new sentence: ''Performance of funeral honors duty by a Reserve not on active duty shall be treated as inactive-duty training (including with respect to travel to and from such duty) for purposes of any provision of law other than sections 206 and 435 of title 37.''.

(b) NATIONAL GUARD MEMBERS.—Section 115(a) of title 32, United States Code, is amended by adding at the end the following new sentence: ''Performance of funeral honors duty by such a member not on active duty or full-time National Guard duty shall be treated as inactive-duty training (including with respect to travel to and from such duty) for purposes of any provision of law other than sections 206 and 435 of title 37.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to funeral honors duty performed on or after October 30, 2000.

SEC. 518. MEMBERS OF THE NATIONAL GUARD PERFORMING FUNERAL HONORS DUTY WHILE IN NON-FEDERAL STATUS.

Section 1491(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3) A member of the Army National Guard of the United States or the Air National Guard of the United States who serves as a member of a funeral honors detail while in a duty status authorized under State law shall be considered to be a member of the armed forces for the purposes of the first sentence of paragraph (2).''.

SEC. 519. USE OF MILITARY LEAVE FOR FUNERAL HONORS DUTY BY RESERVE MEMBERS AND NATIONAL GUARDSMEN.

Section 6323(a)(1) of title 5, United States Code, is amended by inserting ''funeral honors duty (as described in section 12503 of title 10 and section 115 of title 32),'' after ''(as defined in section 101 of title 37),''.

Subtitle C—Joint Specialty Officers and Joint Professional Military Education

SEC. 521. NOMINATIONS FOR JOINT SPECIALTY.

Paragraph (2) of section 661(b) of title 10, United States Code, is amended by striking ''The Secretaries'' and all that follows through ''officers—'' and inserting ''Each officer on the active-duty list on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2002 who has not before that date been nominated for the joint specialty by the Secretary of a military department, and each officer who is placed on the active-duty list after such date, who meets the requirements of subsection (c) shall automatically be considered to have been nominated for the joint specialty. From among those officers considered to be nominated for the joint specialty, the Secretary may select for the joint specialty only officers—''.

SEC. 522. JOINT DUTY CREDIT.

Paragraph (4) of section 664(i) of title 10, United States Code, is amended—

(1) in subparagraph (E), by striking ''The'' and inserting ''Except as provided in subparagraph (F), the''; and

(2) by adding at the end the following new subparagraph:

''(F) Service in a temporary joint task force assignment not involved in combat or combat-related operations may not be credited for the purposes of joint duty, unless, and only if—

''(i) the service of the officer and the nature of the joint task force not only meet all criteria of this section, except subparagraph (E), but also any additional criteria the Secretary may establish;

''(ii) the Secretary has specifically approved the operation conducted by the joint task force as one that qualifies for joint service credit, and notifies Congress upon each approval, providing the criteria that led to that approval; and

''(iii) the operation is conducted by the joint task force in an environment where an extremely fragile state of peace and high potential for hostilities coexist.''.

SEC. 523. RETROACTIVE JOINT SERVICE CREDIT FOR DUTY IN CERTAIN JOINT TASK FORCES.

(a) AUTHORITY.—In accordance with section 664(i) of title 10, United States Code, as amended by section 522, the Secretary of Defense may award joint service credit to any officer who served on the staff of a United States joint task force headquarters in an operation and during the period set forth in subsection (b) and who meets the criteria specified in such section. To determine which officers qualify for such retroactive credit, the Secretary shall undertake a case-by-case review of the records of officers.

(b) ELIGIBLE OPERATIONS.—Service in the following operations, during the specified periods, may be counted for credit under subsection (a):

(1) Operation Northern Watch, during the period beginning on August 1, 1992, and ending on a date to be determined.

(2) Operation Southern Watch, during the period beginning on August 27, 1992, and ending on a date to be determined.

(3) Operation Able Sentry, during the period beginning on June 26, 1993, and ending on February 28, 1999.

(4) Operation Joint Endeavor, during the period beginning on December 25, 1995, and ending on December 19, 1996.

(5) Operation Joint Guard, during the period beginning on December 20, 1996, and ending on June 20, 1998.

(6) Operation Desert Thunder, beginning on January 24, 1998, and ending on December 15, 1998.

(7) Operation Joint Forge, beginning on June 20, 1998, and ending on June 10, 1999.

(8) Operation Noble Anvil, beginning on March 24, 1999, and ending on July 20, 1999.

(9) Operation Joint Guardian, beginning on June 11, 1999, and ending on a date to be determined.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report of the numbers, by service, grade, and operation, of the officers given joint service credit in accordance with this section.

SEC. 524. REVISION TO ANNUAL REPORT ON JOINT OFFICER MANAGEMENT.

Section 667 of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting ''(A)'' after ''(1)''; and

(B) by adding at the end the following new subparagraph:

''(B) The number of officers who meet the criteria for selection for the joint specialty but were not selected, together with the reasons why.'';

(2) by amending paragraph (2) to read as follows:

''(2) The number of officers with the joint specialty, shown by grade and branch or specialty and by education.'';

(3) in paragraph (3)—

(A) in subparagraph (A) and (B), by striking ''nominated'' and inserting ''selected'';

(B) by inserting ''and'' at the end of subparagraph (D);

(C) by striking subparagraph (E); and

(D) by redesignating subparagraph (F) as subparagraph (E);

(4) in paragraph (4)(A), by striking ''nominated'' and inserting ''selected'';

(5) in paragraph (14)—

(A) by inserting ''(A)'' after ''(14)''; and

(B) by adding at the end the following new subparagraph:

''(B) An assessment of the extent to which the Secretary of each military department is assigning personnel to joint duty assignments in accordance with this chapter and the policies, procedures, and practices established by the Secretary of Defense under section 661(a) of this title.''; and

(6) in paragraph (16), by striking ''section 664(i)'' in the matter preceding subparagraph (A) and in subparagraph (B) and inserting ''subparagraphs (E) and (F) of section 664(i)(4)''.

SEC. 525. REQUIREMENT FOR SELECTION FOR JOINT SPECIALTY BEFORE PROMOTION TO GENERAL OR FLAG OFFICER GRADE.

(a) REQUIREMENT.—Subsection (a) of section 619a of title 10, United States Code, is amended by striking ''unless'' and all that follows and inserting ''unless—

''(1) the officer has completed a full tour of duty in a joint duty assignment (as described in section 664(f) of this title); and

''(2) for appointments after September 30, 2007, the officer has been selected for the joint specialty in accordance with section 661 of this title.''

(b) WAIVER AUTHORITY.—Subsection (b) of that section is amended by striking ''may waive subsection (a) in the following circumstances:'' and inserting ''may waive paragraph (1) or paragraph (2) of subsection (a), or both paragraphs (1) and (2) of subsection (a), in the following circumstances (except that paragraph (2) of subsection (a) may not be waived by reason of paragraph (4)):''.

(c) PROPOSED LEGISLATIVE CHANGES.—Not later than December 1, 2002, the Secretary of Defense shall submit to Congress a draft proposal for such legislative changes as the Secretary considers needed to implement the amendment made by subsections (a) and (b).

SEC. 526. INDEPENDENT STUDY OF JOINT OFFICER MANAGEMENT AND JOINT PROFESSIONAL MILITARY EDUCATION REFORMS.

(a) STUDY.—The Secretary of Defense shall provide for an independent study of the joint officer management system and the joint professional military education system. The Secretary shall ensure that the entity conducting the study is provided such information and support as required. The Secretary shall include in the contract for the study a requirement that the entity conducting the study submit a report to Congress on the study not later than June 30, 2002.

(b) MATTERS TO BE INCLUDED WITH RESPECT TO JOINT OFFICER MANAGEMENT.—With respect to the joint officer management system, the entity conducting the independent study shall provide for the following:

(1) Assessment of implications for joint officer education, development, and management that would result from proposed joint organizational operational concepts (such as standing joint task forces) and from emerging officer management and personnel reforms (such as longer careers and more stabilization), that are under consideration by the Secretary of Defense.

(2) Assessment of the effectiveness of the current joint officer management system to develop and use joint specialty qualified officers in meeting both current and future requirements for joint specialty officers.

(3) Recommendations, based on empirical and other data, to improve the effectiveness of the joint officer management system, especially with regard to the following:

(A) The proper mix and sequencing of education assignments and experience assignments (to include, with respect to both types of assignments, consideration of the type and quality, and the length, of such assignments) to qualify an officer as a joint specialty officer, as well as the implications of adopting a variable joint duty tour length and the advisability and implications of a system of qualifying officers as joint specialty officers that uses multiple shorter qualification tracks to selection as a joint specialty officer than are now codified.

(B) The system of using joint specialty officers, including the continued utility of such measures as—

(i) the required fill of positions on the joint duty assignment list, as specified in paragraphs (1) and (4) of section 661(d) of title 10, United States Code;

(ii) the fill by such officers of a required number of critical billets, as prescribed by section 661(d)(2) of such title;

(iii) the mandated fill by general and flag officers of a minimum number of critical billets, as prescribed by section 661(d)(3) of such title; and

(iv) current promotion policy objectives for officers with the joint specialty, officers serving on the Joint Staff, and officers serving in joint duty assignment list positions, as prescribed by section 662 of such title.

(C) Changes in policy and law required to provide officers the required joint specialty qualification before promotion to general or flag officer grade.

(D) A determination of the number of reserve component officers who would be qualified for designation as a joint specialty officer by reason of experience or education if the standards of existing law, including waiver authorities, were applied to them, and recommendations for a process for qualifying and employing future reserve component officers as joint specialty officers.

(c) MATTERS TO BE INCLUDED WITH RESPECT TO JOINT PROFESSIONAL MILITARY EDUCATION.—With respect to the joint professional military education system, the entity conducting the independent study shall provide for the following:

(1) The number of officers who under the current system (A) qualified as joint specialty officers by attending joint professional military

education programs before their first joint duty assignment, (B) qualified as joint specialty officers after arriving at their first joint duty assignment but before completing that assignment, and (C) qualified as joint specialty officers without any joint professional military education.

(2) Recommended initiatives (include changes in officer personnel management law, if necessary) to provide incentives and otherwise facilitate attendance at joint professional military education programs before an officer's first joint duty assignment.

(3) Recommended goals for attendance at the Joint Forces Staff College en route to a first joint duty assignment.

(4) An assessment of the continuing utility of statutory requirements for use of officers following joint professional military education, as prescribed by section 662(d) of title 10, United States Code.

(5) Determination of whether joint professional military education programs should remain principally an in-resident, multi-service experience and what role non-resident or distributive learning can or should play in future joint professional military education programs.

(6) Examination of options for the length of and increased capacity at Joint Forces Staff College, and whether other in-resident joint professional military education sources should be opened, and if opened, how they might be properly accredited and overseen to provide instruction at the level of the program designated as ''joint professional military education''.

(d) CHAIRMAN OF JOINT CHIEFS OF STAFF.—With respect to the roles of the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, the entity conducting the independent study shall—

(1) provide for an evaluation of the current roles of the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and joint staff in law, policy, and implementation with regard to establishing and maintaining oversight of joint officer management, career guidelines, and joint professional military education; and

(2) make recommendations to improve and strengthen those roles.

(e) REQUIREMENTS FOR STUDY ENTITY.—In providing for the independent study required by subsection (a), the Secretary of Defense shall ensure that the entity conducting the study—

(1) is not a Department of Defense organization; and

(2) shall, at a minimum, involve in the study, in an integral way, the following persons:

(A) The Chairman of the Joint Chiefs of Staff and available former Chairmen of the Joint Chiefs of Staff.

(B) Members and former members of the Joint Staff, the Armed Forces, the Congress, and congressional staff who are or who have been significantly involved in the development, implementation, or modification of joint officer management and joint professional military education.

(C) Experts in joint officer management and education from civilian academic and research centers.

SEC. 527. PROFESSIONAL DEVELOPMENT EDUCATION.

(a) EXECUTIVE AGENT FOR FUNDING.—(1) Effective beginning with fiscal year 2003, the Secretary of Defense shall be the executive agent for funding professional development education operations of all components of the National Defense University, including the Joint Forces Staff College. The Secretary may not delegate the Secretary's functions and responsibilities under the preceding sentence to the Secretary of a military department.

(2) Nothing in this subsection affects policies in effect on the date of the enactment of this Act with respect to—

(A) the reporting of the President of the National Defense University to the Chairman of the Joint Chiefs of Staff; or

(B) provision of logistical and base operations support for components of the National Defense University by the military departments.

(b) PREPARATION OF BUDGET REQUESTS.—Section 2162(b) of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph:

''(2) As executive agent for funding professional development education at the National Defense University, including the Joint Forces Staff College, the Secretary of Defense, with the advice of the Chairman of the Joint Chiefs of Staff, shall prepare the annual budget for professional development education operations at the National Defense University and set forth that request as a separate budget request in the materials submitted to Congress in support of the budget request for the Department of Defense. Nothing in the preceding sentence affects policies in effect on the date of the enactment of this paragraph with respect to budgeting for the funding of logistical and base operations support for components of the National Defense University through the military departments.''.

(c) FUNDING SOURCE.—(1) Section 2165 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d) SOURCE OF FUNDS FOR PROFESSIONAL DEVELOPMENT EDUCATION OPERATIONS.—Funding for the professional development education operations of the National Defense University shall be provided from funds made available to the Secretary of Defense from the annual appropriation 'Operation and Maintenance, Defense-wide'.''.

(2) Subsection (d) of section 2165 of title 10, United States Code, as added by paragraph (1), shall become effective beginning with fiscal year 2003.

SEC. 528. AUTHORITY FOR NATIONAL DEFENSE UNIVERSITY TO ENROLL CERTAIN PRIVATE SECTOR CIVILIANS.

(a) IN GENERAL.—(1) Chapter 108 of title 10, United States Code, is amended by adding at the end the following new section:

''§2167. National Defense University: admission of private sector civilians to professional military education program

''(a) AUTHORITY FOR ADMISSION.—The Secretary of Defense may permit eligible private sector employees who work in organizations relevant to national security to receive instruction at the National Defense University in accordance with this section. No more than 10 full-time equivalent private sector employees may be enrolled at any one time. Upon successful completion of the course of instruction in which enrolled, any such private sector employee may be awarded an appropriate diploma or degree under section 2165 of this title.

''(b) ELIGIBLE PRIVATE SECTOR EMPLOYEES.—For purposes of this section, an eligible private sector employee is an individual employed by a private firm that is engaged in providing to the Department of Defense or other Government departments or agencies significant and substantial defense-related systems, products, or services or whose work product is relevant to national security policy or strategy. A private sector employee admitted for instruction at the National Defense University remains eligible for such instruction only so long as that person remains employed by the same firm.

''(c) ANNUAL CERTIFICATION BY SECRETARY OF DEFENSE.—Private sector employees may receive instruction at the National Defense University during any academic year only if, before the start of that academic year, the Secretary of Defense determines, and certifies to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, that providing instruction to private sector employees under this section during that year will further national security interests of the United States.

''(d) PROGRAM REQUIREMENTS.—The Secretary of Defense shall ensure that—

''(1) the curriculum for the professional military education program in which private sector employees may be enrolled under this section is not readily available through other schools and concentrates on national security relevant issues; and

''(2) the course offerings at the National Defense University continue to be determined solely by the needs of the Department of Defense.

''(e) TUITION.—The President of the National Defense University shall charge students enrolled under this section a rate—

''(1) that is at least the rate charged for employees of the United States outside the Department of Defense, less infrastructure costs, and

''(2) that considers the value to the school and course of the private sector student.

''(f) STANDARDS OF CONDUCT.—While receiving instruction at the National Defense University, students enrolled under this section, to the extent practicable, are subject to the same regulations governing academic performance, attendance, norms of behavior, and enrollment as apply to Government civilian employees receiving instruction at the university.

''(g) USE OF FUNDS.—Amounts received by the National Defense University for instruction of students enrolled under this section shall be retained by the university to defray the costs of such instruction. The source, and the disposition, of such funds shall be specifically identified in records of the university.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2167. National Defense University: admission of private sector civilians to professional military education program.''.

(b) EFFECTIVE DATE.—Section 2167 of title 10, United States Code, as added by subsection (a), shall take effect on January 1, 2002.

SEC. 529. CONTINUATION OF RESERVE COMPONENT PROFESSIONAL MILITARY EDUCATION TEST.

(a) CONTINUATION OF CONCEPT VALIDATION TEST.—During fiscal year 2002, the Secretary of Defense shall continue the concept validation test of Reserve component joint professional military education that was begun in fiscal year 2001 at the National Defense University.

(b) PILOT PROGRAM.—If the Secretary of Defense determines that the results of the concept validation test referred to in subsection (a) warrant conducting a pilot program of the concept that was the subject of the test, the Secretary shall conduct such a pilot program during fiscal year 2003.

(c) FUNDING.—The Secretary shall provide funds for the concept validation test under subsection (a) and for any pilot program under subsection (b) from funds appropriated to the Secretary of Defense in addition those appropriated for operations of the National Defense University.

Subtitle D—Military Education and Training

SEC. 531. DEFENSE LANGUAGE INSTITUTE FOREIGN LANGUAGE CENTER.

(a) AUTHORITY TO CONFER ASSOCIATE OF ARTS DEGREE.—Chapter 108 of title 10, United States Code, is amended by adding after section 2167, as added by section 528(a)(1), the following new section:

''§2168. Defense Language Institute Foreign Language Center: degree of Associate of Arts in foreign language

''(a) Subject to subsection (b), the Commandant of the Defense Language Institute may confer an Associate of Arts degree in a foreign language upon any graduate of the Foreign Language Center of the Institute who fulfills the requirements for that degree.

''(b) A degree may be conferred upon a student under this section only if the Provost of the

Center certifies to the Commandant that the student has satisfied all the requirements prescribed for the degree.

''(c) The authority provided by subsection (a) shall be exercised under regulations prescribed by the Secretary of Defense.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 2167, as added by section 528(a)(2), the following new item:

''2168. Defense Language Institute Foreign Language Center: degree of Associate of Arts in foreign language.''.

SEC. 532. AUTHORITY FOR THE MARINE CORPS UNIVERSITY TO AWARD DEGREE OF MASTER OF STRATEGIC STUDIES.

(a) MARINE CORPS WAR COLLEGE DEGREE.—Section 7102 of title 10, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection (b):

''(b) MARINE CORPS WAR COLLEGE.—Upon the recommendation of the Director and faculty of the Marine Corps War College of the Marine Corps University, the President of the Marine Corps University may confer the degree of master of strategic studies upon graduates of the Marine Corps War College who fulfill the requirements for that degree.''.

(b) CONFORMING AMENDMENTS.—(1) Subsection (a) of such section is amended by striking ''upon graduates'' and all that follows and inserting ''upon graduates of the Command and Staff College who fulfill the requirements for that degree.''.

(2) Subsection (c) of such section, as redesignated by subsection (a)(1), is amended by striking ''subsection (a)'' and inserting ''subsections (a) and (b)''.

(3)(A) The heading of such section is amended to read as follows:

''§ 7102. Marine Corps University: masters degrees; board of advisors''.

(B) The item relating to such section in the table of sections at the beginning of chapter 609 of such title is amended to read as follows:

''7102. Marine Corps University: masters degrees; board of advisors.''.

(c) CODIFICATION OF REQUIREMENT FOR BOARD OF ADVISORS.—(1) Section 7102 of title 10, United States Code, as amended by subsections (a) and (b), is further amended by adding at the end the following new subsection:

''(d) BOARD OF ADVISORS.—The Secretary of the Navy shall establish a board of advisors for the Marine Corps University. The Secretary shall ensure that the board is established so as to meet all requirements of the appropriate regional accrediting association.''.

(2) Section 912 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 7102 note) is repealed.

(d) EFFECTIVE DATE.—The authority to confer the degree of master of strategic studies under section 7102(b) of title 10, United States Code (as added by subsection (a)) may not be exercised until the Secretary of Education determines, and certifies to the President of the Marine Corps University, that the requirements established by the Marine Corps War College of the Marine Corps University for that degree are in accordance with generally applicable requirements for a degree of master of arts. Upon receipt of such a certification, the President of the University shall promptly transmit a copy of the certification to the Committee on Armed Services of the Senate and Committee on Armed Services of the House of Representatives.

SEC. 533. INCREASE IN NUMBER OF FOREIGN STUDENTS AUTHORIZED TO BE ADMITTED TO THE SERVICE ACADEMIES.

(a) UNITED STATES MILITARY ACADEMY.—(1) Subsection (a)(1) of section 4344 of title 10, United States Code, is amended by striking ''40 persons'' and inserting ''60 persons''.

(2) Subsection (b) of such section is amended—

(A) by inserting ''some or all'' in paragraph (2) after ''unless a written waiver of''; and

(B) by striking paragraph (3).

(3) The amendments made by paragraph (2) shall not apply with respect to any person who entered the United States Military Academy to receive instruction under section 4344 of title 10, United States Code, before the date of the enactment of this Act.

(b) UNITED STATES NAVAL ACADEMY.—(1) Subsection (a)(1) of section 6957 of title 10, United States Code, is amended by striking ''40 persons'' and inserting ''60 persons''.

(2) Subsection (b) of such section is amended—

(A) by inserting ''some or all'' in paragraph (2) after ''unless a written waiver of''; and

(B) by striking paragraph (3).

(3) The amendments made by paragraph (2) shall not apply with respect to any person who entered the United States Naval Academy to receive instruction under section 6957 of title 10, United States Code, before the date of the enactment of this Act.

(c) UNITED STATES AIR FORCE ACADEMY.—(1) Subsection (a)(1) of section 9344 of title 10, United States Code, is amended by striking ''40 persons'' and inserting ''60 persons''.

(2) Subsection (b) of such section is amended—

(A) by inserting ''some or all'' in paragraph (2) after ''unless a written waiver of''; and

(B) by striking paragraph (3).

(3) The amendments made by paragraph (2) shall not apply with respect to any person who entered the United States Air Force Academy to receive instruction under section 9344 of title 10, United States Code, before the date of the enactment of this Act.

SEC. 534. INCREASE IN MAXIMUM AGE FOR APPOINTMENT AS A CADET OR MIDSHIPMAN IN SENIOR RESERVE OFFICER TRAINING CORPS SCHOLARSHIP PROGRAMS.

(a) GENERAL ROTC SCHOLARSHIP PROGRAM.—Section 2107(a) of title 10, United States Code, is amended—

(1) by striking ''27 years of age on June 30'' and inserting ''35 years of age on December 31''; and

(2) by striking '', except that'' and all that follows through ''on such date'' the second place it appears.

(b) ARMY RESERVE AND ARMY NATIONAL GUARD ROTC SCHOLARSHIP PROGRAM.—Section 2107a(a) of such title is amended—

(1) by striking ''27 years of age on June 30'' and inserting ''35 years of age on December 31''; and

(2) by striking '', except that'' and all that follows through ''on such date'' the second place it appears.

SEC. 535. ACTIVE DUTY PARTICIPATION AS A CADET OR MIDSHIPMAN IN SENIOR ROTC ADVANCED TRAINING.

(a) SENIOR RESERVE OFFICER TRAINING CORPS.—Section 2104(b)(3) of title 10, United States Code, is amended by striking ''a reserve component of'' ''.

(b) BASIC PAY.—Section 209(c) of title 37, United States Code, is amended by inserting ''unless the cadet or midshipman is serving on active duty'' before the period at the end.

SEC. 536. AUTHORITY TO MODIFY THE SERVICE OBLIGATION OF CERTAIN ROTC CADETS IN MILITARY JUNIOR COLLEGES RECEIVING FINANCIAL ASSISTANCE.

(a) AUTHORITY TO MODIFY AGREEMENTS.—Subsection (b) of section 2107a of title 10, United States Code, is amended—

(1) by inserting ''(1)'' after ''(b)'';

(2) by redesignating paragraphs (1), (2), (3), (4), (5), and (6) as subparagraphs (A), (B), (C), (D), (E), and (F), respectively;

(3) by designating the sentence following subparagraph (F), as so redesignated, as paragraph (2); and

(4) by adding at the end the following new paragraph:

''(3) In the case of a cadet under this section at a military junior college, the Secretary may, at any time and with the consent of the cadet concerned, modify an agreement described in paragraph (1)(F) submitted by the cadet to reduce or eliminate the troop program unit service obligation specified in the agreement and to establish, in lieu of that obligation, an active duty service obligation. Such a modification may be made only if the Secretary determines that it is in the best interests of the United States to do so.''.

(b) RETROACTIVE APPLICATION.—The authority of the Secretary of Defense under section 2107a(b)(3) of title 10, United States Code, as added by subsection (a), may be exercised with regard to any agreement described in subsection (b)(1)(F) (including agreements related to participation in the Advanced Course of the Army Reserve Officers' Training Corps at a military college or civilian institution) entered into during the period beginning on January 1, 1991 and ending on July 12, 2000.

(c) TECHNICAL AMENDMENT.—Subsection (h) of such section is amended by striking ''military college'' in the second sentence and inserting ''military junior college''.

SEC. 537. MODIFICATION OF NURSE OFFICER CANDIDATE ACCESSION PROGRAM RESTRICTION ON STUDENTS ATTENDING EDUCATIONAL INSTITUTIONS WITH SENIOR RESERVE OFFICERS' TRAINING PROGRAMS.

Section 2130a of title 10, United States Code, is amended—

(1) in subsection (a)(2), by striking ''that does not have a Senior Reserve Officers' Training Program established under section 2102 of this title''; and

(2) in subsection (b)(1), by inserting before the semicolon at the end ''or that has a Senior Reserve Officers' Training Program for which the student is ineligible''.

SEC. 538. REPEAL OF LIMITATION ON NUMBER OF JUNIOR RESERVE OFFICERS' TRAINING CORPS (JROTC) UNITS.

Section 2031(a)(1) of title 10, United States Code, is amended by striking the second sentence.

SEC. 539. RESERVE HEALTH PROFESSIONALS STIPEND PROGRAM EXPANSION.

(a) PURPOSE OF PROGRAM.—Subsection (a) of section 16201 of title 10, United States Code, is amended—

(1) by striking ''specialties critically needed in wartime'';

(2) by striking ''training in such specialties'' and inserting ''training that leads to a degree in medicine or dentistry or training in a health professions specialty that is critically needed in wartime''; and

(3) by striking ''training in certain health care specialties'' and inserting ''health care education and training''.

(b) MEDICAL AND DENTAL STUDENT STIPEND.—Such section is further amended—

(1) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

''(b) MEDICAL AND DENTAL SCHOOL STUDENTS.—(1) Under the stipend program under this chapter, the Secretary of the military department concerned may enter into an agreement with a person who—

''(A) is eligible to be appointed as an officer in a reserve component;

''(B) is enrolled or has been accepted for enrollment in an institution in a course of study that results in a degree in medicine or dentistry;

''(C) signs an agreement that, unless sooner separated, the person will—

''(i) complete the educational phase of the program;

''(ii) accept a reappointment or redesignation within the person's reserve component, if tendered, based upon the person's health profession, following satisfactory completion of the educational and intern programs; and

''(iii) participate in a residency program; and

''(D) if required by regulations prescribed by the Secretary of Defense, agrees to apply for, if eligible, and accept, if offered, residency training in a health profession skill which has been designated by the Secretary of Defense as a critically needed wartime skill.

''(2) Under the agreement—

''(A) the Secretary of the military department concerned shall agree to pay the participant a stipend, in the amount determined under subsection (f), for the period or the remainder of the period the student is satisfactorily progressing toward a degree in medicine or dentistry while enrolled in an accredited medical or dental school;

''(B) the participant shall not be eligible to receive such stipend before appointment, designation, or assignment as an officer for service in the Ready Reserve;

''(C) the participant shall be subject to such active duty requirements as may be specified in the agreement and to active duty in time of war or national emergency as provided by law for members of the Ready Reserve; and

''(D) the participant shall agree to serve, upon successful completion of the program, one year in the Selected Reserve for each six months, or part thereof, for which the stipend is provided. In the case of a participant who enters into a subsequent agreement under subsection (c) and successfully completes residency training in a specialty designated by the Secretary of Defense as a specialty critically needed by the military department in wartime, the requirement to serve in the Selected Reserve may be reduced to one year for each year, or part thereof, for which the stipend was provided while enrolled in medical or dental school.''.

(c) WARTIME CRITICAL SKILLS.—Subsection (c) of such section (as redesignated by subsection (b)(1)) is amended—

(1) by inserting ''WARTIME'' after ''CRITICAL'' in the heading; and

(2) by inserting ''or has been appointed as a medical or dental officer in the Reserve of the armed force concerned'' in paragraph (1)(B) before the semicolon at the end.

(d) SERVICE OBLIGATION REQUIREMENT.—Paragraph (2)(D) of subsection (c) of such section (as redesignated by subsection (b)(1)) and paragraph (2)(D) of subsection (d) of such section (as so redesignated) are amended by striking ''two years in the Ready Reserve for each year,'' and inserting ''one year in the Ready Reserve for each six months,''.

(e) CROSS-REFERENCE.—Paragraph (2)(A) of subsection (c) of such section (as redesignated by subsection (b)(1)) and paragraph (2)(A) of subsection (d) of such section (as so redesignated) are amended by striking ''subsection (e)'' and inserting ''subsection (f)''.

SEC. 540. HOUSING ALLOWANCE FOR THE CHAPLAIN FOR THE CORPS OF CADETS, UNITED STATES MILITARY ACADEMY.

(a) AUTHORITY.—The second sentence of section 4337 of title 10, United States Code, is amended to read as follows: ''Notwithstanding any other provision of law, the chaplain is entitled to the same basic allowance for housing allowed to a lieutenant colonel, and to fuel and light for quarters in kind.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the first day of the first month beginning on or after the date of the enactment of this Act.

Subtitle E—Decorations, Awards, and Commendations

SEC. 541. AUTHORITY FOR AWARD OF THE MEDAL OF HONOR TO HUMBERT R. VERSACE FOR VALOR DURING THE VIETNAM WAR.

(a) WAIVER OF TIME LIMITATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the military service, the President may award the Medal of Honor under section 3741 of that title to Humbert R. Versace for the acts of valor referred to in subsection (b).

(b) ACTION DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Humbert R. Versace between October 29, 1963, and September 26, 1965, while interned as a prisoner-of-war by the Vietnamese Communist National Liberation Front (Viet Cong) in the Republic of Vietnam.

SEC. 542. REVIEW REGARDING AWARD OF MEDAL OF HONOR TO CERTAIN JEWISH AMERICAN AND HISPANIC AMERICAN WAR VETERANS.

(a) REVIEW REQUIRED.—The Secretary of each military department shall review the service records of each Jewish American war veteran or Hispanic American war veteran described in subsection (b) to determine whether that veteran should be awarded the Medal of Honor.

(b) COVERED JEWISH AMERICAN WAR VETERANS AND HISPANIC AMERICAN WAR VETERANS.—The Jewish American war veterans and Hispanic American war veterans whose service records are to be reviewed under subsection (a) are the following:

(1) Any Jewish American war veteran or Hispanic American war veteran who was awarded the Distinguished Service Cross, the Navy Cross, or the Air Force Cross before the date of the enactment of this Act.

(2) Any other Jewish American war veteran or Hispanic American war veteran whose name is submitted to the Secretary concerned for such purpose before the end of the one-year period beginning on the date of the enactment of this Act.

(c) CONSULTATIONS.—In carrying out the review under subsection (a), the Secretary of each military department shall consult with the Jewish War Veterans of the United States of America and with such other veterans service organizations as the Secretary considers appropriate.

(d) RECOMMENDATION BASED ON REVIEW.—If the Secretary concerned determines, based upon the review under subsection (a) of the service records of any Jewish American war veteran or Hispanic American war veteran, that the award of the Medal of Honor to that veteran is warranted, the Secretary shall submit to the President a recommendation that the President award the Medal of Honor to that veteran.

(e) AUTHORITY TO AWARD MEDAL OF HONOR.—A Medal of Honor may be awarded to a Jewish American war veteran or Hispanic American war veteran in accordance with a recommendation of the Secretary concerned under subsection (a).

(f) WAIVER OF TIME LIMITATIONS.—An award of the Medal of Honor may be made under subsection (e) without regard to—

(1) section 3744, 6248, or 8744 of title 10, United States Code, as applicable; and

(2) any regulation or other administrative restriction on—

(A) the time for awarding the Medal of Honor; or

(B) the awarding of the Medal of Honor for service for which a Distinguished Service Cross, Navy Cross, or Air Force Cross has been awarded.

(g) DEFINITION.—For purposes of this section, the term ''Jewish American war veteran'' means any person who served in the Armed Forces during World War II or a later period of war and who identified himself or herself as Jewish on his or her military personnel records.

SEC. 543. AUTHORITY TO ISSUE DUPLICATE MEDAL OF HONOR.

(a) ARMY.—(1) Chapter 357 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 3754. Medal of honor: duplicate medal

''A person awarded a medal of honor shall, upon written application of that person, be issued, without charge, one duplicate medal of honor with ribbons and appurtenances. Such duplicate medal of honor shall be marked, in such manner as the Secretary of the Army may determine, as a duplicate or for display purposes only.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''3754. Medal of honor: duplicate medal.''.

(b) NAVY.—(1) Chapter 567 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 6256. Medal of honor: duplicate medal

''A person awarded a medal of honor shall, upon written application of that person, be issued, without charge, one duplicate medal of honor with ribbons and appurtenances. Such duplicate medal of honor shall be marked, in such manner as the Secretary of the Navy may determine, as a duplicate or for display purposes only.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''6256. Medal of honor: duplicate medal.''.

(c) AIR FORCE.—(1) Chapter 857 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 8754. Medal of honor: duplicate medal

''A person awarded a medal of honor shall, upon written application of that person, be issued, without charge, one duplicate medal of honor with ribbons and appurtenances. Such duplicate medal of honor shall be marked, in such manner as the Secretary of the Air Force may determine, as a duplicate or for display purposes only.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''8754. Medal of honor: duplicate medal.''.

(d) COAST GUARD.—(1) Chapter 13 of title 14, United States Code, is amended by inserting after section 503 the following new section:

''§ 504. Medal of honor: duplicate medal

''A person awarded a medal of honor shall, upon written application of that person, be issued, without charge, one duplicate medal of honor with ribbons and appurtenances. Such duplicate medal of honor shall be marked, in such manner as the Secretary may determine, as a duplicate or for display purposes only.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 503 the following new item:

''504. Medal of honor: duplicate medal.''.

(e) DEFINITION OF MEDAL OF HONOR FOR PURPOSES OF FEDERAL UNAUTHORIZED-USE CRIME.—Section 704(b)(2)(B) of title 18, United States Code, is amended to read as follows:

''(B) As used in this subsection, 'Congressional Medal of Honor' means—

''(i) a medal of honor awarded under section 3741, 6241, or 8741 of title 10 or section 491 of title 14;

''(ii) a duplicate medal of honor issued under section 3754, 6256, or 8754 of title 10 or section 504 of title 14; or

''(iii) a replacement of a medal of honor provided under section 3747, 6253, or 8747 of title 10 or section 501 of title 14.''.

SEC. 544. AUTHORITY TO REPLACE STOLEN MILITARY DECORATIONS.

(a) ARMY, NAVY, AND AIR FORCE.—Sections 3747, 6253, and 8747 of title 10, United States Code, are each amended by striking ''lost or destroyed'' and inserting ''stolen, lost, or destroyed''.

(b) COAST GUARD.—Section 501 of title 14, United States Code, is amended by inserting ''stolen,'' before ''lost,''.

SEC. 545. WAIVER OF TIME LIMITATIONS FOR AWARD OF NAVY DISTINGUISHED FLYING CROSS TO CERTAIN PERSONS.

(a) WAIVER.—Any limitation established by law or policy for the time within which a recommendation for the award of a military decoration or award must be submitted shall not apply to awards of decorations described in this section, the award of each such decoration having been determined by the Secretary concerned to be warranted in accordance with section 1130 of title 10, United States Code.

(b) DISTINGUISHED FLYING CROSS.—Subsection (a) applies to the award of the Distinguished Flying Cross for service during World War II or Korea (including multiple awards to the same individual) in the case of each individual concerning whom the Secretary of the Navy (or an officer of the Navy acting on behalf of the Secretary) submitted to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate, during the period beginning on October 31, 2000, and ending on the day before the date of the enactment of this Act, a notice as provided in section 1130(b) of title 10, United States Code, that the award of the Distinguished Flying Cross to that individual is warranted and that a waiver of time restrictions prescribed by law for recommendation for such award is recommended.

SEC. 546. KOREA DEFENSE SERVICE MEDAL.

(a) ARMY.—(1) Chapter 357 of title 10, United States Code, as amended by section 543(a)(1), is further amended by adding at the end the following new section:

"§ 3755. Korea Defense Service Medal

''(a) The Secretary of the Army shall issue a campaign medal, to be known as the Korea Defense Service Medal, to each person who while a member of the Army served in the Republic of Korea or the waters adjacent thereto during the KDSM eligibility period and met the service requirements for the award of that medal prescribed under subsection (c).

''(b) In this section, the term 'KDSM eligibility period' means the period beginning on July 28, 1954, and ending on such date after the date of the enactment of this section as may be determined by the Secretary of Defense to be appropriate for terminating eligibility for the Korea Defense Service Medal.

''(c) The Secretary of the Army shall prescribe service requirements for eligibility for the Korea Defense Service Medal. Those requirements shall not be more stringent than the service requirements for award of the Armed Forces Expeditionary Medal for instances in which the award of that medal is authorized.''.

(2) The table of sections at the beginning of such chapter, as amended by section 543(a)(2), is further amended by adding at the end the following new item:

''3755. Korea Defense Service Medal.''.

(b) NAVY AND MARINE CORPS.—(1) Chapter 567 of title 10, United States Code, as amended by section 543(b)(1), is further amended by adding at the end the following new section:

"§ 6257. Korea Defense Service Medal

''(a) The Secretary of the Navy shall issue a campaign medal, to be known as the Korea Defense Service Medal, to each person who while a member of the Navy or Marine Corps served in the Republic of Korea or the waters adjacent thereto during the KDSM eligibility period and met the service requirements for the award of that medal prescribed under subsection (c).

''(b) In this section, the term 'KDSM eligibility period' means the period beginning on July 28, 1954, and ending on such date after the date of the enactment of this section as may be determined by the Secretary of Defense to be appropriate for terminating eligibility for the Korea Defense Service Medal.

''(c) The Secretary of the Navy shall prescribe service requirements for eligibility for the Korea Defense Service Medal. Those requirements shall not be more stringent than the service requirements for award of the Armed Forces Expeditionary Medal for instances in which the award of that medal is authorized.''.

(2) The table of sections at the beginning of such chapter, as amended by section 543(b)(2), is further amended by adding at the end the following new item:

''6257. Korea Defense Service Medal.''.

(c) AIR FORCE.—(1) Chapter 857 of title 10, United States Code, as amended by section 543(c)(1), is further amended by adding at the end the following new section:

"§ 8755. Korea Defense Service Medal

''(a) The Secretary of the Air Force shall issue a campaign medal, to be known as the Korea Defense Service Medal, to each person who while a member of the Air Force served in the Republic of Korea or the waters adjacent thereto during the KDSM eligibility period and met the service requirements for the award of that medal prescribed under subsection (c).

''(b) In this section, the term 'KDSM eligibility period' means the period beginning on July 28, 1954, and ending on such date after the date of the enactment of this section as may be determined by the Secretary of Defense to be appropriate for terminating eligibility for the Korea Defense Service Medal.

''(c) The Secretary of the Air Force shall prescribe service requirements for eligibility for the Korea Defense Service Medal. Those requirements shall not be more stringent than the service requirements for award of the Armed Forces Expeditionary Medal for instances in which the award of that medal is authorized.''.

(2) The table of sections at the beginning of such chapter, as amended by section 543(c)(2), is further amended by adding at the end the following new item:

''8755. Korea Defense Service Medal.''.

(d) AWARD FOR SERVICE BEFORE DATE OF ENACTMENT.—The Secretary of the military department concerned shall take appropriate steps to provide in a timely manner for the issuance of the Korea Defense Service Medal, upon application therefor, to persons whose eligibility for that medal is by reason of service in the Republic of Korea or the waters adjacent thereto before the date of the enactment of this Act.

SEC. 547. COLD WAR SERVICE MEDAL.

(a) AUTHORITY.—Chapter 57 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1134. Cold War service medal

''(a) MEDAL AUTHORIZED.—The Secretary concerned shall, upon application, issue the Cold War service medal to a person eligible to receive that medal. The Cold War service medal shall be of an appropriate design approved by the Secretary of Defense, with ribbons, lapel pins, and other appurtenances.

''(b) ELIGIBILITY.—(1) A person is eligible to receive the Cold War service medal if the person—

''(A) served on active duty during the Cold War;

''(B) has not been released from active duty with a characterization of service less favorable than honorable and has not received a discharge less favorable than an honorable discharge; and

''(C) except as provided under paragraph (3), meets the service requirements of paragraph (2).

''(2) The service requirements of this paragraph are—

''(A) in the case of a person who served on active duty during the Cold War as an enlisted member, that the person have completed that person's initial term of enlistment and after the end of that initial term of enlistment have reenlisted for an additional term of enlistment or have been appointed as an officer; and

''(B) in the case of a person who served on active duty during the Cold War as an officer, that the person have completed that person's initial service obligation as an officer and have served in the armed forces after completing that initial service obligation.

''(3) The Secretary concerned, under regulations prescribed under this section, may waive the service requirements of paragraph (2)—

''(A) in the case of any person discharged or released from active duty for a disability incurred or aggravated in line of duty;

''(B) in the case of any person discharged for hardship under section 1173 of this title; and

''(C) under any other circumstance for which the Secretary determines that such a waiver is warranted.

''(c) ONE AWARD AUTHORIZED.—Not more than one Cold War service medal may be issued to any person.

''(d) ISSUANCE TO REPRESENTATIVE OF DECEASED.—If a person who is eligible for the Cold War service medal dies before being issued that medal, the medal may, upon application, be issued to the person's representative, as designated by the Secretary concerned.

''(e) REPLACEMENT.—Under regulations prescribed by the Secretary concerned, a Cold War service medal that is lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom it was issued may be replaced without charge.

''(f) UNIFORM REGULATIONS.—The Secretary of Defense shall ensure that regulations prescribed by the Secretaries of the military departments under this section are uniform so far as is practicable.

''(g) COLD WAR DEFINED.—In this section, the term 'Cold War' means the period beginning on September 2, 1945, and ending at the end of December 26, 1991.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1134. Cold War service medal.''.

SEC. 548. OPTION TO CONVERT AWARD OF ARMED FORCES EXPEDITIONARY MEDAL AWARDED FOR OPERATION FREQUENT WIND TO VIETNAM SERVICE MEDAL.

(a) IN GENERAL.—The Secretary of the military department concerned shall, upon the application of an individual who is an eligible Vietnam evacuation veteran, award that individual the Vietnam Service Medal, notwithstanding any otherwise applicable requirements for the award of that medal. Any such award shall be made in lieu of the Armed Forces Expeditionary Medal awarded the individual for participation in Operation Frequent Wind.

(b) ELIGIBLE VIETNAM EVACUATION VETERAN.—For purposes of this section, the term ''eligible Vietnam evacuation veteran'' means a member or former member of the Armed Forces who was awarded the Armed Forces Expeditionary Medal for participation in military operations designated as Operation Frequent Wind arising from the evacuation of Vietnam on April 29 and 30, 1975.

Subtitle F—Matters Relating to Voting

SEC. 551. VOTING ASSESSMENTS AND ASSISTANCE FOR MEMBERS OF THE UNIFORMED SERVICES.

(a) IN GENERAL.—Chapter 80 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1566. Voting assistance: compliance assessments and assistance

''(a) INSPECTOR GENERAL ASSESSMENTS.—(1) The Department of Defense Inspector General shall each calendar year conduct a random and unannounced assessment at a minimum of 15 Department of Defense installations of the compliance at those installations with—

''(A) the requirements of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.);

''(B) Department of Defense regulations regarding that Act and the Federal Voting Assistance Program carried out under that Act; and

''(C) other requirements of law regarding voting by members of the armed forces.

''(2) Each assessment under paragraph (1) shall include a review of such compliance—

''(A) within units to which are assigned, in the aggregate, not less than 20 percent of the personnel assigned to duty at that installation;

''(B) within a representative survey of members of the armed forces assigned to that installation and their dependents; and

''(C) within unit voting assistance officers to measure program effectiveness.

''(b) REGULAR MILITARY DEPARTMENT ASSESSMENTS.—The Secretary of each military department shall include in the set of issues and programs to be reviewed during any management effectiveness review or inspection an assessment of compliance with the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) and with Department of Defense regulations regarding the Federal Voting Assistance Program.

''(c) VOTING ASSISTANCE OFFICERS.—Voting assistance officers appointed or assigned under Department of Defense regulations regarding the Federal Voting Assistance Program shall be appointed or assigned with the expectation of serving in that capacity for a minimum of 30 months. A member of the armed forces assigned to such a position may not be assigned other duties that would not be considered part of the member's primary military duties, except when a unit commander determines that insufficient personnel are available to fulfill all additional duty requirements. Performance evaluation reports pertaining to a member who has been assigned to serve as a voting assistance officer shall comment on the performance of the member as a voting assistance officer.

''(d) DELIVERY OF MAIL FROM OVERSEAS PRECEDING FEDERAL ELECTIONS.—(1) During the four months preceding a general Federal election month, the Secretary of Defense shall periodically conduct surveys of all overseas locations and vessels at sea with military units responsible for collecting mail for return shipment to the United States and all port facilities in the United States and overseas where military-related mail is collected for shipment to overseas locations or to the United States. The purpose of each survey shall be to determine if voting materials are awaiting shipment at any such location and, if so, the length of time that such materials have been held at that location. During the fourth and third months before a general Federal election month, such surveys shall be conducted biweekly. During the second and first months before a general Federal election month, such surveys shall be conducted weekly.

''(2) The Secretary shall ensure that voting materials are transmitted expeditiously by military postal authorities at all times.

''(3) In this section, the term 'general Federal election month' means November in an even-numbered year.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1566. Voting assistance: compliance assessments and assistance.''.

SEC. 552. ELECTRONIC VOTING DEMONSTRATION PROJECT.

(a) DEMONSTRATION PROJECT.—The Secretary of Defense shall carry out a demonstration project to examine voting in Federal elections by absent uniformed services voters through a long-distance electronic voting system. The demonstration project shall be carried out for voting in the regularly scheduled general election for Federal office in November 2002. Under the demonstration project, absent uniformed services voters participating in the project shall be provided a means, with the cooperation and assistance of State election officials of States that agree to participate in the project, to cast their ballots in that election through a long-distance electronic voting method.

(b) SCOPE OF PROJECT.—The Secretary shall determine the scope of the demonstration project under this section, including the absent uniformed services voters authorized to participate in the project. The project shall be carried out with participation of sufficient numbers of absent uniformed services voters so that the results are statistically relevant.

(c) COORDINATION WITH STATE ELECTION OFFICIALS.—The Secretary shall carry out the demonstration project under this section through cooperative agreements with State election officials of States that agree to participate in the project.

(d) REPORT TO CONGRESS.—Not later than June 1, 2003, the Secretary shall submit to Congress a report analyzing the demonstration project conducted under this section. The Secretary shall include in the report any recommendations the Secretary considers appropriate for continuing the project on an expanded basis during the next regularly scheduled general election for Federal office.

(e) ABSENT UNIFORMED SERVICES VOTER DEFINED.—In this section, the term ''absent uniformed services voter'' has the meaning given that term in section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6(1)).

Subtitle G—Matters Relating to Military Spouses and Family Members

SEC. 561. IMPROVED FINANCIAL AND OTHER ASSISTANCE TO MILITARY SPOUSES FOR JOB TRAINING AND EDUCATION.

(a) EXAMINATION OF EXISTING EMPLOYMENT ASSISTANCE PROGRAMS.—(1) The Secretary of Defense shall examine existing Department of Defense and other Federal, State, and nongovernmental programs with the objective of improving retention of military personnel by increasing the employability of military spouses and assisting those spouses in gaining access to financial and other assistance for job training and education.

(2) In conducting the examination, the Secretary shall give priority to facilitating and increasing access of military spouses to existing Department of Defense, Federal, State, and nongovernmental sources for the types of financial assistance set forth in paragraph (3), but shall also specifically assess whether the Department of Defense should begin a program for direct financial assistance to military spouses for some or all of those types of assistance and whether such a program of direct financial assistance would enhance retention.

(3) In conducting the examination pursuant to paragraph (1), the Secretary should focus on financial assistance for military spouses for one or more of the following purposes:

(A) Career-related education.

(B) Certification and license fees for employment-related purposes.

(C) Apprenticeships and internships.

(D) Technical training.

(E) Training to improve job skills.

(F) Career counseling.

(G) Skills assessment.

(H) Job-search skills.

(I) Job-related transportation.

(J) Child care.

(K) Any additional employment-related purpose specified by the Secretary for the purposes of the examination under paragraph (1).

(4) Not later than March 30, 2002, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the results of the examination under paragraph (1).

(b) REVIEW OF DEPARTMENT OF DEFENSE POLICIES.—(1) The Secretary of Defense shall review Department of Defense policies that affect employment and education opportunities for military spouses in the Department of Defense in order to further expand those opportunities. The review shall include the consideration of providing, to the extent authorized by law, separate spouse preferences for employment by appropriated and nonappropriated fund operations.

(2) Not later than March 30, 2002, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the results of the review under paragraph (1).

(c) SPOUSE EMPLOYMENT ASSISTANCE.—Section 1784 of title 10, United States Code, is amended by adding at the end the following new subsections:

''(d) SPACE-AVAILABLE USE OF FACILITIES FOR SPOUSE TRAINING PURPOSES.—Under regulations prescribed by the Secretary of Defense, the Secretary of a military department may make available to a non-Department of Defense entity space in non-excess facilities controlled by that Secretary for the purpose of the non-Department of Defense entity providing employment-related training for military spouses.

''(e) EMPLOYMENT BY OTHER FEDERAL AGENCIES.—The Secretary of Defense shall work with the Director of the Office of Personnel Management and the heads of other Federal departments and agencies to expand and facilitate the use of existing Federal programs and resources in support of military spouse employment.

''(f) PRIVATE-SECTOR EMPLOYMENT.—The Secretary of Defense—

''(1) shall seek to develop partnerships with firms in the private sector to enhance employment opportunities for spouses of members of the armed forces and to provide for improved job portability for such spouses, especially in the case of the spouse of a member of the armed forces accompanying the member to a new geographical area because of a change of permanent duty station of the member; and

''(2) shall work with the United States Chamber of Commerce and other appropriate private-sector entities to facilitate the formation of such partnerships.

''(g) EMPLOYMENT WITH DOD CONTRACTORS.—The Secretary of Defense shall examine and seek ways for incorporating hiring preferences for qualified spouses of members of the armed forces into contracts between the Department of Defense and private-sector entities.''.

SEC. 562. AUTHORITY TO CONDUCT SURVEYS OF DEPENDENTS AND SURVIVORS OF MILITARY RETIREES.

(a) EXTENSION OF SURVEY AUTHORITY.—Subsection (a) of section 1782 of title 10, United States Code, is amended to read as follows:

''(a) AUTHORITY.—The Secretary of Defense, in order to determine the effectiveness of Federal programs relating to military families and the need for new programs, may conduct surveys of—

''(1) members of the armed forces who are on active duty, in an active status, or retired;

''(2) family members of such members; and

''(3) survivors of retired members.''.

(b) CONFORMING AMENDMENT.—Subsection (c) of such section is amended by striking ''family members'' and all that follows through ''armed forces'' the second place it appears and inserting ''persons covered by subsection (a)''.

SEC. 563. CLARIFICATION OF TREATMENT OF CLASSIFIED INFORMATION CONCERNING PERSONS IN A MISSING STATUS.

Section 1506(b)(2) of title 10, United States Code, is amended—

(1) by inserting ''(A)'' after ''(2)'';

(2) by striking the period at the end and inserting ''of all missing persons from the conflict or period of war to which the classified information pertains.''; and

(3) by adding at the end the following new subparagraph:

''(B) For purposes of subparagraph (A), information shall be considered to be made reasonably available if placed in a separate and distinct file that is available for review by persons

specified in subparagraph (A) upon the request of any such person either to review the separate file or to review the personnel file of the missing person concerned.''.

SEC. 564. TRANSPORTATION TO ANNUAL MEETING OF NEXT-OF-KIN OF PERSONS UNACCOUNTED FOR FROM CONFLICTS AFTER WORLD WAR II.

(a) IN GENERAL.—(1) Chapter 157 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2647. Transportation to annual meeting of next-of-kin of persons unaccounted for from conflicts after World War II

''The Secretary of Defense may provide transportation for the next-of-kin of persons who are unaccounted for from the Korean conflict, the Cold War, Vietnam War era, or the Persian Gulf War to and from an annual meeting in the United States. Such transportation shall be provided under such regulations as the Secretary of Defense may prescribe.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2647. Transportation to annual meeting of next-of-kin of persons unaccounted for from conflicts after World War II.''.

(b) EFFECTIVE DATE.—Section 2647 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 2001, or the date of the enactment of this Act, whichever is later.

SEC. 565. AMENDMENTS TO CHARTER OF DEFENSE TASK FORCE ON DOMESTIC VIOLENCE.

(a) MEMBERS APPOINTED FROM PRIVATE SECTOR.—Subsection (h)(1) of section 591 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 639; 10 U.S.C. 1562 note) is amended—

(1) by inserting ''who is a member of the Armed Forces or civilian officer or employee of the United States'' after ''Each member of the task force'';

(2) by striking '', but shall'' and all that follows and inserting a period; and

(3) by adding at the end the following new sentence: ''Other members of the task force shall be appointed in accordance with, and subject to, section 3161 of title 5, United States Code.''.

(b) EXTENSION OF TERMINATION DATE.—Subsection (j) of such section is amended by striking ''three years after the date of the enactment of this Act'' and inserting ''on April 24, 2003''.

Subtitle H—Military Justice and Legal Matters

SEC. 571. REQUIREMENT THAT COURTS-MARTIAL CONSIST OF NOT LESS THAN 12 MEMBERS IN CAPITAL CASES.

(a) CLASSIFICATION OF GENERAL COURT-MARTIAL IN CAPITAL CASES.—Section 816(1)(A) of title 10, United States Code (article 16(1)(A) of the Uniform Code of Military Justice) is amended by inserting after ''five members'' the following: ''or, in a case in which the accused may be sentenced to a penalty of death, the number of members determined under section 825a of this title (article 25a)''.

(b) NUMBER OF MEMBERS REQUIRED.—(1) Chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by inserting after section 825 (article 25) the following new section:

''§ 825a. Art. 25a. Number of members in capital cases

''In a case in which the accused may be sentenced to a penalty of death, the number of members shall be not less than 12, unless 12 members are not reasonably available because of physical conditions or military exigencies, in which case the convening authority shall specify a lesser number of members not less than five, and the court may be assembled and the trial held with not less than the number of members so specified. In such a case, the convening authority shall make a detailed written statement, to be appended to the record, stating why a greater number of members were not reasonably available.''.

(2) The table of sections at the beginning of subchapter V of such chapter is amended by inserting after the item relating to section 825 (article 25) the following new item:

''825a. 25a. Number of members in capital cases.''.

(c) ABSENT AND ADDITIONAL MEMBERS.—Section 829(b) of such title (article 29 of the Uniform Code of Military Justice) is amended—

(1) by inserting ''(1)'' after ''(b)'';

(2) by striking ''five members'' both places it appears and inserting ''the applicable minimum number of members''; and

(3) by adding at the end the following new paragraph:

''(2) In this section, the term 'applicable minimum number of members' means five members or, in a case in which the death penalty may be adjudged, the number of members determined under section 825a of this title (article 25a).''.

(d) APPLICABILITY.—The amendments made by this section shall apply with respect to offenses committed after the date of the enactment of this Act.

SEC. 572. RIGHT OF CONVICTED ACCUSED TO REQUEST SENTENCING BY MILITARY JUDGE.

(a) SENTENCING BY JUDGE.—(1) Chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by inserting after section 852 (article 52) the following new section:

''§ 852a. Art. 52a. Right of accused to request sentencing by military judge rather than by members

''(a) In the case of an accused convicted of an offense by a court-martial composed of a military judge and members, the sentence shall be tried before and adjudged by the military judge rather than the members if, after the findings are announced and before evidence in the sentencing proceeding is introduced, the accused, knowing the identity of the military judge and after consultation with defense counsel, requests orally on the record or in writing that the sentence be tried before and adjudged by the military judge rather than the members.

''(b) This section shall not apply with respect to an offense for which the death penalty may be adjudged unless the case has been previously referred to trial as a noncapital case.''.

(2) The table of sections at the beginning of subchapter VII of such chapter is amended by inserting after the item relating to section 852 (article 52) the following new item:

''852a. 52a. Right of accused to request sentencing by military judge rather than by members.''.

(b) EFFECTIVE DATE.—Section 852a of title 10, United States Code (article 52a of the Uniform Code of Military Justice), as added by subsection (a), shall apply with respect to offenses committed after the date of the enactment of this Act.

SEC. 573. CODIFICATION OF REQUIREMENT FOR REGULATIONS FOR DELIVERY OF MILITARY PERSONNEL TO CIVIL AUTHORITIES WHEN CHARGED WITH CERTAIN OFFENSES

(a) CODIFICATION OF EXISTING PROVISIONS.—Section 814 of title 10, United States Code (article 14 of the Uniform Code of Military Justice), is amended by adding at the end the following new subsection:

''(c) The Secretary of Defense shall ensure that the Secretaries of the military departments prescribe regulations under subsection (a) and that those regulations are uniform throughout the armed forces under the jurisdiction of the Secretary of Defense. Those regulations shall—

''(1) specifically provide for the delivery to the appropriate civil authority for trial, in any appropriate case, of a member accused by civil authority of parental kidnapping or a similar offense, including criminal contempt arising from any such offense or from child custody matters; and

''(2) specifically address the special needs for the exercise of the authority contained in this section (article) in a case in which a member of the armed forces assigned overseas is accused of an offense by civil authority.''.

(b) REPEAL OF CODIFIED PROVISIONS.—Section 721 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 10 U.S.C. 814 note), is repealed.

SEC. 574. AUTHORITY TO ACCEPT VOLUNTARY LEGAL SERVICES FOR MEMBERS OF THE ARMED FORCES.

(a) AUTHORITY.—Subsection (a) of section 1588 of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(5) Voluntary legal assistance services under section 1044 of this title.''.

(b) APPLICABLE FEDERAL LAWS.—Subsection (d)(1) of such section is amended by adding at the end the following new subparagraph:

''(E) Section 1054 of this title (relating to defense of certain suits arising out of legal malpractice), in the case of persons providing voluntary legal assistance services under subsection (a)(5).''.

Subtitle I—Other Matters

SEC. 581. SHIPMENT OF PRIVATELY OWNED VEHICLES WHEN MAKING PERMANENT CHANGE OF STATION MOVES WITHIN UNITED STATES.

Section 2634(h)(1) of title 10, United States Code, is amended by inserting ''or when the Secretary concerned determines that the transport of a vehicle upon such a transfer is advantageous and cost-effective to the United States'' before the period at the end.

SEC. 582. PAYMENT OF VEHICLE STORAGE COSTS IN ADVANCE.

Section 2634(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(4) Storage costs payable under this subsection may be paid in advance.''.

SEC. 583. PERMANENT AUTHORITY FOR USE OF MILITARY RECRUITING FUNDS FOR CERTAIN EXPENSES AT DEPARTMENT OF DEFENSE RECRUITING FUNCTIONS.

(a) REPEAL OF TERMINATION PROVISION.—Section 520c of title 10, United States Code, is amended by striking subsection (c).

(b) TECHNICAL AMENDMENTS.—Subsection (a) of such section is amended—

(1) in paragraph (4), by striking ''recruiting events'' and inserting ''recruiting functions''; and

(2) in paragraph (5), by striking ''recruiting efforts'' the first place it appears and inserting ''recruiting functions''.

SEC. 584. CLARIFICATION OF MILITARY RECRUITER ACCESS TO SECONDARY SCHOOL DIRECTORY INFORMATION ABOUT STUDENTS.

Section 503(c)(1) of title 10, United States Code, is amended by striking ''purposes,'' and all that follows and inserting the following: ''purposes—

''(A) the same access to secondary school students as is provided generally to post-secondary educational institutions or to prospective employers of those students; and

''(B) the same access to directory information concerning those students as is provided to a post-secondary educational institution upon an indication by a secondary school student that the student seeks to enroll or intends to enroll at that institution.''.

SEC. 585. REPEAL OF REQUIREMENT FOR FINAL COMPTROLLER GENERAL REPORT RELATING TO ARMY END STRENGTH ALLOCATIONS.

Section 552 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law

104–106; 110 Stat. 319; 10 U.S.C. 115 note) is repealed.

SEC. 586. POSTHUMOUS ARMY COMMISSION IN THE GRADE OF CAPTAIN IN THE CHAPLAINS CORPS TO ELLA E. GIBSON FOR SERVICE AS CHAPLAIN OF THE FIRST WISCONSIN HEAVY ARTILLERY REGIMENT DURING THE CIVIL WAR.

The President is authorized and requested to posthumously appoint Ella E. Gibson to the grade of captain in the Chaplains Corps of the Army, the commission to issue as of the date of her appointment as chaplain to the First Wisconsin Heavy Artillery regiment during the Civil War and to be considered to have been in effect during the time during which she faithfully performed the services of a chaplain to that regiment and for which Congress by law (Private Resolution 31 of the 40th Congress, approved March 3, 1869) previously provided for her to be paid the full pay and emoluments of a chaplain in the United States Army as if she had been regularly commissioned and mustered into service.

SEC. 587. NATIONAL GUARD CHALLENGE PROGRAM.

(a) TERMINATION OF LIMITATION ON FEDERAL EXPENDITURES.—Subsection (b)(2)(A) of section 509 of title 32, United States Code, is amended by striking ''in a fiscal year'' and inserting ''in fiscal year 2001 or 2002''.

(b) MATCHING FUNDS REQUIREMENTS.—Subsection (d) of such section is amended by striking paragraphs (1) through (4) and inserting the following new paragraphs:

''(1) for fiscal years 2001 and 2002, 60 percent of the costs of operating the State program during that fiscal year; and

''(2) for fiscal year 2003 and each subsequent fiscal year, 75 percent of the costs of operating the State program during that fiscal year.''.

(c) REPEAL OF CONTINGENT FUNDING FOR JROTC.—(1) Section 2033 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 102 of such title is amended by striking the item relating to section 2033.

(3) The amendments made by this subsection shall take effect on October 1, 2002.

SEC. 588. PAYMENT OF FEHBP PREMIUMS FOR CERTAIN RESERVISTS CALLED TO ACTIVE DUTY IN SUPPORT OF CONTINGENCY OPERATIONS.

(a) IN GENERAL.—Subsection (e) of section 8906 of title 5, United States Code, is amended by adding at the end the following new paragraph:

''(3)(A) An employing agency may pay both the employee and Government contributions, and any additional administrative expenses otherwise chargeable to the employee, with respect to health care coverage for an employee described in subparagraph (B) and the family of such employee.

''(B) An employee referred to in subparagraph (A) is an employee who—

''(i) is enrolled in a health benefits plan under this chapter;

''(ii) is a member of a reserve component of the armed forces;

''(iii) is called or ordered to active duty in support of a contingency operation (as defined in section 101(a)(13) of title 10);

''(iv) is placed on leave without pay or separated from service to perform active duty; and

''(v) serves on active duty for a period of more than 30 consecutive days.

''(C) Notwithstanding the one-year limitation on coverage described in paragraph (1)(A), payment may be made under this paragraph for a period not to exceed 18 months.''.

(b) CONFORMING AMENDMENT.—The matter preceding paragraph (1) in subsection (f) of such section is amended to read as follows:

''(f) The Government contribution, and any additional payments under subsection (e)(3)(A), for health benefits for an employee shall be paid—''.

(c) APPLICABILITY.—The amendments made by this section apply with respect to employees called to active duty on or after December 8, 1995, and an agency may make retroactive payments to such employees for premiums paid on or after such date.

SEC. 589. 18-MONTH ENLISTMENT PILOT PROGRAM.

(a) IN GENERAL.—(1) Chapter 333 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 3264. 18-month enlistment pilot program

''(a) During the pilot program period, the Secretary of the Army shall carry out a pilot program with the objective of increasing participation of prior service persons in the Selected Reserve and providing assistance in building the pool of participants in the Individual Ready Reserve.

''(b) Under the program, the Secretary may, notwithstanding section 505(c) of this title, accept persons for original enlistment in the Army for a term of enlistment consisting of 18 months service on active duty, to be followed by three years of service in the Selected Reserve and then service in the Individual Ready Reserve to complete the military service obligation.

''(c) No more than 10,000 persons may be accepted for enlistment in the Army through the program under this section.

''(d) A person enlisting in the Army through the program under this section is eligible for an enlistment bonus under section 309 of title 37, notwithstanding the enlistment time period specified in subsection (a) of that section.

''(e) For purposes of the program under this section, the pilot program period is the period beginning on October 1, 2003, and ending on December 31, 2007.

''(f) Not later than December 31, 2007, and December 31, 2012, the Secretary of the Army shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the program under this section. In each such report, the Secretary shall set forth the views of the Secretary on the success of the program in meeting the objectives stated in subsection (a) and whether the program should be continued and, if so, whether it should be modified or expanded.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''3264. 18-month enlistment pilot program.''.

(b) IMPLEMENTATION REPORT.—The Secretary of the Army shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the Secretary's plan for implementation of section 3264 of title 10, United States Code, as added by subsection (a). Such report shall be submitted not later than March 1, 2002.

SEC. 590. PER DIEM ALLOWANCE FOR LENGTHY OR NUMEROUS DEPLOYMENTS.

(a) FUNDING SOURCE FOR ALLOWANCE.—Section 436(a) of title 37, United States Code, is amended by adding at the end the following new sentence: ''The Secretary shall pay the allowance from appropriations available for operation and maintenance for the armed force in which the member serves.''.

(b) EXPANDED REPORT REGARDING MANAGEMENT OF INDIVIDUAL MEMBER DEPLOYMENTS.—Section 574(d) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398; 114 Stat. 1654A–138) is amended in the second sentence by striking paragraphs (1) and (2) and inserting the following new paragraphs:

''(1) a discussion of the experience in tracking and recording the deployments of members of the Armed Forces and the payment of the per diem allowance for lengthy or numerous deployments in accordance with section 436 of title 37, United States Code;

''(2) specific comments regarding the effect of section 991 of title 10, United States Code, and section 436 of title 37, United States Code, on the readiness of the Navy and Marine Corps given the deployment intensive mission of these services; and

''(3) any recommendations for revision of section 991 of title 10, United States Code, or section 436 of title 37, United States Code, that the Secretary considers appropriate.''.

SEC. 591. CONGRESSIONAL REVIEW PERIOD FOR CHANGE IN GROUND COMBAT EXCLUSION POLICY.

Section 542(b) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 113 note) is amended—

(1) in paragraph (1)—

(A) by striking ''not less than 90 days''; and

(B) by adding at the end the following new sentence: ''Such a change may then be implemented only after the end of a period of 60 days of continuous session of Congress (excluding any day on which either House of Congress is not in session) following the date on which the report is received.''; and

(2) by adding at the end the following new paragraph:

''(5) For purposes of this subsection, the continuity of a session of Congress is broken only by an adjournment of the Congress sine die.''.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. INCREASE IN BASIC PAY FOR FISCAL YEAR 2002.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2002 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 2002, the rates of monthly basic pay for members of the uniformed services within each pay grade are as follows:

COMMISSIONED OFFICERS[1]

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
O–10[2] ...	$0.00	$0.00	$0.00	$0.00	$0.00
O–9	0.00	0.00	0.00	0.00	0.00
O–8	7,180.20	7,415.40	7,571.10	7,614.90	7,809.30
O–7	5,966.40	6,371.70	6,371.70	6,418.20	6,657.90
O–6	4,422.00	4,857.90	5,176.80	5,176.80	5,196.60
O–5	3,537.00	4,152.60	4,440.30	4,494.30	4,673.10
O–4	3,023.70	3,681.90	3,927.60	3,982.50	4,210.50
O–3[3]	2,796.60	3,170.40	3,421.80	3,698.70	3,875.70

COMMISSIONED OFFICERS[1]—Continued

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
O–2[3]	2,416.20	2,751.90	3,169.50	3,276.30	3,344.10
O–1[3]	2,097.60	2,183.10	2,638.50	2,638.50	2,638.50
	Over 8	Over 10	Over 12	Over 14	Over 16
O–10[2]	$0.00	$0.00	$0.00	$0.00	$0.00
O–9	0.00	0.00	0.00	0.00	0.00
O–8	8,135.10	8,210.70	8,519.70	8,608.50	8,874.30
O–7	6,840.30	7,051.20	7,261.80	7,472.70	8,135.10
O–6	5,418.90	5,448.60	5,448.60	5,628.60	6,305.70
O–5	4,673.10	4,813.50	5,073.30	5,413.50	5,755.80
O–4	4,395.90	4,696.20	4,930.20	5,092.50	5,255.70
O–3[3]	4,070.10	4,232.40	4,441.20	4,549.50	4,549.50
O–2[3]	3,344.10	3,344.10	3,344.10	3,344.10	3,344.10
O–1[3]	2,638.50	2,638.50	2,638.50	2,638.50	2,638.50
	Over 18	Over 20	Over 22	Over 24	Over 26
O–10[2]	$0.00	11,601.90	11,659.20	11,901.30	12,324.00
O–9	0.00	10,147.50	10,293.60	10,504.80	10,873.80
O–8	9,259.50	9,614.70	9,852.00	9,852.00	9,852.00
O–7	8,694.90	8,694.90	8,694.90	8,694.90	8,738.70
O–6	6,627.00	6,948.30	7,131.00	7,316.10	7,675.20
O–5	5,919.00	6,079.80	6,262.80	6,262.80	6,262.80
O–4	5,310.60	5,310.60	5,310.60	5,310.60	5,310.60
O–3[3]	4,549.50	4,549.50	4,549.50	4,549.50	4,549.50
O–2[3]	3,344.10	3,344.10	3,344.10	3,344.10	3,344.10
O–1[3]	2,638.50	2,638.50	2,638.50	2,638.50	2,638.50

[1] Notwithstanding the basic pay rates specified in this table, the actual rate of basic pay for commissioned officers in pay grades 0–7 through O–10 may not exceed the rate of pay for level III of the Executive Schedule and the actual rate of basic pay for all other officers may not exceed the rate of pay for level V of the Executive Schedule.

[2] Subject to the preceding footnote, while serving as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, the rate of basic pay for this grade is $13,598.10, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

[3] This table does not apply to commissioned officers in pay grade O–1, O–2, or O–3 who have been credited with over 4 years of active duty service as an enlisted member or warrant officer.

COMMISSIONED OFFICERS WITH OVER 4 YEARS OF ACTIVE DUTY SERVICE AS AN ENLISTED MEMBER OR WARRANT OFFICER

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
O–3E	$0.00	$0.00	$0.00	3,698.70	3,875.70
O–2E	0.00	0.00	0.00	3,276.30	3,344.10
O–1E	0.00	0.00	0.00	2,638.50	2,818.20
	Over 8	Over 10	Over 12	Over 14	Over 16
O–3E	4,070.10	4,232.40	4,441.20	4,617.00	4,717.50
O–2E	3,450.30	3,630.00	3,768.90	3,872.40	3,872.40
O–1E	2,922.30	3,028.50	3,133.20	3,276.30	3,276.30
	Over 18	Over 20	Over 22	Over 24	Over 26
O–3E	4,855.20	4,855.20	4,855.20	4,855.20	4,855.20
O–2E	3,872.40	3,872.40	3,872.40	3,872.40	3,872.40
O–1E	3,276.30	3,276.30	3,276.30	3,276.30	3,276.30

WARRANT OFFICERS[1]

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
W–5	$0.00	$0.00	$0.00	$0.00	$0.00
W–4	2,889.60	3,108.60	3,198.00	3,285.90	3,437.10
W–3	2,638.80	2,862.00	2,862.00	2,898.90	3,017.40
W–2	2,321.40	2,454.00	2,569.80	2,654.10	2,726.40
W–1	2,049.90	2,217.60	2,330.10	2,402.70	2,511.90
	Over 8	Over 10	Over 12	Over 14	Over 16
W–5	$0.00	$0.00	$0.00	$0.00	$0.00
W–4	3,586.50	3,737.70	3,885.30	4,038.00	4,184.40
W–3	3,152.40	3,330.90	3,439.50	3,558.30	3,693.90
W–2	2,875.20	2,984.40	3,093.90	3,200.40	3,318.00
W–1	2,624.70	2,737.80	2,850.00	2,963.70	3,077.10
	Over 18	Over 20	Over 22	Over 24	Over 26
W–5	$0.00	4,965.60	5,136.00	5,307.00	5,478.60
W–4	4,334.40	4,480.80	4,632.60	4,782.00	4,935.30
W–3	3,828.60	3,963.60	4,098.30	4,233.30	4,368.90
W–2	3,438.90	3,559.80	3,680.10	3,801.30	3,801.30
W–1	3,189.90	3,275.10	3,275.10	3,275.10	3,275.10

[1] Notwithstanding the basic pay rates specified in this table, the actual rate of basic pay for warrant officers may not exceed the rate of pay for level V of the Executive Schedule.

ENLISTED MEMBERS[1]

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
E–9[2]	$0.00	$0.00	$0.00	$0.00	$0.00

ENLISTED MEMBERS[1]—Continued

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
E–8	0.00	0.00	0.00	0.00	0.00
E–7	1,986.90	2,169.00	2,251.50	2,332.50	2,417.40
E–6	1,701.00	1,870.80	1,953.60	2,033.70	2,117.40
E–5	1,561.50	1,665.30	1,745.70	1,828.50	1,912.80
E–4	1,443.60	1,517.70	1,599.60	1,680.30	1,752.30
E–3	1,303.50	1,385.40	1,468.50	1,468.50	1,468.50
E–2	1,239.30	1,239.30	1,239.30	1,239.30	1,239.30
E–1	[3] 1,105.50	1,105.50	1,105.50	1,105.50	1,105.50
	Over 8	Over 10	Over 12	Over 14	Over 16
E–9[2]	$0.00	$3,423.90	3,501.30	3,599.40	3,714.60
E–8	2,858.10	2,940.60	3,017.70	3,110.10	3,210.30
E–7	2,562.90	2,645.10	2,726.40	2,808.00	2,892.60
E–6	2,254.50	2,337.30	2,417.40	2,499.30	2,558.10
E–5	2,030.10	2,110.20	2,193.30	2,193.30	2,193.30
E–4	1,752.30	1,752.30	1,752.30	1,752.30	1,752.30
E–3	1,468.50	1,468.50	1,468.50	1,468.50	1,468.50
E–2	1,239.30	1,239.30	1,239.30	1,239.30	1,239.30
E–1	1,105.50	1,105.50	1,105.50	1,105.50	1,105.50
	Over 18	Over 20	Over 22	Over 24	Over 26
E–9[2]	$3,830.40	3,944.10	4,098.30	4,251.30	4,467.00
E–8	3,314.70	3,420.30	3,573.00	3,724.80	3,937.80
E–7	2,975.10	3,057.30	3,200.40	3,292.80	3,526.80
E–6	2,602.80	2,602.80	2,602.80	2,602.80	2,602.80
E–5	2,193.30	2,193.30	2,193.30	2,193.30	2,193.30
E–4	1,752.30	1,752.30	1,752.30	1,752.30	1,752.30
E–3	1,468.50	1,468.50	1,468.50	1,468.50	1,468.50
E–2	1,239.30	1,239.30	1,239.30	1,239.30	1,239.30
E–1	1,105.50	1,105.50	1,105.50	1,105.50	1,105.50

[1] Notwithstanding the basic pay rates specified in this table, the actual rate of basic pay for enlisted members may not exceed the rate of pay for level V of the Executive Schedule.

[2] Subject to the preceding footnote, while serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, or Master Chief Petty Officer of the Coast Guard, basic pay for this grade is $5,382.90, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

[3] In the case of members in pay grade E–1 who have served less than 4 months on active duty, the rate of basic pay is $1,022.70.

SEC. 602. BASIC PAY RATE FOR CERTAIN RESERVE COMMISSIONED OFFICERS WITH PRIOR SERVICE AS AN ENLISTED MEMBER OR WARRANT OFFICER.

Section 203(d) of title 37, United States Code, is amended—

(1) by inserting ''(1)'' after ''(d)'';

(2) by striking ''who is credited'' and all that follows through ''and enlisted member'' and inserting ''is described in paragraph (2)''; and

(3) by adding at the end the following new paragraph:

''(2) Paragraph (1) applies with respect to a commissioned officer in pay grade O–1, O–2, or O–3 who—

''(A) is credited with a total of over four years' active service as warrant officer or as a warrant officer and enlisted member; or

''(B) earned a total of more than 1,460 points credited under section 12732(a)(2) of title 10 while serving as a warrant officer or enlisted member.''.

SEC. 603. SUBSISTENCE ALLOWANCES.

(a) BASIC ALLOWANCE FOR SUBSISTENCE.—Section 402 of title 37, United States Code, is amended—

(1) in subsection (b), by adding at the end the following new paragraph:

''(4) For purposes of implementing paragraph (2), the monthly rate of basic allowance for subsistence that was in effect for an enlisted member for calendar year 2001 shall be deemed to be $233.''; and

(2) by striking subsection (d) and inserting the following new subsection:

''(d) SPECIAL RULE FOR ENLISTED MEMBERS WHO MESS SEPARATELY.—The Secretary of Defense may prescribe a basic allowance for subsistence for enlisted members at a rate higher than the rate provided for in subsection (b) when messing facilities of the United States are not available for the members.''

(b) TERMINATION OF BAS TRANSITIONAL AUTHORITY.—Effective as of October 1, 2001, section 603(c) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398; 114 Stat. 1654A–145) is amended by striking ''October 1, 2001'' and inserting ''January 1, 2002''.

(c) FAMILY SUBSISTENCE SUPPLEMENTAL ALLOWANCE FOR LOW-INCOME MEMBERS OF THE ARMED FORCES.—Section 402a(b)(1) of title 37, United States Code, is amended by inserting ''with dependents'' after ''a member of the armed forces''.

SEC. 604. ELIGIBILITY FOR BASIC ALLOWANCE FOR HOUSING WHILE BETWEEN PERMANENT DUTY STATIONS.

(a) REPEAL OF PAY GRADE LIMITATION.—Section 403(i) of title 37, United States Code, is amended by striking ''who is in a pay grade E–4 (4 or more years of service) or above''.

(b) EFFECTIVE DATE; APPLICATION.—The amendment made by this section shall take effect on January 1, 2003, and apply to members of the uniformed services in a travel or leave status between permanent duty stations on or after that date.

SEC. 605. UNIFORM ALLOWANCE FOR OFFICERS.

(a) RELATION TO INITIAL UNIFORM ALLOWANCE.—Section 416(b)(1) of title 37, United States Code, is amended by striking ''$200'' and inserting ''$400''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as of October 1, 2000.

SEC. 606. FAMILY SEPARATION ALLOWANCE FOR CERTAIN MEMBERS ELECTING TO SERVE UNACCOMPANIED TOUR OF DUTY.

(a) AVAILABILITY OF ALLOWANCE.—Section 427(c) of title 37, United States Code, is amended—

(1) by striking ''A member'' in the first sentence and inserting ''(1) Except as provided in paragraph (2) or (3), a member'';

(2) by redesignating the second sentence as paragraph (3); and

(3) by inserting after the first sentence the following new paragraph:

''(2) A member who elects to serve an unaccompanied tour of duty because the movement of a dependent of the member to the permanent station is denied for certified medical reasons is entitled to an allowance under subsection (a)(1)(A).''.

(b) EFFECTIVE DATE; APPLICATION.—The amendments made by this section shall take effect on January 1, 2002. Paragraph (2) of section 427(c) of title 37, United States Code, as added by subsection (a), shall apply with respect to pay periods beginning on or after that date for a member of the uniformed services covered by such paragraph regardless of the date on which the member first made the election to serve an unaccompanied tour of duty.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

(a) SPECIAL PAY FOR HEALTH PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302g(f) of title 37, United States Code, is amended by striking ''December 31, 2001'' and inserting ''December 31, 2002''.

(b) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(f) of such title is amended by striking ''December 31, 2001'' and inserting ''December 31, 2002''.

(c) SELECTED RESERVE ENLISTMENT BONUS.—Section 308c(e) of such title is amended by striking ''December 31, 2001'' and inserting ''December 31, 2002''.

(d) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of such title is amended by striking ''December 31, 2001'' and inserting ''December 31, 2002''.

(e) SELECTED RESERVE AFFILIATION BONUS.—Section 308e(e) of such title is amended by striking ''December 31, 2001'' and inserting ''December 31, 2002''.

(f) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS.—Section 308h(g) of such title is amended by striking ''December 31, 2001'' and inserting ''December 31, 2002''.

(g) PRIOR SERVICE ENLISTMENT BONUS.—Section 308i(f) of such title is amended by striking ''December 31, 2001'' and inserting ''December 31, 2002''.

(h) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 16302(d) of

title 10, United States Code, is amended by striking ''January 1, 2002'' and inserting ''January 1, 2003''.

SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR NURSE OFFICER CANDIDATES, REGISTERED NURSES, AND NURSE ANESTHETISTS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking ''December 31, 2001'' and inserting ''December 31, 2002''.

(b) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking ''December 31, 2001'' and inserting ''December 31, 2002''.

(c) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of title 37, United States Code, is amended by striking ''December 31, 2001'' and inserting ''December 31, 2002''.

SEC. 613. ONE-YEAR EXTENSION OF OTHER BONUS AND SPECIAL PAY AUTHORITIES.

(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking ''December 31, 2001'' and inserting ''December 31, 2002''.

(b) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of such title is amended by striking ''December 31, 2001'' and inserting ''December 31, 2002''.

(c) ENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 309(e) of such title is amended by striking ''December 31, 2001'' and inserting ''December 31, 2002''.

(d) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(e) of such title is amended by striking ''December 31, 2001'' and inserting ''December 31, 2002''.

(e) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of such title is amended by striking ''December 31, 2001'' and inserting ''December 31, 2002''.

(f) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of such title is amended by striking ''December 31, 2001'' and inserting ''December 31, 2002''.

(g) RETENTION BONUS FOR MEMBERS WITH CRITICAL MILITARY SKILLS.—Section 323(i) of such title is amended by striking ''December 31, 2001'' and inserting ''December 31, 2002''.

SEC. 614. CONFORMING ACCESSION BONUS FOR DENTAL OFFICERS AUTHORITY WITH AUTHORITIES FOR OTHER SPECIAL PAY AND BONUSES.

Section 302h(a)(1) of title 37, United States Code, is amended by striking ''the date of the enactment of this section, and ending on September 30, 2002'' and inserting ''September 23, 1996, and ending on December 31, 2002''.

SEC. 615. ADDITIONAL TYPE OF DUTY RESULTING IN ELIGIBILITY FOR HAZARDOUS DUTY INCENTIVE PAY.

(a) PERFORMANCE OF MARITIME BOARD AND SEARCH OPERATIONS.—Section 301(a) of title 37, United States Code, is amended—

(1) in paragraph (10), by striking ''or'' at the end;

(2) by redesignating paragraph (11) as paragraph (12); and

(3) by inserting after paragraph (10) the following new paragraph:

''(11) involving regular participation as a member of a team conducting visit, board, search, and seizure operations aboard vessels in support of maritime interdiction operations; or''.

(b) MONTHLY AMOUNT.—Subsection (c) of such section is amended—

(1) in paragraph (1), by striking ''(10)'' and inserting ''(11)''; and

(2) in paragraph (2)(A), by striking ''(11)'' and inserting ''(12)''.

(c) EFFECTIVE DATE; APPLICATION.—The amendments made by this section shall take effect on January 1, 2002, and apply to duty described in the amendment made by subsection (a)(2) on or after that date.

SEC. 616. EQUAL TREATMENT OF RESERVISTS PERFORMING INACTIVE-DUTY TRAINING FOR RECEIPT OF AVIATION CAREER INCENTIVE PAY.

(a) INCENTIVE PAY EQUITY FOR RESERVISTS.—Subsection (d) of section 301a of title 37, United States Code, is amended to read as follows:

''(d) MEMBERS PERFORMING INACTIVE-DUTY TRAINING.—Under regulations prescribed by the President and to the extent provided for by appropriations, in the case of a member of a reserve component of a uniformed service, or of the National Guard, who is entitled to compensation under section 206 of this title, and who performs, under orders, duty described in subsection (a), the member is also entitled to monthly incentive pay under subsection (b) for the performance of that duty in the same manner as a member with corresponding years of aviation service who is entitled to basic pay. Such member is entitled to the incentive pay for as long as the member remains qualified for it, as provided in subsection (a). This subsection does not apply to a member who is entitled to basic pay under section 204 of this title.''.

(b) EFFECTIVE DATE; APPLICATION.—The amendment made by this section shall take effect on January 1, 2002, and apply to duty described in the amendment made by subsection (a)(2) on or after that date.

SEC. 617. SECRETARIAL DISCRETION IN PRESCRIBING SUBMARINE DUTY INCENTIVE PAY RATES.

(a) AUTHORITY OF SECRETARY OF THE NAVY; MAXIMUM RATE.—Section 301c of title 37, United States Code, is amended by striking subsection (b) and inserting the following new subsection:

''(b) MONTHLY RATES.—(1) Subject to paragraph (2), a member who meets the requirements prescribed in subsection (a) is entitled to monthly submarine duty incentive pay in an amount prescribed by the Secretary of the Navy.

''(2) The monthly amount of submarine duty incentive pay may not exceed $1,000.''.

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by striking ''set forth in'' each place it appears and inserting ''prescribed pursuant to''; and

(2) in subsection (d), by striking ''authorized by'' and inserting ''prescribed pursuant to''.

(c) EFFECTIVE DATE; TRANSITION.—The amendments made by this section shall take effect on January 1, 2002. The tables set forth in subsection (b) of section 301c of title 37, United States Code, as in effect on December 31, 2001, shall continue to apply until the Secretary of the Navy prescribes new submarine duty incentive pay rates as authorized by the amendment made by subsection (a).

SEC. 618. IMPOSITION OF CRITICAL WARTIME SKILL REQUIREMENT FOR ELIGIBILITY FOR INDIVIDUAL READY RESERVE BONUS.

Section 308h(a)(1) of title 37, United States Code, is amended—

(1) by striking ''and who'' and inserting '', who is qualified in a skill or speciality designated by the Secretary concerned as critically short to meet wartime requirements, and who''; and

(2) by striking ''a combat or combat support skill of''.

SEC. 619. INSTALLMENT PAYMENT AUTHORITY FOR 15-YEAR CAREER STATUS BONUS.

(a) MEMBER ELECTION.—Section 322(d) of title 37, United States Code, is amended—

(1) in paragraph (1), by striking ''paid in a single lump sum of'' and inserting ''equal to'';

(2) by redesignating paragraph (2) as paragraph (4), and in such paragraph, by striking ''The bonus'' and inserting ''The lump sum payment of the bonus, and the first installment payment in the case of members who elect to receive the bonus in installments,''; and

(3) by inserting after paragraph (1) the following new paragraphs:

''(2) A member electing to receive the bonus under this section shall elect one of the following payment options:

''(A) A single lump sum of $30,000.

''(B) Two installments of $15,000 each.

''(C) Three installments of $10,000 each.

''(D) Four installments of $7,500 each.

''(E) Five installments of $6,000 each.

''(3) If a member elects installment payments under paragraph (2), the second installment (and subsequent installments, as applicable) shall be paid on the earlier of the following dates:

''(A) The annual anniversary date of the payment of the first installment.

''(B) January 15 of each succeeding calendar year.''.

(c) EFFECTIVE DATE; APPLICATION.—The amendments made by this section shall take effect on the date of the enactment of this Act. The Secretary concerned (as defined in section 101(5) of title 37, United States Code) shall extend to each member of the uniformed services who has executed the written agreement required by subsection (a)(2) of section 322 of such title before that date, but who has not received the lump sum payment by that date, an opportunity to make the election authorized by subsection (d) of such section, as amended by subsection (a) of this section.

SEC. 620. ACCESSION BONUS FOR NEW OFFICERS.

(a) BONUS AUTHORIZED.—Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

''§ 324. Special pay: accession bonus for new officers

''(a) ACCESSION BONUS AUTHORIZED.—Under regulations prescribed by the Secretary concerned, a person who executes a written agreement to accept a commission as an officer of the armed forces and serve on active duty for the period specified in the agreement may, upon acceptance of the agreement by the Secretary concerned, be paid an accession bonus in an amount determined by the Secretary concerned.

''(b) LIMITATION ON AMOUNT OF BONUS.—The amount of an accession bonus under subsection (a) may not exceed $100,000.

''(c) PAYMENT METHOD.—Upon acceptance of a written agreement under subsection (a) by the Secretary concerned, the total amount of the accession bonus payable under the agreement becomes fixed. The agreement shall specify whether the accession bonus will be paid by the Secretary in a lump sum or installments.

''(d) RELATION TO OTHER ACCESSION BONUS AUTHORITY.—An individual may not receive a accession bonus under this section and section 302d, 302h, 302j, or 312b of this title for the same period of service.

''(e) REPAYMENT.—(1) If an individual who has entered into an agreement under subsection (a) and has received all or part of the accession bonus under the agreement fails to accept a commission as an officer or to commence or complete the total period of active duty service specified in the agreement, the Secretary concerned may require the individual to repay the United States, on a pro rata basis and to the extent that the Secretary determines conditions and circumstances warrant, any or all of the amount paid to the individual under the agreement.

''(2) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

''(3) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of a written agreement entered into under subsection (a) does not discharge the individual signing the agreement from a debt arising under such agreement or under paragraph (1).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''324. Special pay: accession bonus for new officers.''.

Subtitle C—Travel and Transportation Allowances

SEC. 631. MINIMUM PER DIEM RATE FOR TRAVEL AND TRANSPORTATION ALLOWANCE FOR TRAVEL PERFORMED UPON A CHANGE OF PERMANENT STATION AND CERTAIN OTHER TRAVEL.

(a) ESTABLISHMENT OF RATE.—Section 404(d) of title 37, United States Code, is amended by adding at the end the following new paragraph:

''(5) The per diem rates established under paragraph (2)(A) for travel performed in connection with a change of permanent station or for travel described in paragraph (2) or (3) of subsection (a) shall be equal to the standard per diem rates established in the Federal travel regulation for travel within the continental United States of civilian employees and their dependents, unless the Secretaries concerned determines that a higher rate for members is more appropriate.''.

(b) EFFECTIVE DATE; APPLICATION.—The amendment made by this section shall take effect on January 1, 2003, and apply to travel covered by such amendment that is performed on or after that date by members of the uniformed services and their dependents.

SEC. 632. PAYMENT OR REIMBURSEMENT OF TEMPORARY SUBSISTENCE EXPENSES.

(a) INCLUSION OF OFFICERS.—Subsection (a)(2)(C) of section 404a of title 37, United States Code, is amended by striking ''an enlisted member'' and inserting ''a member''.

(b) INCREASE IN MAXIMUM DAILY AUTHORIZED RATE.—Subsection (e) of such section is amended by striking ''$110'' and inserting ''$180''.

(c) EFFECTIVE DATE; APPLICATION.—The amendments made by this section shall take effect on January 1, 2002, and apply with respect to an order in connection with a change of permanent station issued on or after that date.

SEC. 633. INCREASED WEIGHT ALLOWANCE FOR TRANSPORTATION OF BAGGAGE AND HOUSEHOLD EFFECTS FOR JUNIOR ENLISTED MEMBERS.

(a) INCREASED WEIGHT ALLOWANCES.—The table in section 406(b)(1)(C) of title 37, United States Code, is amended—

(1) by striking the two footnotes; and

(2) by striking the items relating to pay grade E–1 through E–4 and inserting the following new items:

''E–4	7,000	8,000
''E–3	5,000	8,000
''E–2	5,000	8,000
''E–1	5,000	8,000''.

(b) EFFECTIVE DATE; APPLICATION.—The amendments made by this section shall take effect on January 1, 2003, and apply with respect to an order in connection with a change of temporary or permanent station issued on or after that date.

SEC. 634. REIMBURSEMENT OF MEMBERS FOR MANDATORY PET QUARANTINE FEES FOR HOUSEHOLD PETS.

Section 406(a)(1) of title 37, United States Code, is amended in the last sentence by striking ''$275'' and inserting ''$675''.

SEC. 635. AVAILABILITY OF DISLOCATION ALLOWANCE FOR MARRIED MEMBER, WHOSE SPOUSE IS A MEMBER, ASSIGNED TO MILITARY FAMILY HOUSING.

(a) ALLOWANCE AVAILABLE.—Section 407(a)(2) of title 37, United States Code, is amended by adding at the end the following new subparagraph:

''(F) A member married to another member, both of whom are without other dependents, who actually moves to a new permanent duty station where the member is assigned to family housing provided by the United States, except that only one dislocation allowance may be paid to the married couple with respect to the move.''.

(b) EFFECTIVE DATE; APPLICATION.—The amendments made by this section shall take effect on January 1, 2003, and apply with respect to an order to move for a member of a uniformed service issued on or after that date.

SEC. 636. ELIMINATION OF PROHIBITION ON RECEIPT OF DISLOCATION ALLOWANCE BY MEMBERS ORDERED TO FIRST DUTY STATION.

(a) ALLOWANCE AVAILABLE.—Section 407(e) of title 37, United States Code, is amended—

(1) by striking ''FIRST OR LAST DUTY'' and inserting ''EFFECT OF ORDER FROM LAST DUTY STATION''; and

(2) by striking ''from the member's home to the member's first duty station or''.

(b) EFFECTIVE DATE; APPLICATION.—The amendments made by this section shall take effect on January 1, 2003, and apply with respect to an order to move for a member of a uniformed service issued on or after that date.

SEC. 637. PARTIAL DISLOCATION ALLOWANCE AUTHORIZED FOR HOUSING MOVES ORDERED FOR GOVERNMENT CONVENIENCE.

(a) AUTHORIZATION OF PARTIAL DISLOCATION ALLOWANCE.—Section 407 of title 37, United States Code is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following new subsection:

''(f) PARTIAL DISLOCATION ALLOWANCE.—(1) Under regulations prescribed by the Secretary concerned, a member ordered to occupy or vacate family housing provided by the United States to permit the privatization or renovation of housing or for any other reason (other than pursuant to a permanent change of station) may be paid a partial dislocation allowance of $500.

''(2) Effective on the same date that the monthly rates of basic pay for all members are increased under section 1009 of this title or another provision of law, the Secretary of Defense shall adjust the rate of the partial dislocation allowance authorized by this subsection by the percentage equal to the average percentage increase in the rates of basic pay.

''(3) Subsections (c) and (d) do not apply to the partial dislocation allowance authorized by this subsection.''.

(b) EFFECTIVE DATE; APPLICATION.—The amendments made by this section shall take effect on January 1, 2002, and apply with respect to an order to move for a member of a uniformed service issued on or after that date.

SEC. 638. ALLOWANCES FOR TRAVEL PERFORMED IN CONNECTION WITH MEMBERS TAKING AUTHORIZED LEAVE BETWEEN CONSECUTIVE OVERSEAS TOURS.

Section 411b(a)(1) of title 37, United States Code, is amended by striking '', or his designee, or to a place no farther distant than his home of record''.

SEC. 639. FUNDED STUDENT TRAVEL AS PART OF SCHOOL-SPONSORED EXCHANGE PROGRAMS.

(a) RECOGNITION OF TEMPORARY EXCHANGE PROGRAMS.—Section 430 of title 37, United States Code, is amended—

(1) in subsection (a)(3), by inserting before the comma at the end the following: ''or is attending a school outside the continental United States, if the dependent is attending the school outside the continental United States for less than one year under a program approved by the school in the continental United States at which the dependent is enrolled''; and

(2) in subsection (b)(1), by striking ''in the continental United States for the purpose of obtaining a formal education'' in the first sentence and inserting ''described in subsection (a)(3)''.

(b) LIMITATION ON AMOUNT OF ALLOWANCE.—Subsection (b) of such section is amended by adding at the end the following new paragraph:

''(3) The transportation allowance under paragraph (1) for a dependent child who is attending a school outside the continental United States for less than one year under a program approved by the school in the continental United States at which the dependent is enrolled shall not exceed the allowance the member would be paid for a trip between the school in the continental United States and the member's duty station outside the continental United States and return.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2002.

Subtitle D—Retirement and Survivor Benefit Matters

SEC. 641. CONTINGENT AUTHORITY FOR CONCURRENT RECEIPT OF MILITARY RETIRED PAY AND VETERANS' DISABILITY COMPENSATION.

(a) RESTORATION OF RETIRED PAY BENEFITS.—Chapter 71 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1414. Members eligible for retired pay who have service-connected disabilities: payment of retired pay and veterans' disability compensation; contingent authority

''(a) PAYMENT OF BOTH RETIRED PAY AND COMPENSATION.—Subject to subsection (b), a member or former member of the uniformed services who is entitled to retired pay (other than as specified in subsection (c)) and who is also entitled to veterans' disability compensation is entitled to be paid both without regard to sections 5304 and 5305 of title 38, subject to the enactment of qualifying offsetting legislation as specified in subsection (f).

''(b) SPECIAL RULE FOR CHAPTER 61 CAREER RETIREES.—The retired pay of a member retired under chapter 61 of this title with 20 years or more of service otherwise creditable under section 1405 of this title at the time of the member's retirement is subject to reduction under sections 5304 and 5305 of title 38, but only to the extent that the amount of the member's retired pay under chapter 61 of this title exceeds the amount of retired pay to which the member would have been entitled under any other provision of law based upon the member's service in the uniformed services if the member had not been retired under chapter 61 of this title.

''(c) EXCEPTION.—Subsection (a) does not apply to a member retired under chapter 61 of this title with less than 20 years of service otherwise creditable under section 1405 of this title at the time of the member's retirement.

''(d) DEFINITIONS.—In this section:

''(1) The term 'retired pay' includes retainer pay, emergency officers' retirement pay, and naval pension.

''(2) The term 'veterans' disability compensation' has the meaning given the term 'compensation' in section 101(12) of title 38.

''(e) EFFECTIVE DATE.—If qualifying offsetting legislation (as defined in subsection (f)) is enacted, the provisions of subsection (a) shall take effect on—

''(1) the first day of the first month beginning after the date of the enactment of such qualifying offsetting legislation; or

''(2) the first day of the fiscal year that begins in the calendar year in which such legislation is enacted, if that date is later than the date specified in paragraph (1).

''(f) EFFECTIVENESS CONTINGENT ON ENACTMENT OF OFFSETTING LEGISLATION.—(1) The provisions of subsection (a) shall be effective only if—

''(A) the President, in the budget for any fiscal year, proposes the enactment of legislation that, if enacted, would be qualifying offsetting legislation; and

''(B) after that budget is submitted to Congress, there is enacted qualifying offsetting legislation.

''(2) For purposes of this subsection:

''(A) The term 'qualifying offsetting legislation' means legislation (other than an appropriations Act) that includes provisions that—

''(i) offset fully the increased outlays to be made by reason of the provisions of subsection

(a) for each of the first 10 fiscal years beginning after the date of the enactment of such legislation;

''(ii) expressly state that they are enacted for the purpose of the offset described in clause (i); and

''(iii) are included in full on the PayGo scorecard.

''(B) The term 'PayGo scorecard' means the estimates that are made by the Director of the Congressional Budget Office and the Director of the Office of Management and Budget under section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(d)) with respect to the ten fiscal years following the date of the enactment of the legislation that is qualifying offsetting legislation for purposes of this section.''.

(b) CONFORMING TERMINATION OF SPECIAL COMPENSATION PROGRAM.—Section 1413(a) of such title is amended by adding at the end the following new sentence: ''If the provisions of subsection (a) of section 1414 of this title become effective in accordance with subsection (f) of that section, payments under this section shall be terminated effective as of the month beginning on the effective date specified in subsection (e) of that section.''.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1414. Members eligible for retired pay who have service-connected disabilities: payment of retired pay and veterans' disability compensation; contingent authority.''.

(d) PROHIBITION OF RETROACTIVE BENEFITS.—If the provisions of subsection (a) of section 1414 of title 10, United States Code, becomes effective in accordance with subsection (f) of that section, no benefit may be paid to any person by reason of those provisions for any period before the effective date specified in subsection (e) of that section.

Subtitle E—Other Matters

SEC. 651. FUNERAL HONORS DUTY ALLOWANCE FOR RETIRED MEMBERS.

(a) ALLOWANCE AUTHORIZED.—Subsection (a) of section 435 of title 37, United States Code, is amended—

(1) by inserting ''(1)'' before ''The Secretary''; and

(2) by adding at the end the following new paragraph:

''(2) The Secretary concerned may also authorize payment of an allowance under this section to a retired member of the armed forces who performs at least two hours of duty preparing for or performing honors at the funeral of a veteran.''.

(b) RELATION TO OTHER COMPENSATION.—Such section is further amended by adding at the end the following new subsection:

''(c) CONCURRENT PAYMENT.—Notwithstanding any other provision of law, the allowance paid to a retired member of the armed forces under this section shall be in addition to any other compensation to which the retired member may be entitled under this title or titles 10 or 38.''.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—TRICARE Program

SEC. 701. IMPLEMENTING COST-EFFECTIVE PAYMENT RATES UNDER THE TRICARE PROGRAM.

Not later than January 1, 2002, the Secretary of Defense shall, with respect to categories of health care providers or services for which the Secretary has not already done so and to the extent that the Secretary determines is practicable—

(1) implement the payment rates used under medicare, or similar rates based on medicare payment methods, to pay for health care services provided by institutional and noninstitutional providers under the TRICARE program; and

(2) as a condition of participation in the TRICARE program, prohibit balance billing of covered beneficiaries by institutional providers and limit balance billing by noninstitutional providers (subject to any exceptions the Secretary determines appropriate) consistent with the limiting charge percentage under medicare.

SEC. 702. WAIVER OF NONAVAILABILITY STATEMENT OR PREAUTHORIZATION REQUIREMENT.

(a) IN GENERAL.—Section 721 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted in Public Law 106–398; 114 Stat. 1654A–184) is amended—

(1) in the matter preceding paragraph (1) in subsection (a), by striking ''new'';

(2) by striking subsection (c) and inserting the following:

''(c) EXCEPTIONS.—(1) Subject to paragraph (2), the Secretary may provide that subsection (a) shall not apply for a period of up to one year if—

''(A) the Secretary—

''(i) demonstrates significant costs would be avoided by performing specific procedures at the affected military medical treatment facility or facilities;

''(ii) determines that a specific procedure must be provided at the affected military medical treatment facility or facilities to ensure the proficiency levels of the practitioners at the facility or facilities; or

''(iii) determines that the lack of nonavailability statement data would significantly interfere with TRICARE contract administration;

''(B) the Secretary provides notification of the Secretary's intent to make an exception under this subsection to covered beneficiaries who receive care at the military medical treatment facility or facilities that will be affected by the decision to make an exception under this subsection;

''(C) the Secretary provides notification to the Committees on Armed Services of the House of Representatives and the Senate of the Secretary's intent to make an exception under this subsection, the reason for making an exception, and the date that a nonavailability statement will be required; and

''(D) 60 days have elapsed since the date of the notification described in subparagraph (C).

''(2)(A) Except as provided in subparagraph (B), the Secretary may make an exception under this subsection with respect to—

''(i) one or more services performed at a military medical treatment facility or facilities; or

''(ii) one or more services performed in a TRICARE region.

''(B) With respect to maternity care, the Secretary may make an exception under this subsection with respect to a military medical treatment facility.

''(3) In the case of health care provided in conjunction with a graduate medical education program, the period of nonapplicability described in paragraph (1) shall be, instead of one year, the period for which a residency review committee has approved the program.''; and

(3) in subsection (d), by striking ''October 1, 2001'' and inserting ''two years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2002''.

(b) REPORT.—Not later than March 1, 2002, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report on the Secretary's plans for implementing such section.

SEC. 703. IMPROVEMENTS IN ADMINISTRATION OF THE TRICARE PROGRAM.

(a) EXPANSION OF TRICARE PROGRAM.—Section 1072(7) of title 10, United States Code, is amended by striking ''the competitive selection of contractors to financially underwrite''.

(b) REDUCTION OF CONTRACT START-UP TIME.—Section 1095c(b) of such title is amended—

(1) in paragraph (1)—

(A) by striking ''The'' and inserting ''Except as provided in paragraph (3), the''; and

(B) by striking ''contract.'' and all that follows through ''as soon as practicable after the award of the''; and

(2) by adding at the end the following new paragraph:

''(3) The Secretary may reduce the nine-month start-up period required under paragraph (1) if—

''(A) the Secretary—

''(i) determines that a shorter period is sufficient to ensure effective implementation of all contract requirements; and

''(ii) submits notification to the Committees on Armed Services of the House of Representatives and the Senate of the Secretary's intent to reduce the nine-month start-up period; and

''(B) 60 days have elapsed since the date of such notification.''.

SEC. 704. SUB-ACUTE AND LONG-TERM CARE PROGRAM REFORM.

(a) IN GENERAL.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1074i the following new section:

''§ 1074j. Sub-acute care program

''(a) ESTABLISHMENT.—The Secretary of Defense shall establish an effective, efficient, and integrated sub-acute care benefits program under this chapter (hereinafter referred to in this section as the 'program'). Except as otherwise provided in this section, the types of health care authorized under the program shall be the same as those provided under section 1079 of this title. The Secretary, after consultation with the other administering Secretaries, shall promulgate regulations to carry out this section.

''(b) BENEFITS.—(1) The program shall include a uniform skilled nursing facility benefit that shall be provided in the manner and under the conditions described in section 1861(h) and (i) of the Social Security Act (42 U.S.C. 1395x(h) and (i)), except that the limitation on the number of days of coverage under section 1812(a) and (b) of such Act (42 U.S.C. 1395d(a) and (b)) shall not be applicable under the program. Skilled nursing facility care for each spell of illness shall continue to be provided for as long as medically necessary and appropriate.

''(2) In this subsection:

''(A) The term 'skilled nursing facility' has the meaning given such term in section 1819(a) of the Social Security Act (42 U.S.C. 1395i–3(a)).

''(B) The term 'spell of illness' has the meaning given such term in section 1861(a) of such Act (42 U.S.C. 1395x(a)).

''(3) The program shall include a comprehensive, intermittent home health care benefit that shall be provided in the manner and under the conditions described in section 1861(m) of the Social Security Act (42 U.S.C. 1395x(m)).''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074i the following new item:

''1074j. Sub-acute care program.''.

(b) EXTENDED BENEFITS FOR CERTAIN DEPENDENTS.—Section 1079 of such title is amended by striking subsections (d), (e), and (f) and inserting the following new subsections:

''(d)(1) The Secretary of Defense shall establish a program to provide extended benefits for eligible dependents, which may include the provision of comprehensive health care services, including case management services, to assist in the reduction of the disabling effects of a qualifying condition of an eligible dependent. Registration shall be required to receive the extended benefits.

''(2) The Secretary of Defense, after consultation with the other administering Secretaries, shall promulgate regulations to carry out this subsection.

''(3) In this subsection:

''(A) The term 'eligible dependent' means a dependent of a member of the uniformed services on active duty for a period of more than 30 days, as described in subparagraph (A), (D), or (I) of section 1072(2) of this title, who has a qualifying condition.

''(B) The term 'qualifying condition' means the condition of a dependent who is moderately or severely mentally retarded, has a serious physical disability, or has an extraordinary physical or psychological condition.

''(e) Extended benefits for eligible dependents under subsection (d) may include comprehensive health care services with respect to the qualifying condition of such a dependent, and include, to the extent such benefits are not provided under provisions of this chapter other than under this section, the following:

''(1) Diagnosis.

''(2) Inpatient, outpatient, and comprehensive home health care supplies and services.

''(3) Training, rehabilitation, and special education.

''(4) Institutional care in private nonprofit, public, and State institutions and facilities and, if appropriate, transportation to and from such institutions and facilities.

''(5) Custodial care, notwithstanding the prohibition in section 1077(b)(1) of this title.

''(6) Respite care for the primary caregiver of the eligible dependent.

''(7) Such other services and supplies as determined appropriate by the Secretary, notwithstanding the limitations in subsection (a)(13).

''(f) Members shall be required to share in the cost of any benefits provided to their dependents under subsection (d) as follows:

''(1) Members in the lowest enlisted pay grade shall be required to pay the first $25 incurred each month, and members in the highest commissioned pay grade shall be required to pay the first $250 incurred each month. The amounts to be paid by members in all other pay grades shall be determined under regulations to be prescribed by the Secretary of Defense in consultation with the administering Secretaries.

''(2) A member who has more than one dependent incurring expenses in a given month under a plan covered by subsection (d) shall not be required to pay an amount greater than would be required if the member had only one such dependent.''.

(c) DEFINITIONS OF CUSTODIAL CARE AND DOMICILIARY CARE.—Section 1072 of title 10, United States Code, is amended by adding at the end the following new paragraphs:

''(8) The term 'custodial care' means treatment or services, regardless of who recommends such treatment or services or where such treatment or services are provided, that—

''(A) can be rendered safely and reasonably by a person who is not medically skilled; or

''(B) is or are designed mainly to help the patient with the activities of daily living.

''(9) The term 'domiciliary care' means care provided to a patient in an institution or homelike environment because—

''(A) providing support for the activities of daily living in the home is not available or is unsuitable; or

''(B) members of the patient's family are unwilling to provide the care.''.

(d) CONFORMING AMENDMENT.—Section 1079 of title 10, United States Code, is amended in subsection (a) by striking paragraph (17).

(e) CONTINUATION OF INDIVIDUAL CASE MANAGEMENT SERVICES FOR CERTAIN ELIGIBLE BENEFICIARIES.—(1) Notwithstanding the termination of the Individual Case Management Program by subsection (d), the Secretary of Defense shall, in any case in which the Secretary makes the determination described in paragraph (2), continue to provide payment as if such program were in effect for home health care or custodial care services provided to an eligible beneficiary that would otherwise be excluded from coverage under regulations implementing chapter 55 of title 10, United States Code.

(2) The determination referred to in paragraph (1) is a determination that discontinuation of payment for services not otherwise provided under such chapter would result in the provision of services inadequate to meet the needs of the eligible beneficiary and would be unjust to such beneficiary.

(3) For purposes of this subsection, ''eligible beneficiary'' means a covered beneficiary (as that term is defined in section 1072 of title 10, United States Code) who, before the effective date of this section, was provided custodial care services under the Individual Case Management Program for which the Secretary provided payment.

(f) REPORT ON INITIATIVES REGARDING LONG-TERM CARE.—The Secretary of Defense shall, not later than April 1, 2002, submit to Congress a report on the feasibility and desirability of establishing new initiatives, taking into account chapter 90 of title 5, United States Code, to improve the availability of long-term care for members and retired members of the uniformed services and their families.

(g) REFERENCE IN TITLE 10 TO LONG-TERM CARE PROGRAM IN TITLE 5.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1074j (as added by subsection (a)) the following new section:

''§ 1074k. Long-term care insurance

''Provisions regarding long-term care insurance for members and certain former members of the uniformed services and their families are set forth in chapter 90 of title 5.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074j (as added by subsection (a)) the following new item:

''1074k. Long-term care insurance.''.

(h) EFFECTIVE DATE.—This section, and the amendments made by this section, shall take effect on October 1, 2001.

SEC. 705. REIMBURSEMENT OF TRAVEL EXPENSES OF A PARENT, GUARDIAN, OR RESPONSIBLE FAMILY MEMBER OF A MINOR COVERED BENEFICIARY.

Section 1074i of title 10, United States Code, is amended by adding at the end the following new sentence: ''In any case in which reimbursement of travel expenses of a covered beneficiary who is a minor and dependent is required under this section, the Secretary also shall provide reimbursement for reasonable travel expenses of the parent or guardian of, or the family member responsible for, such covered beneficiary.''.

Subtitle B—Other Matters

SEC. 711. PROHIBITION AGAINST REQUIRING MILITARY RETIREES TO RECEIVE HEALTH CARE SOLELY THROUGH THE DEPARTMENT OF DEFENSE.

No provision of law (whether enacted before or after this Act) may be construed as authorizing the Secretary of Defense to take any action that would require, or have the effect of requiring, a member or former member of the Armed Forces who is entitled to retired or retainer pay to enroll to receive health care from the Federal Government only through the Department of Defense. This section may not be superseded by a subsequent Act unless that Act—

(1) specifically refers to this section; and

(2) specifically states that such provision of law supersedes the provisions of this section.

SEC. 712. TRAUMA AND MEDICAL CARE PILOT PROGRAM.

(a) REQUIREMENT TO CONDUCT PILOT PROGRAM.—The Secretary of Defense shall conduct a pilot program under which the Brooke Army Medical Center and the Wilford Hall Air Force Medical Center in San Antonio, Texas, may charge civilians who are not covered beneficiaries under chapter 55 of title 10, United States Code, fees representing the actual costs of trauma and other medical care provided to such civilians using private sector itemized rates.

(b) USE OF FEES COLLECTED.—(1) The Brooke Army Medical Center and the Wilford Hall Air Force Medical Center may use the amounts collected under the pilot program for—

(A) trauma consortium activities;

(B) administrative, operating, and equipment costs; and

(C) readiness training.

(2) The operating budgets of those medical centers shall not be reduced as a result of fees collected under the pilot program.

(c) EFFICIENT PRACTICES.—Under the pilot program, the commander of the Brooke Army Medical Center or Wilford Hall Air Force Medical Center may authorize the use of funds appropriated to the Department of Defense for medical care for trauma and other medical care provided at such center to civilians described in subsection (a).

(d) LENGTH OF PILOT PROGRAM.—The pilot program under this section shall commence on October 1, 2001, and be conducted for a period of three years.

(e) REPORTS.—The Secretary of Defense shall submit to Congress not later than October 1st of each of 2002 through 2004 a report describing the progress and effectiveness of the pilot program carried out under this section.

SEC. 713. ENHANCEMENT OF MEDICAL PRODUCT DEVELOPMENT.

Section 980 of title 10, United States Code, is amended—

(1) by inserting ''(a)'' before ''Funds''; and

(2) by adding at the end the following new subsection:

''(b) The Secretary of Defense may waive the prohibition in this section with respect to a specific research project to advance the development of a medical product necessary to the armed forces if the research project is carried out in accordance with all other applicable laws.''.

SEC. 714. REPEAL OF OBSOLETE REPORT REQUIREMENT.

Section 701 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 10 U.S.C. 1074g note) is amended by striking subsection (d).

SEC. 715. CLARIFICATIONS AND IMPROVEMENTS REGARDING THE DEPARTMENT OF DEFENSE MEDICARE-ELIGIBLE RETIREE HEALTH CARE FUND.

(a) CLARIFICATION REGARDING COVERAGE.—Subsection (b) of section 1111 of title 10, United States Code, is amended to read as follows:

''(b) In this chapter:

''(1) The term 'Department of Defense retiree health care programs' means the provisions of this title or any other provision of law creating an entitlement to or eligibility for health care under a Department of Defense or uniformed services program for a member or former member of a participating uniformed service who is entitled to retired or retainer pay, and an eligible dependent under such program.

''(2) The term 'designated Department of Defense health care program' means a program described in paragraph (1) of this subsection that is designated under section 1113(c).

''(3) The term 'eligible dependent' means a dependent (as such term is defined in section 1072(2)) described in section 1076(a)(2) (other than a dependent of a member on active duty), 1076(b), 1086(c)(2), or 1086(c)(3)).

''(4) The term 'medicare-eligible', with respect to any person, means entitled to benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.).

''(5) The term 'participating uniformed service' means the Army, Navy, Air Force, and Marine Corps, and any other uniformed service that is covered by an agreement entered into under subsection (c).''

(b) PARTICIPATION OF OTHER UNIFORMED SERVICES.—(1) Section 1111 of such title is further amended by adding after subsection (b), the following new subsection:

''(c) The Secretary of Defense may enter into an agreement with any other administering Secretary for participation in the Fund by a uniformed service under the jurisdiction of that Secretary. Any such agreement shall require that Secretary to make contributions to the Fund on behalf of the members of the uniformed service under the jurisdiction of that Secretary

comparable to the contributions to the Fund made by the Secretary of Defense under section 1116.''

(2) Section 1112 of such title is amended by adding at the end the following new paragraph:

''(4) Amounts paid into the Fund pursuant to section 1111(c).''.

(3) Section 1115 of such title is amended—

(A) in subsection (a), by inserting ''participating'' before ''uniformed services''; and

(B) in subparagraphs (A)(ii) and (B)(ii) of subsection (b)(1), by inserting ''under the jurisdiction of the Secretary of Defense'' after ''uniformed services''.

(4) Section 1116(a) of such title is amended in paragraphs (1)(B) and (2)(B) by inserting ''under the jurisdiction of the Secretary of Defense'' after ''uniformed services''.

(c) CLARIFICATION OF PAYMENTS FROM THE FUND.—(1) The second sentence of subsection (a) of section 1111 of such title is amended by inserting ''designated'' before ''Department of Defense retiree health care programs for medicare-eligible beneficiaries''.

(2) Subsection (a) of section 1113 of such title is amended to read as follows:

''(a) There shall be paid from the Fund amounts payable for the costs of designated Department of Defense retiree health care programs for the benefit of members or former members of a participating uniformed service who are entitled to retired or retainer pay and are medicare-eligible, and eligible dependents described in section 1111(b)(3) who are medicare-eligible.''

(3) Such section is further amended by adding at the end the following new subsection:

''(c) For purposes of payments from the Fund under subsection (a), the Secretary of Defense shall designate the program authorized by section 1086 of this title.''.

(d) TECHNICAL AMENDMENTS.—(1) The heading for section 1111 of such title is amended to read as follows:

''§ 1111. Establishment and purpose of Fund; definitions; authority to enter into agreements''.

(2) The item relating to section 1111 in the table of sections at the beginning of chapter 56 of such title is amended to read as follows:

''1111. Establishment and purpose of Fund; definitions; authority to enter into agreements.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2002.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Policy and Management

SEC. 801. ACQUISITION MILESTONES.

(a) TITLE 10, U.S.C.—Title 10, United States Code, is amended—

(1) in section 2366(c), subsections (b)(3)(A), (c)(3)(A), and (h)(1) of section 2432, and section 2434(a), by striking ''engineering and manufacturing development'' each place such words appear and inserting ''system development and demonstration'';

(2) in section 2400—

(A) in subsection (a)(2), by striking ''engineering and manufacturing development'' and inserting ''system development and demonstration''; and

(B) in subsections (a)(1)(A), (a)(2), (a)(4) and (a)(5), by striking ''milestone II'' each place such term appears and inserting ''milestone B''; and

(3) in section 2435—

(A) in subsection (b), by striking ''engineering and manufacturing development'' and inserting ''system development and demonstration'';

(B) in subsection (c)(1), by striking ''demonstration and validation'' and inserting ''system development and demonstration'';

(C) in subsection (c)(2), by striking ''engineering and manufacturing development'' and inserting ''production and deployment''; and

(D) in subsection (c)(3), by striking ''production and deployment'' and inserting ''full rate production''.

(b) OTHER LAWS.—(1) Section 811(c) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted in Public Law 106–398; 114 Stat. 1654A–211) is amended—

(A) by striking ''Milestone I'' and inserting ''Milestone B'';

(B) by striking ''Milestone II'' and inserting ''Milestone C''; and

(C) by striking ''Milestone III'' and inserting ''full rate production''.

(2) Section 8102(b) of the Department of Defense Appropriations Act, 2001 (Public Law 106–259; 114 Stat. 696) is amended—

(A) by striking ''Milestone I'' and inserting ''Milestone B'';

(B) by striking ''Milestone II'' and inserting ''Milestone C''; and

(C) by striking ''Milestone III'' and inserting ''full rate production''.

SEC. 802. ACQUISITION WORKFORCE QUALIFICATIONS.

(a) QUALIFICATIONS.—Section 1724 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking the matter preceding paragraph (1) and inserting the following:

''(a) CONTRACTING OFFICERS.—The Secretary of Defense shall require that, in order to qualify to serve in an acquisition position as a contracting officer with authority to award or administer contracts for amounts above the simplified acquisition threshold referred to in section 2304(g) of this title, an employee of the Department of Defense or member of the armed forces (other than the Coast Guard) must, except as provided in subsections (c) and (d)—'';

(B) in paragraph (1)—

(i) by striking ''mandatory''; and

(ii) by striking ''at the grade level'' and all that follows and inserting ''(A) in the case of an employee, serving in the position within the grade of the General Schedule in which the employee is serving, and (B) in the case of a member of the armed forces, in the member's grade;''; and

(C) in paragraph (3)(A), by inserting a comma after ''business'';

(2) by striking subsection (b) and inserting the following new subsection:

''(b) GS–1102 SERIES POSITIONS AND SIMILAR MILITARY POSITIONS.—(1) The Secretary of Defense shall require that in order to qualify to serve in a position in the Department of Defense that is in the GS–1102 occupational series an employee or potential employee of the Department of Defense meet the requirements set forth in paragraph (3) of subsection (a). The Secretary may not require that in order to serve in such a position an employee or potential employee meet any of the requirements of paragraphs (1) and (2) of that subsection.

''(2) The Secretary of Defense shall require that in order for a member of the armed forces to be selected for an occupational specialty within the armed forces that (as determined by the Secretary) is similar to the GS–1102 occupational series a member of the armed forces meet the requirements set forth in paragraph (3) of subsection (a). The Secretary may not require that in order to be selected for such an occupational specialty a member meet any of the requirements of paragraphs (1) and (2) of that subsection.''; and

(3) by striking subsections (c) and (d) inserting the following new subsections:

''(c) EXCEPTIONS.—The qualification requirements imposed by the Secretary of Defense pursuant to subsections (a) and (b) shall not apply to an employee of the Department of Defense or member of the armed forces who—

''(1) served as a contracting officer with authority to award or administer contracts in excess of the simplified acquisition threshold on or before September 30, 2000;

''(2) served, on or before September 30, 2000, in a position either as an employee in the GS–1102 series or as a member of the armed forces in similar occupational specialty;

''(3) is in the contingency contracting force; or

''(4) is described in subsection (e)(1)(B).

''(d) WAIVER.—The acquisition career program board concerned may waive any or all of the requirements of subsections (a) and (b) with respect to an employee of the Department of Defense or member of the armed forces if the board certifies that the individual possesses significant potential for advancement to levels of greater responsibility and authority, based on demonstrated job performance and qualifying experience. With respect to each waiver granted under this subsection, the board shall set forth in a written document the rationale for its decision to waive such requirements. Such document shall be submitted to and retained by the Director of Acquisition Education, Training, and Career Development.

''(e) DEVELOPMENTAL OPPORTUNITIES.—(1) The Secretary of Defense may—

''(A) establish or continue one or more programs for the purpose of recruiting, selecting, appointing, educating, qualifying, and developing the careers of individuals to meet the requirements in subparagraphs (A) and (B) of subsection (a)(3);

''(B) appoint individuals to developmental positions in those programs; and

''(C) separate from the civil service after a three-year probationary period any individual appointed under this subsection who, as determined by the Secretary, fails to complete satisfactorily any program described in subparagraph (A).

''(2) To qualify for any developmental program described in paragraph (1)(A), an individual shall have—

''(A) been awarded a baccalaureate degree from an accredited institution of higher education authorized to grant baccalaureate degrees; or

''(B) completed at least 24 semester credit hours or the equivalent of study from an accredited institution of higher education in any of the disciplines of accounting, business, finance, law, contracts, purchasing, economics, industrial management, marketing, quantitative methods, or organization and management.

''(f) CONTINGENCY CONTRACTING FORCE.—The Secretary shall establish qualification requirements for the contingency contracting force consisting of members of the armed forces whose mission is to deploy in support of contingency operations and other operations of the Department of Defense, including—

''(1) completion of at least 24 semester credit hours or the equivalent of study from an accredited institution of higher education or similar educational institution in any of the disciplines of accounting, business, finance, law, contracts, purchasing, economics, industrial management, marketing, quantitative methods, or organization and management; or

''(2) passage of an examination that demonstrates skills, knowledge, or abilities comparable to that of an individual who has completed at least 24 semester credit hours or the equivalent of study in any of the disciplines described in paragraph (1).''.

(b) CLERICAL AMENDMENT.—Section 1732(c)(2) of such title is amended by inserting a comma after ''business''.

SEC. 803. TWO-YEAR EXTENSION OF PROGRAM APPLYING SIMPLIFIED PROCEDURES TO CERTAIN COMMERCIAL ITEMS.

Section 4202(e) of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106; 110 Stat. 654; 10 U.S.C. 2304 note) is amended by striking ''January 1, 2002'' and inserting ''January 1, 2004''.

SEC. 804. CONTRACTS FOR SERVICES TO BE PERFORMED OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by inserting after section 2381 the following new section:

"§ 2382. Contracts for services to be performed outside the United States

''The Secretary of Defense may enter into contracts to employ individuals or organizations to perform services in countries other than the United States without regard to laws regarding the negotiation, making, and performance of contracts and performance of work in the United States. Individuals employed by contract to perform such services shall not by virtue of such employment be considered to be employees of the United States Government for purposes of any law administered by the Office of Personnel Management, but the Secretary may determine the applicability to such individuals of any other law administered by the Secretary concerning the employment of such individuals in countries other than the United States.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2381 the following new item:

''2382. Contracts for services to be performed outside the United States.''.

SEC. 805. CODIFICATION AND MODIFICATION OF "BERRY AMENDMENT" REQUIREMENTS.

(a) BERRY AMENDMENT REQUIREMENTS.—(1) Chapter 148 of title 10, United States Code, is amended by inserting after section 2533 the following new section:

"§ 2533a. Requirement to buy certain articles from American sources; exceptions

''(a) REQUIREMENT.—Except as provided in subsections (c) through (g), funds appropriated or otherwise available to the Department of Defense may not be used for the procurement of an item described in subsection (b) if the item is not grown, reprocessed, reused, or produced in the United States.

''(b) COVERED ITEMS.—An item referred to in subsection (a) is any of the following:

''(1) An article or item of—

''(A) food;

''(B) clothing;

''(C) tents, tarpaulins, parachutes, or covers;

''(D) cotton and other natural fiber products, woven silk or woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric or coated synthetic fabric (including all textile fibers and yarns that are for use in such fabrics), canvas products, or wool (whether in the form of fiber or yarn or contained in fabrics, materials, or manufactured articles); or

''(E) any item of individual equipment manufactured from or containing such fibers, yarns, fabrics, or materials.

''(2) Specialty metals, including stainless steel flatware.

''(3) Hand or measuring tools.

''(c) EXCEPTION.—The Secretary of Defense or the Secretary of the military department concerned may waive the requirement in subsection (a) if—

''(1) such Secretary determines that satisfactory quality and sufficient quantity of any such article or item described in subsection (b)(1) or specialty metals (including stainless steel flatware) grown, reprocessed, reused, or produced in the United States cannot be procured as and when needed at United States market prices;

''(2) such Secretary has provided notice to the public regarding the waiver;

''(3) such Secretary has notified the Committees on Appropriations, Armed Services, and Small Business of the House of Representatives and the Senate regarding the waiver and provided a justification to such committees for the waiver; and

''(4) 30 days have elapsed since the date of the notification of such committees.

''(d) EXCEPTION FOR CERTAIN PROCUREMENTS OUTSIDE THE UNITED STATES.—Subsection (a) does not apply to the following:

''(1) Procurements outside the United States in support of combat operations.

''(2) Procurements by vessels in foreign waters.

''(3) Emergency procurements or procurements of perishable foods by an establishment located outside the United States for the personnel attached to such establishment.

''(e) EXCEPTION FOR SPECIALTY METALS AND CHEMICAL WARFARE PROTECTIVE CLOTHING.—Subsection (a) does not preclude the procurement of specialty metals or chemical warfare protective clothing produced outside the United States if—

''(1) such procurement is necessary—

''(A) to comply with agreements with foreign governments requiring the United States to purchase supplies from foreign sources for the purposes of offsetting sales made by the United States Government or United States firms under approved programs serving defense requirements; or

''(B) in furtherance of agreements with foreign governments in which both such governments agree to remove barriers to purchases of supplies produced in the other country or services performed by sources of the other country; and

''(2) any such agreement with a foreign government complies, where applicable, with the requirements of section 36 of the Arms Export Control Act (22 U.S.C. 2776) and with section 2457 of this title.

''(f) EXCEPTION FOR CERTAIN FOODS.—Subsection (a) does not preclude the procurement of foods manufactured or processed in the United States.

''(g) EXCEPTION FOR SMALL PURCHASES.—Subsection (a) does not apply to purchases for amounts not greater than the simplified acquisition threshold referred to in section 2304(g) of this title.

''(h) APPLICABILITY TO CONTRACTS AND SUBCONTRACTS FOR PROCUREMENT OF COMMERCIAL ITEMS.—This section is applicable to contracts and subcontracts for the procurement of commercial items notwithstanding section 34 of the Office of Federal Procurement Policy Act (41 U.S.C. 430).

''(i) GEOGRAPHIC COVERAGE.—In this section, the term 'United States' includes the commonwealths, territories, and possessions of the United States.

''(j) EXCEPTION FOR COMMISSARIES, EXCHANGES, AND OTHER NONAPPROPRIATED FUND INSTRUMENTALITIES.—Subsection (a) does not apply to items purchased for resale purposes in commissaries, military exchanges, or nonappropriated fund instrumentalities operated by the military departments or the Department of Defense.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2533 the following new item:

''2533a. Requirement to buy certain articles from American sources; exceptions.''.

(b) REPEAL OF SOURCE PROVISIONS.—The following provisions of law are repealed:

(1) Section 9005 of the Department of Defense Appropriations Act, 1993 (Public Law 102–396; 10 U.S.C. 2241 note).

(2) Section 8109 of the Department of Defense Appropriations Act, 1997 (as contained in section 101(b) of Public Law 104–208; 110 Stat. 3009–111; 10 U.S.C. 2241 note).

Subtitle B—Erroneous Payments Recovery

SEC. 811. SHORT TITLE.

This subtitle may be cited as the ''Erroneous Payments Recovery Act of 2001''.

SEC. 812. IDENTIFICATION OF ERRORS MADE BY EXECUTIVE AGENCIES IN PAYMENTS TO CONTRACTORS AND RECOVERY OF AMOUNTS ERRONEOUSLY PAID.

(a) PROGRAM REQUIRED.—The head of each executive agency that enters into contracts with a total value in excess of $500,000,000 in a fiscal year shall carry out a cost-effective program for identifying any errors made in paying the contractors and for recovering any amounts erroneously paid to the contractors.

(b) RECOVERY AUDITS AND ACTIVITIES.—A program of an executive agency under subsection (a) shall include recovery audits and recovery activities. The head of the executive agency shall determine, in accordance with guidance provided under subsection (c), the classes of contracts to which recovery audits and recovery activities are appropriately applied.

(c) OMB GUIDANCE.—The Director of the Office of Management and Budget shall issue guidance for the conduct of programs under subsection (a). The guidance shall include the following:

(1) Definitions of the terms ''recovery audit'' and ''recovery activity'' for the purposes of the programs.

(2) The classes of contracts to which recovery audits and recovery activities are appropriately applied under the programs.

(3) Protections for the confidentiality of—

(A) sensitive financial information that has not been released for use by the general public; and

(B) information that could be used to identify a person.

(4) Policies and procedures for ensuring that the implementation of the programs does not result in duplicative audits of contractor records.

(5) Policies regarding the types of contracts executive agencies may use for the procurement of recovery services, including guidance for use, in appropriate circumstances, of a contingency contract pursuant to which the head of an executive agency may pay a contractor an amount equal to a percentage of the total amount collected for the United States pursuant to that contract.

(6) Protections for a contractor's records and facilities through restrictions on the authority of a contractor under a contract for the procurement of recovery services for an executive agency—

(A) to require the production of any record or information by any person other than an officer, employee, or agent of the executive agency;

(B) to establish, or otherwise have, a physical presence on the property or premises of any private sector entity for the purposes of performing the contract; or

(C) to act as agents for the Government in the recovery of funds erroneously paid to contractors.

(7) Policies for the appropriate types of management improvement programs authorized by section 815 that executive agencies may carry out to address overpayment problems and the recovery of overpayments.

SEC. 813. DISPOSITION OF RECOVERED FUNDS.

(a) AVAILABILITY OF FUNDS FOR RECOVERY AUDITS AND ACTIVITIES PROGRAM.—Funds collected under a program carried out by an executive agency under section 812 shall be available to the executive agency, in such amounts as are provided in advance in appropriations Acts, for the following purposes:

(1) To reimburse the actual expenses incurred by the executive agency in the administration of the program.

(2) To pay contractors for services under the program in accordance with the guidance issued under section 812(c)(5).

(b) FUNDS NOT USED FOR PROGRAM.—Any amounts erroneously paid by an executive agency that are recovered under such a program of an executive agency and are not used to reimburse expenses or pay contractors under subsection (a)—

(1) shall be credited to the appropriations from which the erroneous payments were made that remain available for obligation as of the time such amounts were collected, shall be merged

with other amounts in those appropriations, and shall be available for the purposes and period for which such appropriations are available; or

(2) if no such appropriation remains available for obligation at that time, shall be disposed of as provided in subsection (c).

(c) OTHER DISPOSITIONS.—Of the total amount collected under such a program of an executive agency that is to be disposed of under this subsection—

(1) up to 25 percent of such amount may be expended by the head of the executive agency for carrying out any management improvement program of the executive agency under section 815; and

(2) the remainder of that total amount, including any amount not expended under paragraph (1), shall be deposited in the Treasury as miscellaneous receipts.

(d) PRIORITY OF OTHER AUTHORIZED DISPOSITIONS.—Notwithstanding subsections (b) and (c), the authority under such subsections may not be exercised to use, credit, or deposit funds collected under such a program as provided in those subsections to the extent that any other provision of law requires or authorizes the crediting of such funds to a nonappropriated fund instrumentality, revolving fund, working-capital fund, trust fund, or other fund or account.

SEC. 814. SOURCES OF RECOVERY SERVICES.

(a) CONSIDERATION OF AVAILABLE RECOVERY RESOURCES.—(1) In carrying out a program under section 812, the head of an executive agency shall consider all resources available to that official to carry out the program.

(2) The resources considered by the head of an executive agency for carrying out the program shall include the resources available to the executive agency for such purpose from the following sources:

(A) The executive agency.

(B) Other departments and agencies of the United States.

(C) Private sector sources.

(b) COMPLIANCE WITH APPLICABLE LAW AND REGULATIONS.—Before entering into a contract with a private sector source for the performance of services under a program of the executive agency carried out under section 812, the head of an executive agency shall comply with—

(1) any otherwise applicable provisions of Office of Management and Budget Circular A–76; and

(2) any other applicable provision of law or regulation with respect to the selection between employees of the United States and private sector sources for the performance of services.

SEC. 815. MANAGEMENT IMPROVEMENT PROGRAMS.

In accordance with guidance provided by the Director of the Office of Management and Budget under section 812, the head of an executive agency required to carry out a program under section 812 may carry out a program for improving management processes within the executive agency—

(1) to address problems that contribute directly to the occurrence of errors in the paying of contractors of the executive agency; or

(2) to improve the recovery of overpayments due to the agency.

SEC. 816. REPORTS.

(a) REQUIREMENT FOR REPORTS.—Not later than 30 months after the date of the enactment of this Act, and annually for each of the first two years following the year of the first report, the Director of the Office of Management and Budget shall submit to the Committee on Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate, a report on the implementation of this subtitle.

(b) CONTENT.—Each report shall include—

(1) a general description and evaluation of the steps taken by the heads of executive agencies to carry out the programs under this subtitle, including any management improvement programs carried out under section 815;

(2) the costs incurred by executive agencies to carry out the programs under this subtitle; and

(3) the amounts recovered under the programs under this subtitle.

SEC. 817. RELATIONSHIP TO AUTHORITY OF INSPECTORS GENERAL.

Nothing in this subtitle shall be construed as impairing the authority of an Inspector General under the Inspector General Act of 1978 or any other provision of law.

SEC. 818. PRIVACY PROTECTIONS.

(a) PROHIBITION.—Any nongovernmental entity that, in the course of recovery auditing or recovery activity under this subtitle, obtains information that identifies an individual or with respect to which there is a reasonable basis to believe that the information can be used to identify an individual, may not disclose the information for any purpose other than such recovery auditing or recovery activity and governmental oversight of such activity, unless disclosure for that other purpose is authorized by the individual to the executive agency that contracted for the performance of the recovery auditing or recovery activity.

(b) LIABILITY.—Any person that violates subsection (a) shall be liable for any damages (including nonpecuniary damages), costs, and attorneys fees incurred by the individual as a result of the violation.

SEC. 819. DEFINITION.

In this subtitle, the term ''executive agency'' has the meaning given that term in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)).

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

SEC. 901. FURTHER REDUCTIONS IN DEFENSE ACQUISITION AND SUPPORT WORKFORCE

(a) REDUCTION OF DEFENSE ACQUISITION AND SUPPORT WORKFORCE.—The Secretary of Defense shall accomplish reductions in defense acquisition and support personnel positions during fiscal year 2002 so that the total number of such personnel as of October 1, 2002, is less than the total number of such personnel as of October 1, 2001, by at least 13,000.

(b) DEFENSE ACQUISITION WORKFORCE DEFINED.—For purposes of this section, the term ''defense acquisition and support personnel'' has the meaning given that term in section 931(d) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2106).

SEC. 902. SENSE OF CONGRESS ON ESTABLISHMENT OF AN OFFICE OF TRANSFORMATION IN THE DEPARTMENT OF DEFENSE.

(a) FINDINGS.—Congress finds the following:

(1) The Armed Forces should give careful consideration to implementating transformation to meet operational challenges and exploit opportunities resulting from changes in the threat environment and the emergence of new technologies.

(2) A 1999 Defense Science Board report on transformation concluded that there was no overall Department of Defense vision for transformation, no road map, no metrics to measure progress, and little sense of urgency.

(3) Historic case studies have shown that within the military, as well as commercial enterprises, successful transformation must be directed from the highest levels of an organization.

(b) SENSE OF CONGRESS ON ESTABLISHMENT OF OFFICE OF TRANSFORMATION.—It is the sense of Congress that the Secretary of Defense should consider the establishment of an Office of Transformation within the Office of the Secretary of Defense to advise the Secretary on—

(1) development of force transformation strategies to ensure that the military of the future is prepared to dissuade potential military competitors and, if that fails, to fight and win decisively across the spectrum of future conflict;

(2) ensuring a continuous and broadly focused transformation process;

(3) service and joint acquisition and experimentation efforts, funding for experimentation efforts, promising operational concepts and technologies, and other transformation activities, as appropriate; and

(4) development of service and joint operational concepts, transformation implementation strategies, and risk management strategies.

(c) SENSE OF CONGRESS ON FUNDING.—It is the sense of Congress that the Secretary of Defense should consider providing funding adequate for sponsoring selective prototyping efforts, wargames, and studies and analyses and for appropriate staffing, as recommended by the director of an Office of Transformation as described in subsection (b).

SEC. 903. REVISED JOINT REPORT ON ESTABLISHMENT OF NATIONAL COLLABORATIVE INFORMATION ANALYSIS CAPABILITY.

(a) REVISED REPORT.—At the same time as the submission of the budget for fiscal year 2003 under section 1105 of title 31, United States Code, the Secretary of Defense and the Director of Central Intelligence shall submit to the congressional defense committees and the congressional intelligence committees a revised report assessing alternatives for the establishment of a national collaborative information analysis capability.

(b) MATTERS INCLUDED.—The revised report shall cover the same matters required to be included in the DOD/CIA report, except that the alternative architectures assessed in the revised report shall be limited to architectures that include the participation of all Federal agencies involved in the collection of intelligence. The revised report shall also include a draft of legislation sufficient to carry out the preferred architecture identified in the revised report.

(c) OFFICIALS TO BE CONSULTED.—The revised report shall be prepared after consultation with all appropriate Federal officials, including the following:

(1) The Secretary of the Treasury.

(2) The Secretary of Commerce.

(3) The Secretary of State.

(4) The Attorney General.

(5) The Director of the Federal Bureau of Investigation.

(6) The Administrator of the Drug Enforcement Administration.

(7) The Director of the Defense Threat Reduction Agency.

(8) The Director of the Defense Information Systems Agency.

(d) DOD/CIA REPORT DEFINED.—In this section, the term ''DOD/CIA report'' means the joint report required by section 933 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–237).

SEC. 904. ELIMINATION OF TRIENNIAL REPORT BY CHAIRMAN OF THE JOINT CHIEFS OF STAFF ON ROLES AND MISSIONS OF THE ARMED FORCES.

(a) REPEAL OF REQUIREMENT FOR SEPARATE REPORT BY CHAIRMAN OF THE JOINT CHIEFS OF STAFF.—Section 153 of title 10, United States Code, is amended by striking subsection (b).

(b) ROLES AND MISSIONS CONSIDERED AS PART OF DEFENSE QUADRENNIAL REVIEW.—Subsection 118(e) of such title is amended—

(1) by inserting ''(1)'' before ''Upon the completion'';

(2) by designating the second and third sentences as paragraph (3); and

(3) by inserting after paragraph (1), as designated by paragraph (1) of this subsection, the following new paragraph:

''(2) As part of his assessment under paragraph (1), the Chairman shall provide his assessment of the assignment of functions (or roles

and missions) to the armed forces and such recommendations for changes thereto as the Chairman considers necessary to achieve maximum efficiency of the armed forces. In preparing such assessment, the Chairman shall consider (among other matters) the following:

''(A) Unnecessary duplication of effort among the armed forces.

''(B) Changes in technology that can be applied effectively to warfare.''.

SEC. 905. REPEAL OF REQUIREMENT FOR SEMI-ANNUAL REPORTS THROUGH MARCH 2003 ON ACTIVITIES OF JOINT REQUIREMENTS OVERSIGHT COUNCIL.

Section 916 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–231) is repealed.

SEC. 906. CORRECTION OF REFERENCES TO AIR MOBILITY COMMAND.

(a) REFERENCES IN TITLE 10, UNITED STATES CODE.—Sections 2554(d) and 2555(a) of title 10, United States Code, are each amended by striking ''Military Airlift Command'' and inserting ''Air Mobility Command''.

(b) REPEAL OF OBSOLETE PROVISION.—Section 8074 of such title is amended by striking subsection (c).

(c) REFERENCES IN TITLE 37, UNITED STATES CODE.—Sections 430(c) and 432(b) of title 37, United States Code, are each amended by striking ''Military Airlift Command'' and inserting ''Air Mobility Command''.

SEC. 907. ORGANIZATIONAL ALIGNMENT CHANGE FOR DIRECTOR FOR EXPEDITIONARY WARFARE.

Section 5038(a) of title 10, United States Code, is amended by striking ''Office of the Deputy Chief of Naval Operations for Resources, Warfare Requirements, and Assessments'' and inserting ''office of the Deputy Chief of Naval Operations with responsibility for warfare requirements and programs''.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2002 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $2,000,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. INCORPORATION OF CLASSIFIED ANNEX.

(a) STATUS OF CLASSIFIED ANNEX.—The Classified Annex prepared by the Committee on Armed Services of the House of Representatives to accompany its report on the bill H.R. 2586 of the One Hundred Seventh Congress and transmitted to the President is hereby incorporated into this Act.

(b) CONSTRUCTION WITH OTHER PROVISIONS OF ACT.—The amounts specified in the Classified Annex are not in addition to amounts authorized to be appropriated by other provisions of this Act.

(c) LIMITATION ON USE OF FUNDS.—Funds appropriated pursuant to an authorization contained in this Act that are made available for a program, project, or activity referred to in the Classified Annex may only be expended for such program, project, or activity in accordance with such terms, conditions, limitations, restrictions, and requirements as are set out for that program, project, or activity in the Classified Annex.

(d) DISTRIBUTION OF CLASSIFIED ANNEX.—The President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the annex, within the executive branch of the Government.

SEC. 1003. LIMITATION ON FUNDS FOR BOSNIA AND KOSOVO PEACEKEEPING OPERATIONS FOR FISCAL YEAR 2002.

(a) LIMITATION.—Of the amounts authorized to be appropriated by section 301(24) for the Overseas Contingency Operations Transfer Fund—

(1) no more than $1,315,600,000 may be obligated for incremental costs of the Armed Forces for Bosnia peacekeeping operations; and

(2) no more than $1,528,600,000 may be obligated for incremental costs of the Armed Forces for Kosovo peacekeeping operations.

(b) PRESIDENTIAL WAIVER.—The President may waive the limitation in subsection (a)(1), or the limitation in subsection (a)(2), after submitting to Congress the following:

(1) The President's written certification that the waiver is necessary in the national security interests of the United States.

(2) The President's written certification that exercising the waiver will not adversely affect the readiness of United States military forces.

(3) A report setting forth the following:

(A) The reasons that the waiver is necessary in the national security interests of the United States.

(B) The specific reasons that additional funding is required for the continued presence of United States military forces participating in, or supporting, Bosnia peacekeeping operations, or Kosovo peacekeeping operations, as the case may be, for fiscal year 2002.

(C) A discussion of the impact on the military readiness of United States Armed Forces of the continuing deployment of United States military forces participating in, or supporting, Bosnia peacekeeping operations, or Kosovo peacekeeping operations, as the case may be.

(4) A supplemental appropriations request for the Department of Defense for such amounts as are necessary for the additional fiscal year 2002 costs associated with United States military forces participating in, or supporting, Bosnia or Kosovo peacekeeping operations.

(c) PEACEKEEPING OPERATIONS DEFINED.—For the purposes of this section:

(1) The term ''Bosnia peacekeeping operations'' has the meaning given such term in section 1004(e) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2112).

(2) The term ''Kosovo peacekeeping operations''—

(A) means the operation designated as Operation Joint Guardian and any other operation involving the participation of any of the Armed Forces in peacekeeping or peace enforcement activities in and around Kosovo; and

(B) includes, with respect to Operation Joint Guardian or any such other operation, each activity that is directly related to the support of the operation.

SEC. 1004. INCREASE IN LIMITATIONS ON ADMINISTRATIVE AUTHORITY OF THE NAVY TO SETTLE ADMIRALTY CLAIMS.

(a) ADMIRALTY CLAIMS AGAINST THE UNITED STATES.—Section 7622 of title 10, United States Code, is amended—

(1) in subsections (a) and (b), by striking ''$1,000,000'' and inserting ''$15,000,000''; and

(2) in subsection (c), by striking ''$100,000'' and inserting ''$1,000,000''.

(b) ADMIRALTY CLAIMS BY THE UNITED STATES.—Section 7623 of such title is amended—

(1) in subsection (a)(2), by striking ''$1,000,000'' and inserting ''$15,000,000''; and

(2) in subsection (c), by striking ''$100,000'' and inserting ''$1,000,000''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to any claim accruing on or after February 1, 2001.

Subtitle B—Naval Vessels

SEC. 1011. REVISION IN TYPES OF EXCESS NAVAL VESSELS FOR WHICH APPROVAL BY LAW IS REQUIRED FOR DISPOSAL TO FOREIGN NATIONS.

(a) REVISION IN VESSEL THRESHOLD.—Section 7307 of title 10, United States Code, is amended—

(1) in subsection (a), by striking ''A naval vessel'' and inserting ''Except as provided in subsection (b), a combatant naval vessel'';

(2) by redesignating subsection (b) as subsection (c);

(3) by inserting after subsection (a) the following new subsection (b):

''(b) TREATMENT OF VESSELS HELD BY FOREIGN NATIONS BY LOAN OR LEASE.—Subsection (a) shall not apply to the disposal to another nation of a vessel described in that subsection that, at the time of the disposal, is held by the nation to which the disposal is to be made pursuant to a loan or lease arrangement made under section 61 of the Arms Export Control Act (22 U.S.C. 2796) or any other provision of law.''; and

(4) by adding after subsection (c), as redesignated by paragraph (2), the following new subsection:

''(d) INAPPLICABILITY OF VESSEL DISPOSALS TO AGGREGATE ANNUAL VALUE LIMITATIONS.—The value of a vessel transferred to another country under an applicable provision of law as described in subsection (c) shall not be counted for the purposes of any aggregate limit on the value of articles transferred to other countries under that provision of law during any year (or other applicable period of time).''.

(b) TECHNICAL AMENDMENTS.—Subsection (a) of such section is further amended—

(1) by striking ''LARGER OR NEWER'' in the subsection heading and inserting ''CERTAIN COMBATANT; and

(2) by striking ''approved by law enacted after August 5, 1974'' and inserting ''specifically approved by law''.

Subtitle C—Counter-Drug Activities

SEC. 1021. EXTENSION OF REPORTING REQUIREMENT REGARDING DEPARTMENT OF DEFENSE EXPENDITURES TO SUPPORT FOREIGN COUNTER-DRUG ACTIVITIES.

Section 1022 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398; 114 Stat. 1654A–255) is amended—

(1) by inserting ''and April 15, 2002,'' after ''January 1, 2001,''; and

(2) by striking ''fiscal year 2000'' and inserting ''the preceding fiscal year''.

SEC. 1022. AUTHORITY TO TRANSFER TRACKER AIRCRAFT CURRENTLY USED BY ARMED FORCES FOR COUNTER-DRUG PURPOSES.

(a) TRANSFER AUTHORITY.—The Secretary of Defense may transfer to the administrative jurisdiction and operational control of another Federal agency all Tracker aircraft in the inventory of the Department of Defense.

(b) EFFECT OF FAILURE TO TRANSFER.—If the transfer authority provided by subsection (a) is not exercised by the Secretary of Defense by September 30, 2002, any Tracker aircraft remaining in the inventory of the Department of Defense may not be used by the Armed Forces for counter-drug purposes after that date.

SEC. 1023. AUTHORITY TO TRANSFER TETHERED AEROSTAT RADAR SYSTEM CURRENTLY USED BY ARMED FORCES FOR COUNTER-DRUG PURPOSES.

(a) TRANSFER AUTHORITY.—The Secretary of Defense may transfer to the administrative jurisdiction and operational control of another Federal agency the Tethered Aerostat Radar System currently used by the Armed Forces in maritime, air, and land counter-drug detection and monitoring.

(b) EFFECT OF FAILURE TO TRANSFER.—If the transfer authority provided by subsection (a) is not exercised by the Secretary of Defense by September 30, 2002, the Tethered Aerostat Radar System may not be used by the Armed Forces for counter-drug purposes after that date.

Subtitle D—Reports

SEC. 1031. REQUIREMENT THAT DEPARTMENT OF DEFENSE REPORTS TO CONGRESS BE ACCOMPANIED BY ELECTRONIC VERSION.

(a) IN GENERAL.—Chapter 23 of title 10, United States Code, is amended by inserting after the table of sections the following new section:

"§ 480. Department of Defense reports: submission in electronic form

''(a) REQUIREMENT.—Whenever the Secretary of Defense or any other official of the Department of Defense is required by law to submit a report to Congress (or any committee of either House of Congress), the Secretary or other official shall provide to Congress (or each such committee) a copy of the report in an electronic medium.

''(b) EXCEPTION.—Subsection (a) does not apply to a report submitted in classified form.

''(c) DEFINITION.—In this section, the term 'report' includes any certification, notification, or other communication in writing.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting before the item relating to section 481 the following new item:

''480. Department of Defense reports: submission in electronic form.''.

SEC. 1032. REPORT ON DEPARTMENT OF DEFENSE ROLE IN HOMELAND SECURITY MATTERS.

The Secretary of Defense shall conduct a study on the appropriate role for the Department of Defense in homeland security matters. The Secretary shall submit to the Congress a report on the results of that study at the same time that the budget of the President for fiscal year 2003 is submitted to Congress.

SEC. 1033. REVISION OF ANNUAL REPORT TO CONGRESS ON NATIONAL GUARD AND RESERVE COMPONENT EQUIPMENT.

The text of section 10541 of title 10, United States Code, is amended to read as follows:

''(a) REQUIREMENT.—The Secretary of Defense shall submit to Congress each year, not later than March 1, a written report concerning the equipment of the National Guard and the reserve components of the armed forces. Each such report shall cover the current fiscal year and the three succeeding years.

''(b) MATTERS TO BE INCLUDED IN REPORT.—Each report under this section shall include the following (shown in the aggregate and separately for each reserve component):

''(1) A list of major items of equipment required and on-hand in the inventories of the reserve components.

''(2) A list of major items of equipment that are expected to be procured from commercial sources or transferred from the active component to the reserve components.

''(3) A statement of major items of equipment in the inventories of the reserve components that are substitutes for a required major item of equipment.

''(4) A narrative explanation of the plan of the Secretary concerned to equip each reserve component, including an explanation of the plan to equip units of the reserve components that are short major items of equipment at the outset of war or a contingency operation.

''(5) A narrative discussing the current status of the compatibility and interoperability of equipment between the reserve components and the active forces and the effect of that level of compatibility or interoperability on combat effectiveness, together with a plan to achieve full equipment compatibility and interoperability.

''(6) A narrative discussing modernization shortfalls and maintenance backlogs within the reserve components and the effect of those shortfalls on combat effectiveness.

''(7) A narrative discussing the overall age and condition of equipment currently in the inventory of the reserve components.

''(c) MAJOR ITEMS OF EQUIPMENT.—In this section, the term 'major items of equipment' includes ships, aircraft, combat vehicles, and key combat support equipment.

''(d) FORMAT AND LEVEL OF DETAIL.—Each report under this section shall be expressed in the same format and with the same level of detail as the information presented in the Future-Years Defense Program Procurement Annex prepared by the Department of Defense.''.

Subtitle E—Other Matters

SEC. 1041. DEPARTMENT OF DEFENSE GIFT AUTHORITIES.

(a) ADDITIONAL ITEMS AUTHORIZED TO BE DONATED BY SECRETARY OF THE NAVY.—Section 7545 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''Subject to'' and all that follows through ''by him,'' and inserting ''AUTHORITY TO MAKE LOANS AND GIFTS.—The Secretary of the Navy'';

(B) by striking ''captured, condemned,'' and all that follows through ''to—'' and inserting ''items described in subsection (b) that are not needed by the Department of the Navy to any of the following:''

(C) by capitalizing the first letter after the paragraph designation in each of paragraphs (1) through (12);

(D) by striking the semicolon at the end of paragraphs (1) through (10) and inserting a period;

(E) by striking ''; or'' at the end of paragraph (11) and inserting a period;

(F) in paragraph (5), by striking ''World War I or World War II'' and inserting ''a foreign war'';

(G) in paragraph (6), by striking ''soldiers' monument'' and inserting ''servicemen's monument''; and

(H) in paragraph (8), by inserting ''or memorial'' after ''a museum'';

(2) by redesignating subsections (b) and (c) as subsections (d) and (e), respectively;

(3) by inserting after subsection (a) the following new subsections:

''(b) ITEMS ELIGIBLE FOR DISPOSAL.—This section applies to the following types of property held by the Department of the Navy:

''(1) Captured, condemned, or obsolete ordnance material.

''(2) Captured, condemned, or obsolete combat or shipboard material.

''(c) REGULATIONS.—A loan or gift made under this section shall be subject to regulations prescribed by the Secretary of the Navy and to regulations under section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486).'';

(4) in subsection (d) (as redesignated by paragraph (2)), by inserting ''MAINTENANCE OF THE RECORDS OF THE GOVERNMENT.—'' after the subsection designation;

(5) in subsection (e) (as redesignated by paragraph (2)), by inserting ''ALTERNATIVE AUTHORITIES TO MAKE GIFTS OR LOANS.—'' after the subsection designation; and

(6) by adding at the end the following new subsection:

''(f) AUTHORITY TO TRANSFER A PORTION OF A VESSEL.—The Secretary may lend, give, or otherwise transfer any portion of the hull or superstructure of a vessel stricken from the Naval Vessel Register and designated for scrapping to a qualified organization specified in subsection (a). The terms and conditions of an agreement for the transfer of a portion of a vessel under this section shall include a requirement that the transferee will maintain the material conveyed in a condition that will not diminish the historical value of the material or bring discredit upon the Navy.''.

(b) CONFORMING AMENDMENTS.—Section 2572(a) of such title is amended—

(1) in paragraph (2), by striking ''soldiers' monument'' and inserting ''servicemen's monument''; and

(2) in paragraph (4), by inserting ''or memorial'' after ''An incorporated museum''.

SEC. 1042. TERMINATION OF REFERENDUM REQUIREMENT REGARDING CONTINUATION OF MILITARY TRAINING ON ISLAND OF VIEQUES, PUERTO RICO, AND IMPOSITION OF ADDITIONAL CONDITIONS ON CLOSURE OF LIVE-FIRE TRAINING RANGE.

(a) IN GENERAL.—Title XV of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398; 114 Stat. 1654A–348) is amended by striking sections 1503, 1504, and 1505 and inserting the following new sections:

"SEC. 1503. CONDITIONS ON CLOSURE OF VIEQUES NAVAL TRAINING RANGE.

''(a) REQUIRED CERTIFICATION.—The Secretary of the Navy may close the Vieques Naval Training Range on the island of Vieques, Puerto Rico, and discontinue live-fire training at that range only if—

''(1) the Chief of Naval Operations and the Commandant of the Marine Corps jointly certify that there is an alternative training facility that provides an equivalent or superior level of training for units of the Navy and the Marine Corps stationed or deployed in the eastern United States; and

''(2) the new facility is available and fully capable of supporting such training immediately upon cessation of live-fire training on Vieques.

''(b) EQUIVALENT OR SUPERIOR LEVEL OF TRAINING DEFINED.—In this section, the term 'equal or superior level of training' refers to an ability by the Armed Forces to conduct at a single location coordinated live-fire training, including simultaneous large-scale tactical air strikes, naval surface fire support and artillery, and amphibious landing operations, as was conducted at Vieques Naval Training Range before April 19, 1999.

"SEC. 1504. NAVY RETENTION OF CLOSED VIEQUES NAVAL TRAINING RANGE.

''(a) RETENTION.—If the conditions specified in section 1503(a) are satisfied and the Secretary of the Navy terminates all Navy and Marine Corps training operations on the island of Vieques, the Secretary of the Navy shall retain administrative jurisdiction over the Live Impact Area and all other Department of Defense real properties on the eastern side of the island for possible reactivation for training use, including live-fire training, in the event a national emergency.

''(b) ADMINISTRATION.—The Secretary of the Navy may enter into a cooperative agreement with the Secretary of the Interior to provide for management of the property described in subsection (a), pending reactivation for training use, by appropriate agencies of the Department of the Interior as follows:

''(1) Management of the Live Impact Area as a wilderness area under the Wilderness Act (16 U.S.C. 1131 et seq.), including a prohibition on public access to the area.

''(2) Management of the remaining property as wildlife refuges under the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.).

''(c) LIVE IMPACT AREA DEFINED.—In this section, the term 'Live Impact Area' means the parcel of real property, consisting of approximately 900 acres (more or less), on the island of Vieques that is designated by the Secretary of the Navy for targeting by live ordnance in the training of forces of the Navy and Marine Corps.''.

(b) CONFORMING AMENDMENT.—Section 1507(c) of such Act is amended by striking ''the issuance of a proclamation described in section 1504(a) or''.

SEC. 1043. REPEAL OF LIMITATION ON REDUCTIONS IN PEACEKEEPER ICBM MISSILES.

Subsection (a)(1) of section 1302 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85) is amended by striking subparagraph (D).

SEC. 1044. SENSE OF THE CONGRESS ON THE IMPORTANCE OF THE KWAJALEIN MISSILE RANGE/RONALD REAGAN DEFENSE INITIATIVE TEST SITE AT KWAJALEIN ATOLL.

(a) IMPORTANCE OF MISSILE RANGE.—Congress recognizes the importance of the Kwajalein Missile Range to the Department of Defense, particularly in that—

(1) Kwajalein acts as a buffer between Hawaii and Asia and provides an important role in monitoring potential adversaries in the Pacific Theatre; and

(2) the range is the only location at which tests for United States exoatmospheric ballistic missile defense intercepts occurs.

(b) FINDINGS.—Congress finds that the Department of Defense conducted a study regarding the importance of Kwajalein Missile Range and made the following findings:

(1) The United States has an overriding defense interest in continuing the use of the Kwajalein Missile Range and facilities on Kwajalein Atoll.

(2) The requirements of United States missile defense and space surveillance programs, combined with the uniqueness of Kwajalein's location, and infrastructure investment, make renewal of the Compact in the best interest of the Department of Defense.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the United States—

(1) should work to continue the long-term relationship of the Department of Defense with the Kwajalein Missile Range/Ronald Reagan Defense Initiative Test Site at Kwajalein Atoll; and

(2) should continue to recognize the vital importance of that test site to the national security of the United States and peacekeeping efforts in Asia.

SEC. 1045. TRANSFER OF VIETNAM ERA F–4 AIRCRAFT TO NONPROFIT MUSEUM.

(a) AUTHORITY TO CONVEY.—The Secretary of the Air Force may convey, without consideration, to the nonprofit National Aviation Museum and Foundation of Oklahoma (in this section referred to as the ''museum''), all right, title, and interest of the United States in and to one surplus F–4 aircraft that is flyable or that can be readily restored to flyable condition. The conveyance shall be made by means of a conditional deed of gift.

(b) CONDITION OF AIRCRAFT.—(1) The Secretary may not convey ownership of an aircraft under subsection (a) until the Secretary determines that the museum has altered the aircraft in such manner as the Secretary determines necessary to ensure that the aircraft does not have any capability for use as a platform for launching or releasing munitions or any other combat capability that it was designed to have.

(2) The Secretary is not required to repair or alter the condition of the aircraft before conveying ownership of the aircraft.

(c) REVERTER UPON BREACH OF CONDITIONS.—The Secretary shall include in the instrument of conveyance of the aircraft—

(1) a condition that the museum not convey any ownership interest in, or transfer possession of, the aircraft to any other party without the prior approval of the Secretary;

(2) a condition that the museum operate and maintain the aircraft in compliance with all applicable limitations and maintenance requirements imposed by the Administrator of the Federal Aviation Administration; and

(3) a condition that if the Secretary determines at any time that the museum has conveyed an ownership interest in, or transferred possession of, the aircraft to any other party without the prior approval of the Secretary, or has failed to comply with the condition set forth in paragraph (2), all right, title, and interest in and to the aircraft, including any repair or alteration of the aircraft, shall revert to the United States, and the United States shall have the right of immediate possession of the aircraft.

(d) CONVEYANCE AT NO COST TO THE UNITED STATES.—The conveyance of the aircraft under subsection (a) shall be made at no cost to the United States. Any costs associated with the conveyance, costs of determining compliance with subsection (b), and costs of operation and maintenance of the aircraft conveyed shall be borne by the museum.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with a conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 1046. BOMBER FORCE STRUCTURE.

(a) LIMITATION.—None of the funds available to the Department of Defense for fiscal year 2002 may be obligated or expended for retiring or dismantling any of the 93 B–1B Lancer bombers in service as of June 1, 2001, or for transferring or reassigning any of those aircraft from the unit or the facility to which assigned as of that date, until each of the following has occurred:

(1) The President transmits to Congress a national security strategy report under section 108 of the National Security Act of 1947 (50 U.S.C. 4040) as required by subsection (a)(3) of that section.

(2) The Secretary of Defense submits to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives the Quadrennial Defense Review (QDR) under section 118 of title 10, United States Code, that under that section is required to be submitted not later than September 30, 2001.

(3) The Secretary of Defense submits to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report that provides—

(A) the changes in national security considerations from those applicable to the air force bomber studies conducted during 1992 and 1995 that warrant changes in the current configuration of the bomber fleet; and

(B) the plans of the Department of Defense for assigning new missions to the National Guard units that currently fly B–1 aircraft and for the transition of those units and their facilities from the current B–1 mission to their future missions.

(4) The Secretary of Defense submits to Congress the annual report of the Secretary for 2001 required by section 113(c) of title 10, United States Code.

(5) The Secretary of Defense submits to Congress a report on the results of the Revised Nuclear Posture Review conducted under section 1042 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–262), as required by subsection (c) of that section.

(6) The Secretary of Defense conducts, and submits to the Committee on Armed Services of the Senate and Committee on Armed Services of the House of Representatives a report on the results of, a comprehensive study to determine—

(A) the role of manned bomber aircraft appropriate to meet the requirements derived from the National Security Strategy report referred to in paragraph (1);

(B) the amount and type of bomber force structure in the United States Air Force appropriate to meet the requirements derived from the National Security Strategy report referred to in paragraph (1); and

(C) the most cost effective allocation of bomber force structure, factoring in use of the reserve components of the Air Force consistent with the requirements of the National Security Strategy report referred to in paragraph (1).

(b) GAO STUDY AND REPORT.—The Comptroller General of the United States shall conduct a study on the same matters as specified in subparagraphs (A), (B), and (C) of subsection (a)(6). The Comptroller General shall submit to Congress a report containing the results of that study not later than 180 days after the date of the submission of the report referred to in subsection (a)(6)

(c) DEFINITIONS.—For purposes of this section:

(1) AMOUNT AND TYPE OF BOMBER FORCE STRUCTURE.—The term ''amount and type of bomber force structure'' means the required numbers of B–2 aircraft, B–52 aircraft, and B–1 aircraft consistent with the requirements of the National Security Strategy referred to in subsection (a)(1).

(2) COST EFFECTIVE ALLOCATION OF BOMBER FORCE STRUCTURE.—The term ''cost effective allocation of bomber force structure'' means the lowest cost for stationing, maintaining, and operating the bomber fleet fully consistent with the requirements of the National Security Strategy referred to in subsection (a)(1).

SEC. 1047. TECHNICAL AND CLERICAL AMENDMENTS.

(a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) The tables of chapters at the beginning of subtitle A, and at the beginning of part II of subtitle A, are each amended by striking the period after ''1111'' in the item relating to chapter 56.

(2) Section 119(g)(2) is amended by striking ''National Security Subcommittee'' and inserting ''Subcommittee on Defense''.

(3) Section 130c(b)(3)(C) is amended by striking ''subsection (f)'' and inserting ''subsection (g)''.

(4) Section 176(a)(3) is amended by striking ''Chief Medical Director'' and inserting ''Under Secretary for Health''.

(5)(A) Section 503(c) is amended in paragraph (6)(A)(i) by striking ''14101(18)'' and ''8801(18)'' and inserting ''14101'' and ''8801'', respectively.

(B) The amendment made by subparagraph (A) shall take effect on July 1, 2002, immediately after the amendment to such section effective that date by section 563(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398; 114 Stat. 131).

(6) Section 663(e) is amended—

(A) by striking ''Armed Forces Staff College'' in paragraph (1) and inserting ''Joint Forces Staff College''; and

(B) by striking ''ARMED FORCES STAFF COLLEGE'' and inserting ''JOINT FORCES STAFF COLLEGE''.

(7) Section 667(17) is amended by striking ''Armed Forces Staff College'' both places it appears and inserting ''Joint Forces Staff College''.

(8) Section 874(a) is amended by inserting after ''a sentence of confinement for life without eligibility for parole'' the following: ''that is adjudged for an offense committed after October 29, 2000''.

(9) Section 1056(c)(2) is amended by striking '', not later than September 30, 1991,''.

(10) The table of sections at the beginning of chapter 55 is amended by transferring the item relating to section 1074i, as inserted by section 758(b) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398; 114 Stat. 1654A–

200), so as to appear after the item relating to section 1074h.

(11) Section 1097a(e) is amended by striking ''section 1072'' and inserting ''section 1072(2)''.

(12) Sections 1111(a) and 1114(a)(1) are each amended by striking ''hereafter'' and inserting ''hereinafter''.

(13) Section 1116 is amended—

(A) in subsection (a)(2)(B), by inserting an open parenthesis before ''other than for training''; and

(B) in subsection (b)(2)(D), by striking ''section 111(c)(4)'' and inserting ''section 1115(c)(4)''.

(14) The heading for subchapter II of chapter 75 is transferred within that chapter so as to appear before the table of sections at the beginning of that subchapter (as if the amendment made by section 721(c)(1) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 694) had inserted that heading following section 1471 instead of before section 1475).

(15) Section 1611(d) is amended by striking ''with''.

(16) Section 2166(e)(9) is amended by striking ''App. 2'' and inserting ''App.''.

(17) Section 2323(a)(1)(C) is amended—

(A) by striking ''section 1046(3)'' and inserting ''section 365(3)'';

(B) by striking ''20 U.S.C. 1135d–5(3)'' and inserting ''20 U.S.C. 1067k''; and

(C) by striking '', which, for the purposes of this section'' and all that follows through the period at the end and inserting a period.

(18) Section 2375(b) is amended by inserting ''(41 U.S.C. 430)'' after ''section 34 of the Office of Federal Procurement Policy Act''.

(19) Section 2376(1) is amended by inserting ''(41 U.S.C. 403)'' after ''section 4 of the Office of Federal Procurement Policy Act''.

(20) Section 2410f(a) is amended by inserting after ''inscription'' the following: '', or another inscription with the same meaning,''.

(21) Section 2461a(a)(2) is amended by striking ''effeciency'' and inserting ''efficiency''.

(22) Section 2467 is amended—

(A) in subsection (a)(2)—

(i) by striking '', United States Code'' in subparagraph (A); and

(ii) by striking ''such'' in subparagraphs (B) and (C); and

(B) in subsection (b)(2)(A), by striking ''United States Code,''.

(23) Section 2535 is amended—

(A) in subsection (a)—

(i) by striking ''intent of Congress'' and inserting ''intent of Congress—'';

(ii) by realigning clauses (1), (2), (3), and (4) so that each such clause appears as a separate paragraph indented two ems from the left margin; and

(iii) in paragraph (1), as so realigned, by striking ''Armed Forces'' and inserting ''armed forces'';

(B) in subsection (b)(1)—

(i) by striking ''in this section, the Secretary is authorized and directed to—'' and inserting ''in subsection (a), the Secretary of Defense shall—''; and

(ii) by striking ''defense industrial reserve'' in subparagraph (A) and inserting ''Defense Industrial Reserve''; and

(C) in subsection (c)—

(i) by striking paragraph (1);

(ii) by redesignating paragraph (2) as paragraph (1) and in that paragraph—

(I) by striking ''means'' and inserting ''means—'';

(II) by realigning clauses (A), (B), and (C) so that each such clause appears as a separate subparagraph indented four ems from the left margin; and

(III) by inserting ''and'' at the end of subparagraph (B), as so realigned; and

(iii) by redesignating paragraph (3) as paragraph (2).

(24) Section 2541c is amended by striking ''subtitle'' both places it appears in the matter preceding paragraph (1) and inserting ''subchapter''.

(25) The second section 2555, added by section 1203(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398; 114 Stat. 1654A–324), is redesignated as section 2565, and the item relating to that section in the table of sections at the beginning of chapter 152 is revised to conform to such redesignation.

(26) The second section 2582, added by section 1(a) of Public Law 106–446 (114 Stat. 1932), is redesignated as section 2583, and the item relating to that section in the table of sections at the beginning of chapter 153 is revised to conform to such redesignation.

(27)(A) Section 2693(a) is amended—

(i) in the matter preceding paragraph (1), by inserting ''of Defense'' after ''Secretary''; and

(ii) in paragraph (3)—

(I) by inserting ''to the Secretary of Defense'' after ''certifies'';

(II) by inserting ''(42 U.S.C. 3762a)'' after ''of 1968''; and

(III) by striking ''to the public agencies referred to in section 515(a)(1) or 515(a)(3) of title I of such Act'' and inserting ''to a public agency referred to in paragraph (1) or (3) of subsection (a) of such section''.

(B)(i) The heading of such section is amended to read as follows:

''§ 2693. Conveyance of certain property: Department of Justice correctional options program''.

(ii) The item relating to such section in the table of sections at the beginning of chapter 159 is amended to read as follows:

''2693. Conveyance of certain property: Department of Justice correctional options program.''.

(28) Section 3014(f)(3) is amended by striking ''the number equal to'' and all that follows and inserting ''67.''.

(29) Section 5014(f)(3) is amended by striking ''the number equal to'' and all that follows and inserting ''74.''.

(30) Section 8014(f)(3) is amended by striking ''the number equal to'' and all that follows and inserting ''60.''.

(31) Section 9783(e)(1) is amended by striking ''40101(a)(2)'' and inserting ''40102(a)(2)''.

(32) Section 12741(a)(2) is amended by striking ''received'' and inserting ''receive''.

(b) AMENDMENTS RELATING TO CHANGE IN TITLE OF UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS.—Title 10, United States Code, is further amended as follows:

(1) Section 133a(b) is amended by striking ''shall assist the Under Secretary of Defense for Acquisition and Technology'' and inserting ''shall assist the Under Secretary of Defense for Acquisition, Technology, and Logistics''.

(2) The following provisions are each amended by striking ''Under Secretary of Defense for Acquisition and Technology'' and inserting ''Under Secretary of Defense for Acquisition, Technology, and Logistics'': sections 139(c), 139(f), 171(a)(3), 179(a)(1), 1702, 1703, 1707(a), 1722(a), 1722(b)(2)(B), 1735(c)(1), 1737(c)(1), 1737(c)(2)(B), 1741(b), 1746(a), 1761(b)(4), 1763, 2302c(a)(2), 2304(f)(1)(B)(iii), 2304(f)(6)(B), 2311(c)(1), 2311(c)(2)(B), 2350a(b)(2), 2350a(e)(1)(A), 2350a(e)(2)(B), 2350a(f)(1), 2399(b)(3), 2435(b), 2435(d)(2), 2521(a), and 2534(i)(3).

(3)(A) The heading for section 1702 is amended to read as follows:

''§ 1702. Under Secretary of Defense for Acquisition, Technology, and Logistics: authorities and responsibilities''.

(B) The item relating to section 1702 in the table of sections at the beginning of subchapter I of chapter 87 is amended to read as follows:

''1702. Under Secretary of Defense for Acquisition, Technology, and Logistics: authorities and responsibilities.''.

(4) Section 2503(b) is amended by striking ''Under Secretary of Defense for Acquisition'' and inserting ''Under Secretary of Defense for Acquisition, Technology, and Logistics''.

(c) AMENDMENTS TO SUBSTITUTE CALENDAR DATES FOR DATE-OF-ENACTMENT REFERENCES.—Title 10, United States Code, is further amended as follows:

(1) Section 130c(d)(1) is amended by striking ''the date of the enactment of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001'' and inserting ''October 30, 2000,''.

(2) Section 184(a) is amended by striking ''the date of the enactment of this section,'' and inserting ''October 30, 2000,''.

(3) Section 986(a) is amended by striking ''the date of the enactment of this section,'' and inserting ''October 30, 2000,''.

(4) Section 1074g(a)(8) is amended by striking ''the date of the enactment of this section'' and inserting ''October 5, 1999,''.

(5) Section 1079(h)(2) is amended by striking ''the date of the enactment of this paragraph'' and inserting ''February 10, 1996,''.

(6) Section 1206(5) is amended by striking ''the date of the enactment of the National Defense Authorization Act for Fiscal Year 2000,'' and inserting ''October 5, 1999,''.

(7) Section 1405(c)(1) is amended by striking ''the date of the enactment of the National Defense Authorization Act for Fiscal Year 1995,'' and inserting ''October 5, 1994,''.

(8) Section 1407(f)(2) is amended by striking ''the date of the enactment of this subsection—'' and inserting ''October 30, 2000—''.

(9) Section 1408(d)(6) is amended by striking ''the date of the enactment of this paragraph'' and inserting ''August 22, 1996,''.

(10) Section 1511(b) is amended by striking ''the date of the enactment of this chapter.'' and inserting ''February 10, 1996.''.

(11) Section 2461a(b)(1) is amended by striking ''the date of the enactment of this section,'' and inserting ''October 30, 2000,''.

(12) Section 4021(c)(1) is amended by striking ''the date of the enactment of this section.'' and inserting ''November 29, 1989.''.

(13) Section 6328(a) is amended by striking ''the date of the enactment of this section'' and inserting ''February 10, 1996,''.

(14) Section 7439 is amended—

(A) in subsection (a)(2), by striking ''one year after the date of the enactment of this section,'' and inserting ''November 18, 1998,'';

(B) in subsection (b)(1), by striking ''the date of the enactment of this section,'' and inserting ''November 18, 1997,'';

(C) in subsection (b)(2), by striking ''the end of the one-year period beginning on the date of the enactment of this section.'' and inserting ''November 18, 1998.''; and

(D) in subsection (f)(2), by striking ''the date of the enactment of this section'' and inserting ''November 18, 1997,''.

(15) Section 12533 is amended—

(A) in each of subsections (b) and (c)(1), by striking ''the date of the enactment of this section.'' and inserting ''November 18, 1997.''; and

(B) in each of subsections (c)(2) and (d), by striking ''the date of the enactment of this section'' and inserting ''November 18, 1997,''.

(16) Section 12733(3) is amended—

(A) in subparagraph (B), by striking ''the date of the enactment of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001;'' and inserting ''October 30, 2000;''; and

(B) in subparagraph (C), by striking ''the date of the enactment of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001'' and inserting ''October 30, 2000,''.

(d) AMENDMENTS RELATING TO CHANGE IN TITLE OF MCKINNEY-VENTO HOMELESS ASSISTANCE ACT.—The following provisions are each amended by striking ''Stewart B. McKinney Homeless Assistance Act'' and inserting ''McKinney-Vento Homeless Assistance Act'':

(1) Sections 2814(j)(2), 2854a(d)(2), and 2878(d)(4) of title 10, United States Code.

(2) Sections 2905(b)(6)(A) and 2910(11) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(3) Section 204(b)(6)(A) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

(4) Section 2915(c)(10) of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 2687 note).

(5) Section 2(e)(4)(A) of the Base Closure Community Redevelopment and Homeless Assistance Act of 1994 (Public Law 103–421; 10 U.S.C. 2687 note).

(6) Section 1053(a) of the National Defense Authorization Act for Fiscal Year 1997 (110 Stat. 2650).

(e) AMENDMENTS TO REPEAL OBSOLETE PROVISIONS.—Title 10, United States Code, is further amended as follows:

(1) Section 1144 is amended—

(A) in subsection (a)(3), by striking the second sentence; and

(B) by striking subsection (e).

(2) Section 1581(b) is amended—

(A) by striking ''(1)'' and all that follows through ''The Secretary of Defense shall deposit'' and inserting ''The Secretary of Defense shall deposit''; and

(B) by striking ''on or after December 5, 1991,''.

(3) Subsection (e) of section 1722 is repealed.

(4) Subsection 1732(a) is amended by striking the second sentence.

(5) Section 1734 is amended—

(A) in subsection (b)(1)(B), by striking ''on and after October 1, 1991,''; and

(B) in subsection (e)(2), by striking the last sentence.

(6)(A) Section 1736 is repealed.

(B) The table of sections at the beginning of subchapter III of chapter 87 is amended by striking the item relating to section 1736.

(7)(A) Sections 1762 and 1764 are repealed.

(B) The table of sections at the beginning of subchapter V of chapter 87 is amended by striking the items relating to sections 1762 and 1764.

(8) Section 2112(a) is amended by striking '', with the first class graduating not later than September 21, 1982''.

(9) Section 2218(d)(1) is amended by striking ''for fiscal years after fiscal year 1993''.

(10)(A) Section 2468 is repealed.

(B) The table of sections at the beginning of chapter 146 is amended by striking the item relating to section 2468.

(11) Section 2832 is amended—

(A) by striking ''(a)'' before ''The Secretary of Defense''; and

(B) by striking subsection (b).

(12) Section 7430(b)(2) is amended—

(A) by striking ''at a price less than'' and all that follows through ''the current sales price'' and inserting ''at a price less than the current sales price'';

(B) by striking ''; or'' and inserting a period; and

(C) by striking subparagraph (B).

(f) PUBLIC LAW 106–398.—Effective as of October 30, 2000, and as if included therein as enacted, the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398) is amended as follows:

(1) Section 525(b)(1) (114 Stat. 1654A–109) is amended by striking ''subsection (c)'' and inserting ''subsections (a) and (b)''.

(2) Section 1152(c)(2) (114 Stat. 1654A–323) is amended by inserting ''inserting'' after ''and''.

(g) PUBLIC LAW 106–65.—Effective as of October 5, 1999, and as if included therein as enacted, the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65) is amended as follows:

(1) Section 531(b)(2)(A) (113 Stat. 602) is amended by inserting ''in subsection (a),'' after ''(A)''.

(2) Section 549(a)(2) (113 Stat. 611) is amended by striking ''such chapter'' and inserting ''chapter 49 of title 10, United States Code,''.

(3) Section 576(a)(3) (10 U.S.C. 1501 note; 113 Stat. 625) is amended by adding a period at the end.

(4) Section 577(a)(2) (113 Stat. 625) is amended by striking ''bad conduct'' in the first quoted matter and inserting ''bad-conduct''.

(5) Section 811(d)(3)(B)(v) (10 U.S.C. 2302 note; 113 Stat. 709) is amended by striking ''Mentor-Protegee'' and inserting ''Mentor-Protege''.

(6) Section 1052(b)(1) (113 Stat. 764) is amended by striking '' 'The Department'' and inserting ''the 'Department''.

(7) Section 1053(a)(5) (10 U.S.C. 113 note; 113 Stat. 764) is amended by inserting ''and'' before ''Marines''.

(8) Section 1402(f)(2)(A) (22 U.S.C. 2778 note; 113 Stat. 799) is amended by striking ''3201 note'' and inserting ''6305(4)''.

(9) Section 2902(d) (10 U.S.C. 111 note; 113 Stat. 882) is amended by striking ''section 2871(b)'' and inserting ''section 2881(b)''.

(h) PUBLIC LAW 102–484.—The National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484) is amended as follows:

(1) Section 3161(c)(6)(C) (42 U.S.C. 7274h(c)(6)(C)) is amended by striking ''title IX of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3241 et seq.)'' and inserting ''title II of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141 et seq.)''.

(2) Section 4416(b)(1) (10 U.S.C. 12681 note) is amended by striking ''force reduction period'' and inserting ''force reduction transition period''.

(3) Section 4461(5) (10 U.S.C. 1143 note) is amended by adding a period at the end.

(i) OTHER LAWS.—

(1) Section 1083(c) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 10 U.S.C. 113 note) is amended by striking ''NAMES'' and inserting ''NAME''.

(2) Section 845(d)(1)(B)(ii) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 2371 note) is amended by inserting a closed parenthesis after ''41 U.S.C. 414(3))''.

(3) Section 1123(b) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1556) is amended by striking ''Armed Forces Staff College'' each place it appears and inserting ''Joint Forces Staff College''.

(4) Section 1412(g)(2)(C)(vii) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(g)(2)(C)(vii)) is amended by striking ''(c)(3)'' and inserting ''(c)(4)''.

(5) Section 8336 of title 5, United States Code, is amended—

(A) in subsection (d)(2), by striking ''subsection (o)'' and inserting ''subsection (p)''; and

(B) by redesignating the second subsection (o), added by section 1152(a)(2) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398; 114 Stat. 1654A–320), as subsection (p).

(6) Section 9001(3) of title 5, United States Code, is amended by striking ''and'' at the end of subparagraph (A) and inserting ''or''.

(7) Section 318(h)(3) of title 37, United States Code, is amended by striking ''subsection (a)'' and inserting ''subsection (b)''.

(8) Section 3695(a)(5) of title 38, United States Code, is amended by striking ''1610'' and inserting ''1611''.

(9) Section 13(b) of the Peace Corps Act (22 U.S.C. 2512(b)) is amended by striking '', subject to section 5532 of title 5, United States Code''.

(10) Section 127(g)(6) of the Trade Deficit Review Commission Act (19 U.S.C. 2213 note), as amended by section 311(b) of the Legislative Branch Appropriations Act, 2000 (Public Law 106–57; 113 Stat. 428), is amended—

(A) by striking ''AUTHORITIES.—'' and all that follows through ''An individual'' and inserting ''AUTHORITIES.—An individual''; and

(B) by striking subparagraph (B).

(11) Section 28 of the Atomic Energy Act of 1954 (42 U.S.C. 2038) is amended in the last sentence by striking '', subject to'' and all that follows through the period at the end and inserting a period.

(12) Section 3212 of the National Nuclear Security Administration Act (50 U.S.C. 2402) is amended by redesignating the second subsection (e), added by section 3159(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398; 114 Stat. 1654A–469), as subsection (f).

TITLE XI—CIVILIAN PERSONNEL

SEC. 1101. UNDERGRADUATE TRAINING PROGRAM FOR EMPLOYEES OF THE NATIONAL IMAGERY AND MAPPING AGENCY.

(a) AUTHORITY TO CARRY OUT TRAINING PROGRAM.—Subchapter III of chapter 22 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 462. Undergraduate training program

''(a) AUTHORITY TO CARRY OUT PROGRAM.—The Secretary of Defense may authorize the Director of the National Imagery and Mapping Agency to establish an undergraduate training program under which civilian employees of the National Imagery and Mapping Agency may be assigned as students at accredited professional, technical, and other institutions of higher learning for training at the undergraduate level in skills critical to effective performance of the mission of the National Imagery and Mapping Agency. Such training may lead to the award of a baccalaureate degree.

''(b) PURPOSE.—The purpose of the program authorized by subsection (a) is to facilitate the recruitment of individuals, particularly minority high school students, with a demonstrated capability to develop skills critical to the mission of the National Imagery and Mapping Agency, including skills in mathematics, computer science, engineering, and foreign languages.

''(c) REQUIREMENTS.—(1) To be eligible for assignment under subsection (a), an employee of the National Imagery and Mapping Agency must agree in writing—

''(A) to continue in the service of the National Imagery and Mapping Agency for the period of the assignment and to complete the educational course of training for which the employee is assigned;

''(B) to continue in the service of the National Imagery and Mapping Agency following completion of the assignment for a period of one-and-a-half years for each year of the assignment or part thereof;

''(C) to reimburse the United States for the total cost of education (excluding the employee's pay and allowances) provided under this section to the employee if, before the employee's completing the educational course of training for which the employee is assigned, the assignment or the employee's employment with the National Imagery and Mapping Agency is terminated either by the National Imagery and Mapping Agency due to misconduct by the employee or by the employee voluntarily; and

''(D) to reimburse the United States if, after completing the educational course of training for which the employee is assigned, the employee's employment with the National Imagery and Mapping Agency is terminated either by the National Imagery and Mapping Agency due to misconduct by the employee or by the employee voluntarily, before the employee's completion of the service obligation period described in subparagraph (B), in an amount that bears the same ratio to the total cost of the education (excluding the employee's pay and allowances) provided to the employee as the unserved portion of the service obligation period described in subparagraph (B) bears to the total period of the service obligation described in subparagraph (B).

''(2) Subject to paragraph (3), the obligation to reimburse the United States under an agreement described in paragraph (1), including interest due on such obligation, is for all purposes a debt owing the United States.

''(3)(A) A discharge in bankruptcy under title 11, United States Code, shall not release a person from an obligation to reimburse the United States required under an agreement described in paragraph (1) if the final decree of the discharge in bankruptcy is issued within five years after the last day of the combined period of service obligation described in subparagraphs (A) and (B) of paragraph (1).

''(B) The Secretary of Defense may release a person, in whole or in part, from the obligation to reimburse the United States under an agreement described in paragraph (1) when, in his discretion, the Secretary determines that equity or the interests of the United States so require.

''(C) The Secretary of Defense shall permit an employee assigned under this section who, before commencing a second academic year of such assignment, voluntarily terminates the assignment or the employee's employment with the National Imagery and Mapping Agency, to satisfy his obligation under an agreement described in paragraph (1) by reimbursing the United States according to a schedule of monthly payments which results in completion of reimbursement by a date five years after the date of termination of the assignment or employment or earlier at the option of the employee.

''(d) DISCLOSURE REQUIRED.—(1) When an employee is assigned under this section to an institution, the Secretary shall disclose to the institution to which the employee is assigned that the National Imagery and Mapping Agency employs the employee and that the National Imagery and Mapping Agency funds the employee's education.

''(2) Efforts by the Secretary to recruit individuals at educational institutions for participation in the undergraduate training program established by this section shall be made openly and according to the common practices of universities and employers recruiting at such institutions.

''(e) APPROPRIATION OF FUNDS REQUIRED.—The Secretary may pay, directly or by reimbursement to employees, expenses incident to assignments under subsection (a), in any fiscal year only to the extent that appropriated funds are available for such purpose.

''(f) INAPPLICABILITY OF CERTAIN LAWS.—Chapter 41 of title 5 and subsections (a) and (b) of section 3324 of title 31 shall not apply with respect to this section.

''(g) REGULATIONS.—The Secretary of Defense may prescribe such regulations as may be necessary to implement this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

''462. Undergraduate training program.''.

SEC. 1102. PILOT PROGRAM FOR PAYMENT OF RETRAINING EXPENSES.

(a) AUTHORITY TO CARRY OUT PILOT PROGRAM.—(1) The Secretary of Defense may establish a pilot program to facilitate the reemployment of eligible employees of the Department of Defense who are involuntarily separated due to a reduction in force, relocation as a result of a transfer of function, realignment, or change of duty station. Under the pilot program, the Secretary may pay retraining incentives to encourage non-Federal employers to hire and retain such eligible employees.

(2) Under the pilot program, the Secretary may enter into an agreement with a non-Federal employer under which the employer agrees—

(A) to employ an eligible employee for at least 12 months at a salary that is mutually agreeable to the employer and the eligible employee; and

(B) to certify to the Secretary the amount of costs incurred by the employer for any necessary training (as defined by the Secretary) provided to such eligible employee in connection with the employment.

(3) The Secretary may pay a retraining incentive to the non-Federal employer upon the employee's completion of 12 months of continuous employment with that employer. The Secretary shall determine the amount of the incentive, except that in no event may such amount exceed the amount certified with respect to such eligible employee under paragraph (2)(A), or $10,000, whichever is greater.

(4) In a case in which an eligible employee does not remain employed by the non-Federal employer for at least 12 months, the Secretary may pay to the employer a prorated amount of what would have been the full retraining incentive if the eligible employee had remained employed for such 12-month period.

(b) ELIGIBLE EMPLOYEES.—For purposes of this section, an eligible employee is an employee of the Department of Defense, serving under an appointment without time limitation, who has been employed by the Department for a continuous period of at least 12 months and who has been given notice of separation pursuant to a reduction in force, relocation as a result of a transfer of function, realignment, or change of duty station, except that such term does not include—

(1) a reemployed annuitant under the retirement systems described in subchapter III of chapter 83 of title 5, United States Code, or chapter 84 of such title, or another retirement system for employees of the Federal Government;

(2) an employee who, upon separation from Federal service, is eligible for an immediate annuity under subchapter III of chapter 83 of such title, or subchapter II of chapter 84 of such title; or

(3) an employee who is eligible for disability retirement under any of the retirement systems referred to in paragraph (1).

(c) DURATION.—No incentive may be paid under the pilot program for training commenced after September 30, 2005.

(d) DEFINITIONS.—In this section:

(1) The term ''non-Federal employer'' means an employer that is not an Executive agency, as defined in section 105 of title 5, United States Code, or an entity in the legislative or judicial branch of the Federal Government.

(2) The term ''reduction in force'' has the meaning of that term as used in chapter 35 of such title 5.

(3) The term ''realignment'' has the meaning given that term in section 2910 of the Defense Base Closure and Realignment Act of 1990 (title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

SEC. 1103. PAYMENT OF EXPENSES TO OBTAIN PROFESSIONAL CREDENTIALS.

(a) IN GENERAL.—Chapter 57 of title 5, United States Code, is amended by adding at the end the following new section:

''§ 5757. Payment of expenses to obtain professional credentials

''(a) An agency may use appropriated funds or funds otherwise available to the agency to pay for—

''(1) expenses for employees to obtain professional credentials, including expenses for professional accreditation, State-imposed and professional licenses, and professional certification; and

''(2) examinations to obtain such credentials.

''(b) The authority under subsection (a) may not be exercised on behalf of any employee occupying or seeking to qualify for appointment to any position that is excepted from the competitive service because of the confidential, policy-determining, policy-making, or policy-advocating character of the position.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''5757. Payment of expenses to obtain professional credentials.''.

SEC. 1104. RETIREMENT PORTABILITY ELECTIONS FOR CERTAIN DEPARTMENT OF DEFENSE AND COAST GUARD EMPLOYEES.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8347(q) of title 5, United States Code, is amended—

(1) in paragraph (1)(B), by striking ''has 5 or more years of civilian service creditable under'' and inserting ''is employed subject to''; and

(2) in paragraph (2)(B)—

(A) by striking ''vested''; and

(B) by striking '', as the term 'vested participant' is defined by such system''.

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8461(n) of such title is amended—

(1) in paragraph (1)(B), by striking ''has 5 or more years of civilian service creditable under'' and inserting ''is employed subject to''; and

(2) in paragraph (2)(B)—

(A) by striking ''vested''; and

(B) by striking '', as the term 'vested participant' is defined by such system''.

SEC. 1105. REMOVAL OF REQUIREMENT THAT GRANTING CIVIL SERVICE COMPENSATORY TIME BE BASED ON AMOUNT OF IRREGULAR OR OCCASIONAL OVERTIME WORK.

Section 5543 of title 5, United States Code, is amended by striking ''irregular or occasional'' in each place such words appear.

SEC. 1106. APPLICABILITY OF CERTAIN LAWS TO CERTAIN INDIVIDUALS ASSIGNED TO WORK IN THE FEDERAL GOVERNMENT.

Section 3374(c)(2) of title 5, United States Code, is amended by inserting ''the Ethics in Government Act of 1978, section 1043 of the Internal Revenue Code of 1986, section 27 of the Office of Federal Procurement Policy Act,'' after ''chapter 73 of this title,''.

SEC. 1107. LIMITATION ON PREMIUM PAY.

Section 5547 of title 5, United States Code, is amended—

(1) by striking subsections (a) and (b) and inserting the following new subsections:

''(a) An employee may be paid premium pay under sections 5542, 5545 (a), (b), and (c), 5545a, and 5546 (a) and (b) of this title only to the extent that the aggregate of such employee's basic pay and premium pay under those provisions would, in any calendar year, exceed the maximum rate payable for GS–15 in effect at the end of such calendar year.

''(b) Subsection (a) shall not apply to any employee of the Federal Aviation Administration or the Department of Defense who is paid premium pay under section 5546a of this title.''; and

(2) in subsection (c)—

(A) in paragraph (1), by striking ''Subsections (a) and (b)'' and inserting ''Subsection (a)''; and

(B) in paragraph (2), by striking ''pay period'' and inserting ''calendar year''.

SEC. 1108. USE OF COMMON OCCUPATIONAL AND HEALTH STANDARDS AS A BASIS FOR DIFFERENTIAL PAYMENTS MADE AS A CONSEQUENCE OF EXPOSURE TO ASBESTOS.

(a) PREVAILING RATE SYSTEMS.—Section 5343(c)(4) of title 5, United States Code, is amended by inserting before the semicolon the following: ''(and for any hardship or hazard related to asbestos, such differentials shall be determined by applying occupational safety and health standards consistent with the permissible exposure limit promulgated by the Secretary of Labor under the Occupational Safety and Health Act of 1970)''.

(b) GENERAL SCHEDULE PAY RATES.—The first sentence of section 5545(d) of such title is amended by inserting before the period the following: ''(and for any hardship or hazard related to asbestos, such differentials shall be determined by applying occupational safety and

health standards consistent with the permissible exposure limit promulgated by the Secretary of Labor under the Occupational Safety and Health Act of 1970)''.

(c) APPLICABILITY.—Any administrative or judicial determination made after the date of enactment of this Act concerning differential back payments related to asbestos under section 5343(c)(4) or 5545(d) of such title shall be based on the occupational safety and health standards described in such section, respectively.

SEC. 1109. AUTHORITY FOR DESIGNATED CIVILIAN EMPLOYEES ABROAD TO ACT AS A NOTARY.

(a) IN GENERAL.—Paragraph (4) of section 1044a(b) of title 10, United States Code, is amended—

(1) by inserting ''and, when outside the United States, all civilian employees of the Department of Defense,'' after ''duty status,''; and

(2) by inserting ''or the Department of Defense'' before ''or by statute''.

(b) CLARIFICATION OF STATUS OF CIVILIAN ATTORNEYS ACTING AS A NOTARY.—Paragraph (2) of such section is amended by striking ''legal assistance officers'' and inserting ''legal assistance attorneys''.

SEC. 1110. "MONRONEY AMENDMENT" RESTORED TO ITS PRIOR FORM.

Paragraph (2) of section 5343(d) of title 5, United States Code, is amended to read as such paragraph last read before the enactment of section 1242 of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 99 Stat. 735).

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

SEC. 1201. CLARIFICATION OF AUTHORITY TO FURNISH NUCLEAR TEST MONITORING EQUIPMENT TO FOREIGN GOVERNMENTS.

Section 2565 of title 10, United States Code, as redesignated by section 1047(a)(25), is amended—

(1) in subsection (a)—

(A) by striking ''CONVEY OR'' in the subsection heading and inserting ''TRANSFER TITLE TO OR OTHERWISE'';

(B) in paragraph (1)—

(i) by striking ''convey'' and inserting ''transfer title''; and

(ii) by striking ''and'' after ''equipment;'';

(C) by striking the period at the end of paragraph (2) and inserting ''; and''; and

(D) by adding at the end the following new paragraph:

''(3) inspect, test, maintain, repair, or replace any such equipment.''; and

(2) in subsection (b)—

(A) by striking ''conveyed or otherwise provided'' and inserting ''provided to a foreign government'';

(B) by inserting ''and'' at the end of paragraph (1);

(C) by striking ''; and'' at the end of paragraph (2) and inserting a period; and

(D) by striking paragraph (3).

SEC. 1202. ACQUISITION OF LOGISTICAL SUPPORT FOR SECURITY FORCES.

Section 5 of the Multinational Force and Observers Participation Resolution (22 U.S.C. 3424) is amended by adding at the end the following new subsection:

''(d)(1) The United States may use contractors to provide logistical support to the Multinational Force and Observers under this section in lieu of providing such support through a logistical support unit comprised of members of the United States Armed Forces.

''(2) Notwithstanding subsections (a) and (b) and section 7(b), support by a contractor under this subsection may be provided without reimbursement, whenever the President determines that such action enhances or supports the national security interests of the United States.''.

SEC. 1203. REPORT ON THE SALE AND TRANSFER OF MILITARY HARDWARE, EXPERTISE, AND TECHNOLOGY FROM STATES OF THE FORMER SOVIET UNION TO THE PEOPLE'S REPUBLIC OF CHINA.

Section 1202 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 781; 10 U.S.C. 113 note) is amended by adding at the end the following new subsection:

''(d) REPORT ON SALES AND TRANSFERS FROM STATES OF THE FORMER SOVIET UNION TO CHINA.—(1) The report to be submitted under this section not later than March 1, 2002, shall include in a separate section a report describing the sales and transfer of military hardware, expertise, and technology from states of the former Soviet Union to the People's Republic of China. The report shall set forth the history of such sales and transfers since 1990, forecast possible future sales and transfers, and address the implications of those sales and transfers for the security of the United States and its friends and allies in Asia.

''(2) The report shall include analysis and forecasts of the following matters related to military cooperation between states of the former Soviet Union and the People's Republic of China:

''(A) The policy of each of those states with respect to arms sales to, and military cooperation with, the People's Republic of China.

''(B) Any laws or regulations of those states that could prohibit or limit such sales or cooperation.

''(C) The extent in each of those states of government knowledge, cooperation, or condoning of sales or transfers of military hardware, expertise, or technology to the People's Republic of China.

''(D) An itemization of sales or transfers of military hardware, expertise, or technology from any of those states to the People's Republic of China that have taken place since 1990, with a particular focus on command, control, communications, and intelligence systems.

''(E) A description of any sale or transfer of military hardware, expertise, or technology from any of those states to the People's Republic of China that is currently under negotiation or contemplation through the end of 2005.

''(F) Identification of Chinese defense industries in which technicians from states of the former Soviet Union are working and of defense industries of those states in which Chinese technicians are working and a description in each case of the extent and the nature of the work performed by such technicians.

''(G) The extent of assistance by any of those states to key research and development programs of China, including programs for development of weapons of mass destruction and delivery vehicles for such weapons, programs for development of advanced conventional weapons, and programs for development of unconventional weapons.

''(H) The extent of assistance by any of those states to information warfare or electronic warfare programs of China.

''(I) The extent of assistance by any of those states to manned and unmanned space operations of China.

''(J) The extent to which arms sales by any of those states to the People's Republic of China are a source of funds for military research and development or procurement programs in the selling state.

''(3) The report under paragraph (1) shall include, with respect to each area of analysis and forecasts specified in paragraph (2)—

''(A) an assessment of the military effects of such sales or transfers to entities in the People's Republic of China;

''(B) an assessment of the ability of the People's Liberation Army to assimilate such sales or transfers, mass produce new equipment, or develop doctrine for use; and

''(C) the potential threat of developments related to such effects on the security interests of the United States and its friends and allies in Asia.''.

SEC. 1204. LIMITATION ON FUNDING FOR JOINT DATA EXCHANGE CENTER.

(a) LIMITATION.—Funds made available to the Department of Defense for fiscal year 2002 may not be obligated or expended for any activity associated with the Joint Data Exchange Center in Moscow, Russia, until—

(1) the United States and the Russian Federation enter into a cost-sharing agreement as described in subsection (d) of section 1231 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, as enacted into law by Public Law 106-398 (114 Stat. 1654A–329);

(2) the United States and the Russian Federation enter into an agreement or agreements exempting the United States and any United States person from Russian taxes, and from liability under Russian laws, with respect to activities associated with the Joint Data Exchange Center;

(3) the Secretary of Defense submits to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a copy of each agreement referred to in paragraphs (1) and (2); and

(4) a period of 30 days has expired after the date of the final submission under paragraph (3).

(b) JOINT DATA EXCHANGE CENTER.—For purposes of this section, the term ''Joint Data Exchange Center'' means the United States-Russian Federation joint center for the exchange of data to provide early warning of launches of ballistic missiles and for notification of such launches that is provided for in a joint United States-Russian Federation memorandum of agreement signed in Moscow in June 2000.

SEC. 1205. EXTENSION OF AUTHORITY TO PROVIDE ASSISTANCE UNDER WEAPONS OF MASS DESTRUCTION ACT FOR SUPPORT OF UNITED NATIONS-SPONSORED EFFORTS TO INSPECT AND MONITOR IRAQI WEAPONS ACTIVITIES.

(a) LIMITATION ON AMOUNT OF ASSISTANCE IN FISCAL YEAR 2002.—The total amount of the assistance for fiscal year 2002 that is provided by the Secretary of Defense under section 1505 of the Weapons of Mass Destruction Control Act of 1992 (22 U.S.C. 5859a) as activities of the Department of Defense in support of activities under that Act may not exceed $15,000,000. Such assistance may be provided for fiscal year 2002 only to support activities of an organization established for the purpose of (or otherwise given the mission of providing) a comprehensive accounting for all items, facilities, and capabilities in Iraq related to weapons of mass destruction.

(b) EXTENSION OF AUTHORITY TO PROVIDE ASSISTANCE.—Subsection (f) of section 1505 of the Weapons of Mass Destruction Control Act of 1992 (22 U.S.C. 5859a) is amended by striking ''2001'' and inserting ''2002''.

(c) CHANGE OF QUARTERLY REPORT REQUIREMENT TO ANNUAL REPORT.—(1) Subsection (e)(1) of such section is amended—

(A) by striking ''quarter of a'' in the first sentence; and

(B) by striking ''(for the preceding quarter and cumulatively)'' and inserting ''for the preceding fiscal year''.

(2) The amendments made by subsection (a) shall take effect on November 1, 2001, or the date of the enactment of this Act, whichever is later.

SEC. 1206. REPEAL OF REQUIREMENT FOR REPORTING TO CONGRESS ON MILITARY DEPLOYMENTS TO HAITI.

Section 1232(b) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 788) is repealed.

SEC. 1207. REPORT BY COMPTROLLER GENERAL ON PROVISION OF DEFENSE ARTICLES, SERVICES, AND MILITARY EDUCATION AND TRAINING TO FOREIGN COUNTRIES AND INTERNATIONAL ORGANIZATIONS.

(a) STUDY.—The Comptroller General shall conduct a study of the following:

(1) The benefits derived by each foreign country or international organization from the receipt of defense articles, defense services, or military education and training provided after December 31, 1989, pursuant to the drawdown of such articles, services, or education and training from the stocks of the Department of Defense under section 506, 516, or 552 of the Foreign Assistance Act of 1961 (22 U.S.C. 2318, 2321j, or 2348a) or any other provision of law.

(2) Any benefits derived by the United States from the provision of defense articles, defense services, and military education and training described in paragraph (1).

(3) The affect on the readiness of the Armed Forces as a result of the provision by the United States of defense articles, defense services, and military education and training described in paragraph (1).

(4) The cost to the Department of Defense with respect to the provision of defense articles, defense services, and military education and training described in paragraph (1).

(b) REPORTS.—(1) Not later than April 15, 2002, the Comptroller General shall submit to Congress an interim report containing the results to that date of the study conducted under subsection (a).

(2) Not later than August 1, 2002, the Comptroller General shall submit to Congress a final report containing the results of the study conducted under subsection (a).

SEC. 1208. LIMITATION ON NUMBER OF MILITARY PERSONNEL IN COLOMBIA.

(a) LIMITATION.—None of the funds available to the Department of Defense may be used to support or maintain more than 500 members of the Armed Forces on duty in the Republic of Colombia at any time.

(b) EXCEPTIONS.—There shall be excluded from counting for the purposes of the limitation in subsection (a) the following:

(1) A member of the Armed Forces in the Republic of Colombia for the purpose of rescuing or retrieving United States military or civilian Government personnel, except that the period for which such a member may be so excluded may not exceed 30 days unless expressly authorized by law.

(2) A member of the Armed Forces assigned to the United States Embassy in Colombia as an attaché, as a member of the security assistance office, or as a member of the Marine Corps security contingent.

(3) A member of the Armed Forces in Colombia to participate in relief efforts in responding to a natural disaster.

(4) Nonoperational transient military personnel.

TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) SPECIFICATION OF CTR PROGRAMS.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2731; 50 U.S.C. 2362 note).

(b) FISCAL YEAR 2002 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term ''fiscal year 2002 Cooperative Threat Reduction funds'' means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs shall be available for obligation for three fiscal years.

SEC. 1302. FUNDING ALLOCATIONS.

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the $403,000,000 authorized to be appropriated to the Department of Defense for fiscal year 2002 in section 301(23) for Cooperative Threat Reduction programs, not more than the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, $133,400,000.

(2) For strategic nuclear arms elimination in Ukraine, $51,500,000.

(3) For nuclear weapons transportation security in Russia, $9,500,000.

(4) For nuclear weapons storage security in Russia, $56,000,000.

(5) For biological weapons proliferation prevention activities in the former Soviet Union, $17,000,000.

(6) For activities designated as Other Assessments/Administrative Support, $13,200,000.

(7) For defense and military contacts, $18,700,000.

(8) For activities related to the construction of a chemical weapons destruction facility in Russia, $35,000,000.

(9) For elimination of chemical weapons production facilities in Russia, $15,000,000.

(10) For weapons of mass destruction infrastructure elimination activities in Kazakhstan, $6,000,000.

(11) For weapons of mass destruction infrastructure elimination activities in Ukraine, $6,000,000.

(12) For activities to assist Russia in the elimination of plutonium production reactors, $41,700,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2002 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (12) of subsection (a) until 30 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2002 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—(1) Subject to paragraphs (2) and (3), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2002 for a purpose listed in any of the paragraphs in subsection (a) in excess of the amount specifically authorized for such purpose.

(2) An obligation of funds for a purpose stated in any of the paragraphs in subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

(3) The Secretary may not, under the authority provided in paragraph (1), obligate amounts for the purposes stated in subsection (a)(3) or any of paragraphs (5) through (12) of subsection (a) in excess of 115 percent of the amount specifically authorized for such purposes.

SEC. 1303. PROHIBITION AGAINST USE OF FUNDS UNTIL SUBMISSION OF REPORTS.

No fiscal year 2002 Cooperative Threat Reduction funds may be obligated or expended until 30 days after the date of the submission of—

(1) the report required to be submitted in fiscal year 2001 under section 1308(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted in Public Law 106–398; 114 Stat. 1654A–341); and

(2) the multiyear plan required to be submitted for fiscal year 2001 under section 1308(h) of such Act.

SEC. 1304. REPORT ON USE OF REVENUE GENERATED BY ACTIVITIES CARRIED OUT UNDER COOPERATIVE THREAT REDUCTION PROGRAMS.

Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report describing how the Secretary plans to monitor the use of revenue generated by activities carried out under Cooperative Threat Reduction programs in Russia and Ukraine.

SEC. 1305. PROHIBITION AGAINST USE OF FUNDS FOR SECOND WING OF FISSILE MATERIAL STORAGE FACILITY.

(a) PROHIBITION.—No funds authorized to be appropriated for Cooperative Threat Reduction programs for any fiscal year may be used for the design, planning, or construction of a second wing for a storage facility for Russian fissile material.

(b) CONFORMING AMENDMENT.—Section 1304 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted in Public Law 106–398; 114 Stat. 1654A–341) is amended to read as follows:

''SEC. 1304. LIMITATION ON USE OF FUNDS FOR FISSILE MATERIAL STORAGE FACILITY.

Out of funds authorized to be appropriated for Cooperative Threat Reduction programs for fiscal year 2001 or any other fiscal year, not more than $412,600,000 may be used for planning, design, or construction of the first wing for the storage facility for Russian fissile material referred to in section 1302(a)(5).''.

SEC. 1306. PROHIBITION AGAINST USE OF FUNDS FOR CONSTRUCTION OR REFURBISHMENT OF CERTAIN FOSSIL FUEL ENERGY PLANTS.

Section 1307 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted in Public Law 106–398; 114 Stat. 1654A–341) is amended—

(1) by striking the heading and inserting the following new heading:

''SEC. 1307. PROHIBITION AGAINST USE OF FUNDS FOR CONSTRUCTION OR REFURBISHMENT OF FOSSIL FUEL ENERGY PLANTS; REPORT.''; and

(2) by striking subsection (a) and inserting the following new subsection:

''(a) PROHIBITION.—No funds appropriated for Cooperative Threat Reduction programs for any fiscal year may be used for the construction or refurbishment of a fossil fuel energy plant intended to provide power to local communities that receive power from nuclear energy plants that produce plutonium.''.

SEC. 1307. REPORTS ON ACTIVITIES AND ASSISTANCE UNDER COOPERATIVE THREAT REDUCTION PROGRAMS.

Section 1308(c)(4) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted in Public Law 106–398; 114 Stat. 1654A–342) is amended—

(1) in the matter preceding subparagraph (A)—

(A) by striking ''audits'' and all that follows through ''conducted'' and inserting ''means (including program management, audits, examinations, and other means) used''; and

(B) by striking ''and that such assistance is being used for its intended purpose'' and inserting '', that such assistance is being used for its intended purpose, and that such assistance is being used efficiently and effectively'';

(2) in subparagraph (C), by inserting ''and an assessment of whether the assistance being provided is being used effectively and efficiently'' before the semicolon; and

(3) in subparagraph (D), by striking ''audits, examinations, and other''.

SEC. 1308. REPORT ON RESPONSIBILITY FOR CARRYING OUT COOPERATIVE THREAT REDUCTION PROGRAMS.

Not later than March 15, 2002, the Secretary of Defense shall submit to Congress a report describing—

(1) the rationale for executing Cooperative Threat Reduction programs under the auspices of the Department of Defense and the justification for maintaining responsibility for any particular project carried out through Cooperative Threat Reduction programs with the Department of Defense;

(2) options for transferring responsibility for carrying out Cooperative Threat Reduction programs to an executive agency (or agencies) other than the Department of Defense, if appropriate; and

(3) how such a transfer might be carried out.

SEC. 1309. CHEMICAL WEAPONS DESTRUCTION.

Section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 794) is amended by inserting before the period at the end the following: ''until the Secretary of Defense submits to Congress a certification that there has been—

''(1) full and accurate disclosure by Russia of the size of its existing chemical weapons stockpile;

''(2) a demonstrated annual commitment by Russia to allocate at least $25,000,000 to chemical weapons elimination;

''(3) development by Russia of a practical plan for destroying its stockpile of nerve agents;

''(4) enactment of a law by Russia that provides for the elimination of all nerve agents at a single site; and

''(5) an agreement by Russia to destroy its chemical weapons production facilities at Volgograd and Novocheboksark''.

TITLE XIV—DEFENSE SPACE REORGANIZATION

SEC. 1401. SHORT TITLE.

This title may be cited as the ''Defense Space Reorganization Act of 2001''.

SEC. 1402. AUTHORITY TO ESTABLISH POSITION OF UNDER SECRETARY OF DEFENSE FOR SPACE, INTELLIGENCE, AND INFORMATION.

(a) AUTHORITY TO ESTABLISH POSITION.—The President may establish in the Department of Defense the position of Under Secretary of Defense for Space, Intelligence, and Information. If that position is so established, the Under Secretary of Defense for Space, Intelligence, and Information shall perform duties and exercise powers as set forth in section 137 of title 10, United States Code, as added by subsection (e).

(b) DEADLINE FOR EXERCISE OF AUTHORITY.—The authority provided in subsection (a) may not be exercised after December 31, 2003.

(c) NOTICE OF EXERCISE OF AUTHORITY.—(1) If the authority provided in subsection (a) is exercised, the President shall immediately submit to Congress notification in writing of the establishment of the position of Under Secretary of Defense for Space, Intelligence, and Information, together with the date as of which the position is established. If the President declines to exercise the authority provided in subsection (a), the President shall, before the date specified in subsection (b), submit to Congress a report on how the President has implemented the recommendations of the report of the Space Commission with respect to the Department of Defense.

(2) For purposes of paragraph (1), the term ''report of the Space Commission'' means the report of the Commission To Assess United States National Security Space Management and Organization, dated January 11, 2001, and submitted to Congress under section 1623 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 815).

(d) CONTINGENT ENACTMENT OF U.S. CODE AMENDMENTS.—If the position of Under Secretary of Defense for Space, Intelligence, and Information is established under the authority provided in subsection (a), then the amendments set forth in subsections (e) and (f) shall be executed, effective as of the date specified in the notice submitted under the first sentence of subsection (c)(1). Otherwise, those amendments shall not be executed.

(e) APPOINTMENT, DUTIES, ETC., OF UNDER SECRETARY.—(1) Subject to subsection (d), chapter 4 of title 10, United States Code, is amended—

(A) by redesignating section 137 as section 139a and transferring such section (as so redesignated) within such chapter so as to appear after section 139; and

(B) by inserting after section 136 the following new section 137:

''137. Under Secretary of Defense for Space, Intelligence, and Information

''(a) There is an Under Secretary of Defense for Space, Intelligence, and Information, appointed from civilian life by the President, by and with the advice and consent of the Senate.

''(b) Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary of Defense for Space, Intelligence, and Information shall perform such duties and exercise such powers relating to the space, intelligence, and information programs and activities of the Department of Defense as the Secretary of Defense may prescribe.

''(c) The Secretary of Defense shall designate the Under Secretary of Defense for Space, Intelligence, and Information as the Chief Information Officer of the Department of Defense under section 3506(a)(2)(B) of title 44.

''(d) The Under Secretary of Defense for Space, Intelligence, and Information takes precedence in the Department of Defense after the Under Secretary of Defense for Personnel and Readiness.''.

(2) Subject to subsection (d), section 131(b) of that title is amended—

(A) by redesignating paragraphs (6) through (11) as paragraphs (7) through (12), respectively; and

(B) by inserting after paragraph (5) the following new paragraph (6):

''(6) The Under Secretary of Defense for Space, Intelligence, and Information.''.

(3) Subject to subsection (d), the table of sections at the beginning of chapter 4 of such title is amended—

(A) by striking the item relating to section 137 and inserting the following new item:

''137. Under Secretary of Defense for Space, Intelligence, and Information.'';

and

(B) by inserting after the item relating to section 139 the following new item:

''139a. Director of Defense Research and Engineering.''.

(f) ASSISTANT SECRETARIES OF DEFENSE.—Subject to subsection (d), section 138 of such title is amended—

(1) in subsection (a), by striking ''nine'' and inserting ''eleven''; and

(2) in subsection (b), by inserting after paragraph (2) the following new paragraph:

''(3) Not more than three of the Assistant Secretaries may be assigned duties under the authority of the Under Secretary of Defense for Space, Intelligence, and Information and shall report to that Under Secretary.''.

(g) REPORT.—Not later than 30 days before exercising the authority provided in subsection (a), the President shall submit to Congress a report on the proposed organization of the office of the Under Secretary of Defense for Space, Intelligence, and Information. If such a report has not been submitted as of April 15, 2002, the President shall submit to Congress a report, not later than that date, setting forth the President's view as of that date of the desirability of establishing the position of Under Secretary of Defense for Space, Intelligence, and Information in the Department of Defense.

SEC. 1403. AUTHORITY TO DESIGNATE UNDER SECRETARY OF THE AIR FORCE AS ACQUISITION EXECUTIVE FOR SPACE OF THE DEPARTMENT OF DEFENSE.

(a) EXECUTIVE AGENT.—Part IV of subtitle A of title 10, United States Code, is amended by inserting after chapter 134 the following new chapter:

''CHAPTER 135—SPACE PROGRAMS

''Sec.
''2271. Executive agent.

''§ 2271. Executive agent

''(a) SECRETARY OF THE AIR FORCE.—The Secretary of the Air Force may be designated as the executive agent of the Department of Defense—

''(1) for the planning of the acquisition programs, projects, and activities of the Department that relate to space; and

''(2) for the execution of those programs, projects, and activities.

''(b) ACQUISITION EXECUTIVE.—The Secretary may designate the Under Secretary of the Air Force as the acquisition executive of the Air Force for the programs, projects, and activities referred to in subsection (a).''.

(b) CLERICAL AMENDMENT.—The tables of chapters at the beginning of such subtitle and the beginning of part IV of such subtitle are amended by inserting after the item relating to chapter 134 the following new item:

''135. Space Programs ..... 2271''.

SEC. 1404. MAJOR FORCE PROGRAM CATEGORY FOR SPACE PROGRAMS.

(a) REQUIREMENT.—The Secretary of Defense may create a major force program category for space programs for purposes of the future-years defense program under section 221 of title 10, United States Code.

(b) COMMENCEMENT.—If the category under subsection (a) is created, such category shall be included in each future-years defense program submitted to Congress under section 221 of title 10, United States Code, in fiscal years after fiscal year 2002.

SEC. 1405. COMPTROLLER GENERAL ASSESSMENT OF IMPLEMENTATION OF RECOMMENDATIONS OF SPACE COMMISSION.

(a) ASSESSMENT.—(1) The Comptroller General shall carry out an assessment through February 15, 2003, of the actions taken by the Secretary of Defense in implementing the recommendations in the report of the Space Commission that are applicable to the Department of Defense.

(2) For purposes of paragraph (1), the term ''report of the Space Commission'' means the report of the Commission To Assess United States National Security Space Management and Organization, dated January 11, 2001, and submitted to Congress under section 1623 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 815).

(b) REPORTS.—Not later than February 15 of each of 2002 and 2003, the Comptroller General shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the assessment carried out under subsection (a). Each report shall set forth the results of the assessment as of the date of such report.

SEC. 1406. COMMANDER OF AIR FORCE SPACE COMMAND.

(a) IN GENERAL.—Chapter 845 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 8584. Commander of Air Force Space Command

''The Secretary of Defense may require that the officer serving as commander of the Air Force Space Command not serve simultaneously as commander of the United States Space Command (or any successor combatant command with responsibility for space) or as commander

of the United States element of the North American Air Defense Command.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''8584. Commander of Air Force Space Command.''.

SEC. 1407. AUTHORITY TO ESTABLISH SEPARATE CAREER FIELD IN THE AIR FORCE FOR SPACE.

The Secretary of the Air Force, acting through the Under Secretary of the Air Force, may establish and implement policies and procedures to develop a cadre of technically competent officers with the capability to develop space doctrine, concepts of space operations, and management of space systems for the Air Force.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE; DEFINITION.

(a) SHORT TITLE.—This division may be cited as the ''Military Construction Authorization Act for Fiscal Year 2002''.

(b) DEFINITION OF FISCAL YEAR 2001 DEFENSE AUTHORIZATION ACT.—In this division, the term ''Spence Act'' means the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, as enacted into law by Public Law 106–398 (114 Stat. 1654).

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or location	Amount
Alabama	Anniston Army Depot	$5,150,000
	Fort Rucker	$11,400,000
	Redstone Arsenal	$7,200,000
Alaska	Fort Richardson	$97,000,000
	Fort Wainwright	$27,200,000
Arizona	Fort Huachuca	$6,100,000
	Yuma Proving Ground	$3,100,000
California	Defense Language Institute	$5,900,000
	Fort Irwin	$23,000,000
Colorado	Fort Carson	$66,000,000
District of Columbia	Fort McNair	$11,600,000
Georgia	Fort Benning	$23,900,000
	Fort Gillem	$43,600,000
	Fort Gordon	$34,000,000
	Fort Stewart/Hunter Army Air Field	$39,800,000
Hawaii	Navy Public Works Center, Pearl Harbor	$11,800,000
	Pohakuloa Training Facility	$5,100,000
	Wheeler Army Air Field	$50,000,000
Kansas	Fort Riley	$10,900,000
Kentucky	Fort Campbell	$88,900,000
Louisiana	Fort Polk	$21,200,000
Maryland	Aberdeen Proving Ground	$58,300,000
	Fort Meade	$5,800,000
	Fort Leonard Wood	$12,250,000
New Jersey	Fort Monmouth	$20,000,000
	Picatinny Arsenal	$10,200,000
New Mexico	White Sands Missile Range	$7,600,000
New York	Fort Drum	$59,350,000
North Carolina	Fort Bragg	$21,300,000
	Sunny Point Military Ocean Terminal	$11,400,000
Oklahoma	Fort Sill	$5,100,000
South Carolina	Fort Jackson	$3,650,000
Texas	Corpus Christi Army Depot	$10,400,000
	Fort Sam Houston	$9,650,000
	Fort Bliss	$5,000,000
	Fort Hood	$104,200,000
Virginia	Fort Belvoir	$35,950,000
	Fort Eustis	$24,750,000
	Fort Lee	$23,900,000
Washington	Fort Lewis	$238,200,000
	Total:	$1,300,710,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or location	Amount
Germany	Area Support Group, Bamberg	$36,000,000
	Area Support Group, Darmstadt	$13,500,000
	Baumholder	$9,000,000
	Hanau	$7,200,000
	Heidelberg	$15,300,000
	Mannheim	$16,000,000
	Wiesbaden Air Base	$26,300,000
Korea	Camp Carroll	$16,593,000
	Camp Casey	$8,500,000
	Camp Hovey	$35,750,000
	Camp Humphreys	$14,500,000
	Camp Jackson	$6,100,000
	Camp Stanley	$28,000,000
Kwajalein	Kwajalein Atoll	$11,000,000
	Total:	$243,743,000

(c) UNSPECIFIED WORLDWIDE.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(3), the Secretary of the Army may acquire real property and carry out military construction projects for the installation and location, and in the amount set forth in the following table:

Army: Unspecified Worldwide

Location	Installation	Amount
Unspecified Worldwide	Classified Location	$4,000,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts, set forth in the following table:

Army: Family Housing

State or Country	Installation or location	Purpose	Amount
Alaska	Fort Wainwright	32 Units	$12,000,000
Arizona	Fort Huachuca	72 Units	$10,800,000
Georgia	Fort Stewart	160 Units	$2,500,000
Kansas	Fort Leavenworth	40 Units	$10,000,000
Texas	Fort Bliss	76 Units	$13,600,000
Korea	Camp Humphreys	54 Units	$12,800,000
		Total:	$61,700,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $11,592,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $220,750,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2001, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $3,018,077,000, as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $1,089,416,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $243,743,000.

(3) For a military construction project at an unspecified worldwide location authorized by section 2101(c), $4,000,000.

(4) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $18,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $163,676,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $294,576,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,102,732,000.

(7) For the construction of a cadet development center at the United States Military Academy, West Point, New York, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261, 112 Stat. 2182), $37,900,000.

(8) For the construction of phase 2C of a barracks complex, Tagaytay Street, at Fort Bragg, North Carolina, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 825), $17,500,000.

(9) For the construction of phase 1C of a barracks complex, Wilson Street, at Schofield Barracks, Hawaii, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65, 113 Stat. 825), $23,000,000.

(10) For construction of phase 2 of a basic combat training complex at Fort Leonard Wood, Missouri, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A–389), as amended by section 2105 of this Act, $27,000,000.

(11) For the construction of phase 2 of a battle simulation center at Fort Drum, New York, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A–389), as amended by section 2105 of this Act, $9,000,000.

(12) For the construction of phase 1 of a barracks complex, Butner Road, at Fort Bragg, North Carolina, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A–389), $49,000,000.

(13) For the construction of phase 1 of a barracks complex, Longstreet Road, at Fort Bragg, North Carolina, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A–389), $27,000,000.

(14) For the construction of a multipurpose digital training range at Fort Hood, Texas, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A–389), as amended by section 2105 of this Act, $13,000,000.

(15) For the homeowners assistance program, as authorized by section 2832(a) of title 10, United States Code, $10,119,000, to remain available until expended.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed—

(1) The total amount authorized to be appropriated under paragraphs (1), (2), (3) of subsection (a);

(2) $52,000,000 (the balance of the amount authorized under section 2201 (a) for construction of a barracks complex, D Street, at Fort Richardson, Alaska);

(3) $41,000,000 (the balance of the amount authorized under section 2201 (a) for construction of phase 1 of a barracks complex, Nelson Blvd, at Fort Carson, Colorado);

(4) $36,000,000 (the balance of the amount authorized under section 2201 (a) for construction of phase 1 of a basic combat training complex at Fort Jackson, South Carolina); and

(5) $102,000,000 (the balance of the amount authorized under section 2201 (a) for construction of a barracks complex, 17th & B Streets, at Fort Lewis, Washington).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (15) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by—

(1) $36,168,000, which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military construction outside the United States; and

(2) $75,417,000, which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military family housing construction and military family housing support outside the United States.

SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2001 PROJECTS.

(a) MODIFICATION.—The table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A–389) is amended—

(1) in the item relating to Fort Leonard Wood, Missouri, by striking ''$65,400,000'' in the amount column and inserting ''$69,400,000'';

(2) in the item relating to Fort Drum, New York, by striking ''$18,000,000'' in the amount column and inserting ''$21,000,000'';

(3) in the item relating to Fort Hood, Texas, by striking ''$36,492,000'' in the amount column and inserting ''$39,492,000''; and

(4) by striking the amount identified as the total in the amount column and inserting ''$623,074,000''.

(b) CONFORMING AMENDMENTS.—Section 2104 of that Act (114 Stat. 1654A–391) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking ''$1,925,344,000'' and inserting ''$1,935,744,000'';

(2) in subsection (b)(2), by striking ''$22,600,000'' and inserting ''$27,000,000'';

(3) in subsection (b)(3), by striking ''$10,000,000'' and inserting ''$13,000,000''; and

(4) in subsection (b)(6), by striking ''$6,000,000'' and inserting ''$9,000,000''.

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or location	Amount
Arizona	Marine Corps Air Station, Yuma	$22,570,000
California	Marine Air-Ground Task Force Training Center, Twentynine Palms	$75,125,000
	Marine Corps Air Station, Camp Pendleton	$4,470,000
	Marine Corps Air Station, Miramar	$3,680,000

Navy: Inside the United States—Continued

State	Installation or location	Amount
	Marine Corps Base, Camp Pendleton	$96,490,000
	Naval Air Facility, El Centro	$23,520,000
	Naval Air Station, Lemoore	$10,010,000
	Naval Air Warfare Center, China Lake	$30,200,000
	Naval Air Warfare Center, Point Mugu, San Nicholas Island	$13,730,000
	Naval Amphibious Base, Coronado	$8,610,000
	Naval Construction Battalion Center, Port Hueneme	$12,400,000
	Naval Construction Training Center, Port Hueneme	$3,780,000
	Naval Station, San Diego	$47,240,000
District of Columbia	Naval Air Facility, Washington	$9,810,000
Florida	Naval Air Station, Key West	$11,400,000
	Naval Air Station, Whiting Field, Milton	$2,140,000
	Naval Station, Mayport	$16,420,000
	Naval Station, Pensacola	$3,700,000
Hawaii	Marine Corps Base, Kaneohe	$24,920,000
	Naval Magazine Lualualei	$6,000,000
	Naval Shipyard, Pearl Harbor	$20,000,000
	Naval Station, Pearl Harbor	$40,600,000
	Navy Public Works Center, Pearl Harbor	$16,900,000
Illinois	Naval Training Center, Great Lakes	$82,260,000
Indiana	Naval Surface Warfare Center, Crane	$14,930,000
Maine	Naval Air Station, Brunswick	$67,395,000
Maryland	Naval Air Warfare Center, Patuxent River	$2,260,000
	Naval Air Warfare Center, St. Inigoes	$5,100,000
	Naval Explosive Ordinance Disposal Technology Center, Indian Head	$1,250,000
Mississippi	Naval Construction Battalion Center, Gulfport	$21,660,000
	Naval Air Station, Meridian	$3,400,000
Missouri	Marine Corps Support Activity, Kansas City	$9,010,000
North Carolina	Marine Corps Air Station, New River	$4,050,000
	Marine Corps Base, Camp Lejeune	$67,070,000
Pennsylvania	Naval Foundry and Propeller Center, Philadelphia	$14,800,000
Rhode Island	Naval Station, Newport	$15,290,000
South Carolina	Marine Corps Air Station, Beaufort	$8,020,000
	Marine Corps Recruit Depot, Parris Island	$5,430,000
	Naval Hospital, Beaufort	$7,600,000
Tennessee	Naval Support Activity, Millington	$3,900,000
Texas	Naval Air Station, Joint Reserve Base, Ft. Worth	$9,060,000
Virginia	Marine Corps Air Facility, Quantico	$3,790,000
	Marine Corps Combat Dev Com	$9,390,000
	Naval Amphibious Base, Little Creek	$9,090,000
	Naval Station, Norfolk	$139,270,000
Washington	Naval Air Station, Whidbey Island	$3,470,000
	Naval Shipyard, Bremerton	$14,000,000
	Naval Station, Everett	$6,820,000
	Strategic Weapons Facility, Bangor	$3,900,000
	Total:	$1,038,920,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or location	Amount
Greece	Naval Support Activity Joint Headquarters Command, Larissa	$12,240,000
	Naval Support Activity, Souda Bay	$3,210,000
Guam	Naval Station, Guam	$9,300,000
	Navy Public Works Center, Guam	$14,800,000
Iceland	Naval Air Station, Keflavik	$2,820,000
Italy	Naval Air Station, Sigonella	$3,060,000
Spain	Naval Station, Rota	$2,240,000
	Total:	$47,670,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Navy: Family Housing

State	Installation or location	Purpose	Amount
Arizona	Marine Corps Air Station, Yuma	51 Units	$9,017,000
California	Marine Air-Ground Task Force Training Center, Twentynine Palms	74 Units	$16,250,000
Hawaii	Marine Corps Base, Kaneohe	172 Units	$46,996,000
	Naval Station, Pearl Harbor	70 Units	$16,827,000
Mississippi	Naval Construction Battalion Center, Gulfport	160 Units	$23,354,000
Virginia	Marine Corps Combat Development Command, Quantico	81 Units	$10,000,000
Italy	Naval Air Station, Sigonella	10 Units	$2,403,000
		Total:	$124,847,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $6,499,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $201,834,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2001, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $2,389,605,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $980,018,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $47,670,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $10,546,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $35,392,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $332,352,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $913,823,000.

(6) For construction of phase 6 of a large anachoic chamber facility at the Patuxent River Naval Air Warfare Center, Maryland, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2590), $10,770,000.

(7) For construction of the Commander-in-Chief Headquarters, Pacific Command, Camp H.M. Smith, Hawaii, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 828), as amended by section 2205, $37,580,000.

(8) For repair of a pier at Naval Station, San Diego, California, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A–396), $17,500,000.

(9) For replacement of a pier at Naval Shipyard, Bremerton, Washington, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A–396), $24,460,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a);

(2) $33,240,000 (the balance of the amount authorized under section 2201(a) for replacement of a pier, increment I, at Naval Station, Norfolk, Virginia; and

(3) $20,100,000 (the balance of the amount authorized under section 2201(a) for a combined propulsion and explosives lab at Naval Air Warfare Center, China Lake, California).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (9) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by—

(1) $6,854,000, which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military construction outside the United States; and

(2) $13,652,000, which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military family housing construction and military family housing support outside the United States.

SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2000 PROJECT.

(a) MODIFICATION.—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 828) is amended—

(1) in the item relating to Camp H.M. Smith, Hawaii, by striking ''$86,050,000'' in the amount column and inserting ''$89,050,000''; and

(2) by striking the amount identified as the total in the amount column and inserting ''$820,230,000''.

(b) CONFORMING AMENDMENTS.—Section 2204 of that Act (113 Stat. 830) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking ''$2,108,087,000'' and inserting ''$2,111,087,000''; and

(2) in subsection (b)(3), by striking ''$70,180,000'' and inserting ''$73,180,000''.

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or location	Amount
Alabama	Maxwell Air Force Base	$34,400,000
Alaska	Eareckson Air Force Base	$4,600,000
	Elmendorf Air Force Base	$32,200,000
Arizona	Davis-Monthan Air Force Base	$23,500,000
	Luke Air Force Base	$4,500,000
Arkansas	Little Rock Air Force Base	$10,600,000
California	Beale Air Force Base	$7,900,000
	Edwards Air Force Base	$21,300,000
	Los Angeles Air Force Base	$23,000,000
	Travis Air Force Base	$10,100,000
	Vandenberg Air Force Base	$11,800,000
Colorado	Buckley Air Force Base	$23,200,000
	Schriever Air Force Base	$30,400,000
	United States Air Force Academy	$25,500,000
District of Columbia	Bolling Air Force Base	$2,900,000
Florida	Cape Canaveral Air Force Station	$7,800,000
	Eglin Air Force Base	$11,400,000
	Hurlburt Field	$10,400,000
	MacDill Air Force Base	$10,000,000
	Tyndall Air Force Base	$20,350,000
Georgia	Moody Air Force Base	$4,900,000
	Robins Air Force Base	$14,650,000
Hawaii	Hickman Air Force Base	$6,300,000
Idaho	Mountain Home Air Force Base	$14,600,000
Kansas	McConnell Air Force Base	$5,100,000
Maryland	Andrews Air Force Base	$19,420,000
Massachusetts	Hanscom Air Force Base	$9,400,000
Mississippi	Keesler Air Force Base	$28,600,000
Nevada	Nellis Air Force Base	$12,600,000
New Jersey	McGuire Air Force Base	$36,550,000
New Mexico	Cannon Air Force Base	$9,400,000
	Kirtland Air Force Base	$19,800,000
North Carolina	Pope Air Force Base	$17,800,000
North Dakota	Grand Forks Air Force Base	$7,800,000
Ohio	Wright-Patterson Air Force Base	$5,800,000
Oklahoma	Altus Air Force Base	$20,200,000
	Tinker Air Force Base	$17,700,000
South Carolina	Shaw Air Force Base	$24,400,000
Tennessee	Arnold Air Force Base	$24,400,000
Texas	Lackland Air Force Base	$12,800,000
	Laughlin Air Force Base	$15,600,000
	Sheppard Air Force Base	$45,200,000
Utah	Hill Air Force Base	$44,000,000
Virginia	Langley Air Force Base	$47,300,000
Washington	Fairchild Air Force Base	$2,800,000
	McChord Air Force Base	$20,700,000
Wyoming	F E Warren Air Force Base	$10,200,000
	Total:	$822,320,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or location	Amount
Germany	Ramstein Air Force Base	$42,900,000
	Spangdahlem Air Base	$8,700,000
Greenland	Thule	$19,000,000
Guam	Andersen Air Force Base	$10,150,000
Italy	Aviano Air Base	$11,800,000
Korea	Kunsan Air Base	$12,000,000
	Osan Air Base	$101,142,000
Turkey	Eskisehir	$4,000,000
United Kingdom	Royal Air Force, Lakenheath	$11,300,000
	Royal Air Force, Mildenhall	$22,400,000
Wake Island	Wake Island	$25,000,000
	Total:	$268,392,000

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(3), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installation and location and in the amounts, set forth in the following table:

Air Force: Unspecified Worldwide

Location	Installation	Amount
Unspecified Worldwide	Classified Location	$4,458,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(7)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts, set forth in the following table:

Air Force: Family Housing

State	Installation or location	Purpose	Amount
Arizona	Luke Air Force Base	120 Units	$15,712,000
California	Travis Air Force Base	118 Units	$18,150,000
Colorado	Buckley Air Force Base	55 Units	$11,400,000
Delaware	Dover Air Force Base	120 Units	$18,145,000
District of Columbia	Bolling Air Force Base	136 Units	$16,926,000
Hawaii	Hickam Air Force Base	102 Units	$25,037,000
Louisiana	Barksdale Air Force Base	56 Units	$7,300,000
South Dakota	Ellsworth Air Force Base	78 Units	$13,700,000
Virginia	Langley Air Force Base	4 Units	$1,200,000
Portugal	Lajes Field, Azores	64 Units	$13,230,000
		Total:	$140,800,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(7)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $24,558,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(7)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $370,879,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2001, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,526,034,000 as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $806,020,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $268,392,000.

(3) For the military construction projects at unspecified worldwide locations authorized by section 2301(c), $4,458,000.

(4) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $11,250,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $84,630,000.

(6) For military housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $536,237,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $866,171,000.

(7) $12,600,000 for construction of an air freight terminal and base supply complex at McGuire Air Force Base, New Jersey, authorized by section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A–399), as amended by section 2305.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1), (2), and (3) of subsection (a); and

(2) $12,000,000 (the balance of the amount authorized under section 2301(a) for a maintenance depot hanger at Hill Air Force Base, Utah).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (7) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by—

(1) $15,846,000, which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military construction outside the United States; and

(2) $47,878,000, which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military family housing construction and military family housing support outside the United States.

SEC. 2305. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2001 PROJECT.

(a) MODIFICATION.—The table in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A–399) is amended—

(1) in the item relating to McGuire Air Force Base, New Jersey, by striking ''$29,772,000'' in the amount column and inserting ''$32,972,000''; and

(2) by striking the amount identified as the total in the amount column and inserting ''$748,955,000''.

(b) CONFORMING AMENDMENTS.—Section 2304(b)(2) of that Act (114 Stat. 1654A–402) is amended by striking ''$9,400,000'' and inserting ''$12,600,000''.

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

Agency	Installation or location	Amount
Chemical Demilitarization	Blue Grass Army Depot, Kentucky	$47,220,000
Defense Education Activity	Laurel Bay, South Carolina	$12,850,000
	Marine Corps Base, Camp LeJeune, North Carolina	$8,857,000
Defense Logistics Agency	Defense Distribution Depot Tracy, California	$30,000,000
	Defense Distribution New Cumberland, Pennsylvania	$19,900,000
	Eielson Air Force Base, Alaska	$8,800,000
	Fort Belvoir, Virginia	$900,000
	Grand Forks Air Force Base, North Dakota	$9,110,000
	Hickam Air Force Base, Hawaii	$29,200,000
	McGuire Air Force Base, New Jersey	$4,400,000
	Minot Air Force Base, North Dakota	$14,000,000
	Philadelphia, Pennsylvania	$2,429,000
	Pope Air Force Base, North Carolina	$3,400,000
Special Operations Command	Aberdeen Proving Ground, Maryland	$3,200,000
	Fort Benning, Georgia	$5,100,000
	Fort Bragg, North Carolina	$35,962,000
	Fort Lewis, Washington	$6,900,000
	Hurlburt Field, Florida	$13,400,000
	MacDill Air Force Base, Florida	$12,000,000
	Naval Station, San Diego, California	$13,650,000
TRICARE Management Activity	Andrews Air Force Base, Maryland	$10,250,000
	Dyess Air Force Base, Texas	$3,300,000
	F. E. Warren Air Force Base, Wyoming	$2,700,000
	Fort Hood, Texas	$12,200,000
	Fort Stewart/Hunter Army Air Field, Georgia	$11,000,000
	Holloman Air Force Base, New Mexico	$5,700,000
	Hurlburt Field, Florida	$8,800,000
	Marine Corps Base, Camp Pendleton, California	$1,150,000
	Marine Corps Logistics Base, Albany, Georgia	$5,800,000
	Naval Air Station, Whidbey Island, Washington	$1,900,000
	Naval Hospital, Twentynine Palms, California	$1,600,000
	Naval Station, Mayport, Florida	$24,000,000
	Naval Station, Norfolk, Virginia	$21,000,000
	Schriever Air Force Base, Colorado	$4,000,000
Washington Headquarters Services	Pentagon Reservation, Virginia	$25,000,000
	Total:	$325,228,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Agency	Installation or location	Amount
Defense Education Activity	Aviano Air Base, Italy	$3,647,000
	Geilenkirchen AB, Germany	$1,733,000
	Heidelberg, Germany	$3,312,000
	Kaiserslautern, Germany	$1,439,000
	Kitzingen, Germany	$1,394,000
	Landstuhl, Germany	$1,444,000
	Ramstein Air Force Base, Germany	$2,814,000
	Royal Air Force, Feltwell, United Kingdom	$22,132,000
	Vogelweh Annex, Germany	$1,558,000
	Wiesbaden Air Base, Germany	$1,378,000
	Wuerzburg, Germany	$2,684,000
Defense Logistics Agency	Anderson Air Force Base, Guam	$20,000,000
	Camp Casey, Korea	$5,500,000
	Naval Station, Rota, Spain	$3,000,000
	Yokota Air Base, Japan	$13,000,000
Office Secretary of Defense	Comalapa Air Base, El Salvador	$12,577,000
TRICARE Management Activity	Heidelberg, Germany	$28,000,000
	Lajes Field, Azores, Portugal	$3,750,000
	Thule, Greenland	$10,800,000
	Total:	$140,162,000

SEC. 2402. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(6), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code, in the amount of $35,600,000.

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2001, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $1,421,319,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $370,164,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $140,162,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $24,492,000.

(4) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $74,496,000.

(6) For energy conservation projects authorized by section 2402 of this Act, $35,600,000.

(7) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), $532,200,000.

(8) For military family housing functions:

(A) For improvement of military family housing and facilities, $250,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $43,762,000, of which not more than $37,298,000 may be obligated or expended for the leasing of military family housing units worldwide.

(C) For credit to the Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of title 10, United States Code, $2,000,000.

(9) For the construction of phase 6 of an ammunition demilitarization facility at Pine Bluff Arsenal, Arkansas, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3040), as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 539), section 2408 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 1982), section 2406 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2197), and section 2407 of this Act, $26,000,000.

(10) For the construction of phase 3 of an ammunition demilitarization facility at Pueblo Army Depot, Colorado, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839), $11,000,000.

(11) For construction of phase 4 of an ammunition demilitarization facility at Newport Army Depot, Indiana, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2193), $66,000,000.

(12) For construction of phase 4 of an ammunition demilitarization facility at Aberdeen Proving Ground, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2193), as amended by section 2406 of this Act, $66,500,000.

(13) For construction of a hospital at Fort Wainwright, Alaska, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 836), $18,500,000.

(14) For construction of an aircrew water survival training facility at Naval Air Station, Whidbey Island, Washington, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 836), as amended by section 2405 of this Act, $6,600,000.

(15) For the construction of phase 2 of an ammunition demilitarization facility at Blue Grass Army Depot, Kentucky, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65, 113 Stat. 836), as amended by section 2405, $3,000,000.

(16) For construction of FHOTC Support Facilities at Camp Pendleton, California, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat.1654A–402), as amended by section 2404 of this Act, $3,150,000.

(17) For replacement of a Medical/Dental Clinic, Las Flores, at Camp Pendleton, California, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat.1654A–402), as amended by section 2404 of this Act, $3,800,000.

(18) For replacement of a Medical/Dental Clinic, Las Pulgas, at Camp Pendleton, California, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat.1654A–402), as amended by section 2404 of this Act, $4,050,000.

(19) For replacement of a Medical/Dental Clinic, Horno, at Camp Pendleton, California, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat.1654A–402), as amended by section 2404 of this Act, $4,300,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(c) ADJUSTMENTS.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (19) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by—

(1) $17,857,000, which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military construction outside the United States; and

(2) $10,250,000, which represents the combination of project savings in military construction resulting from favorable bids, reduced overhead charges, and cancellations due to force structure changes.

SEC. 2404. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2001 PROJECT.

The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A–402) is amended—

(1) under the agency heading relating to TRICARE Management Activity, in the item relating to Marine Corps Base, Camp Pendleton, California, by striking ''$14,150,000'' and inserting ''$15,300,000''; and

(2) by striking the amount identified as the total in the amount column and inserting ''$258,056,000''.

SEC. 2405. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2000 PROJECTS.

(a) MODIFICATION.—The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 836) is amended—

(1) under the agency heading relating to TRICARE Management Activity, in the item relating to Naval Air Station, Whidbey Island, Washington, by striking ''$4,700,000'' inserting ''$6,600,000'';

(2) under the agency heading relating to Chemical Demilitarization, in the item relating to Blue Grass Army Depot, Kentucky, by striking ''$206,800,000'' in the amount column and inserting ''$254,030,000''; and

(3) by striking the amount identified as the total in the amount column and inserting ''$636,550,000''.

(b) CONFORMING AMENDMENT.—Section 2405(b)(3) of that Act (113 Stat. 839) is amended by striking ''$184,000,000'' and inserting ''$231,230,000''.

SEC. 2406. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1999 PROJECT.

The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2193) is amended—

(1) under the agency heading relating to Chemical Demilitarization, in the item relating to Aberdeen Proving Ground, Maryland, by striking ''$186,350,000'' in the amount column and inserting ''$223,950,000''; and

(2) by striking the amount identified as the total in the amount column and inserting ''$727,616,000''.

(b) CONFORMING AMENDMENTS.—Section 2404(b)(3) of that Act (112 Stat. 2196) is amended by striking ''$158,000,000'' and inserting ''$195,600,000''.

SEC. 2407. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1995 PROJECT.

The table in section 2401 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3040), as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 539), section 2408 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 1982), and section 2406 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2197), is amended under the agency heading relating to Chemical Agents and Munitions Destruction, in the item relating to Pine Bluff Arsenal, Arkansas, by striking ''$154,400,000'' in the amount column and inserting ''$177,400,000''.

SEC. 2408. PROHIBITION ON EXPENDITURES TO DEVELOP FORWARD OPERATING LOCATION ON ARUBA FOR UNITED STATES SOUTHERN COMMAND COUNTER-DRUG DETECTION AND MONITORING FLIGHTS.

None of the funds appropriated under the heading ''MILITARY CONSTRUCTION, DEFENSE-WIDE'' in chapter 3 of title III of the Emergency Supplemental Act, 2000 (Public Law 106–246; 114 Stat. 579), may be used by the Secretary of Defense to develop any forward operating location on the island of Aruba to serve as a location from which the United States Southern Command could conduct counter-drug detection and monitoring flights.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2001, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501, in the amount of $162,600,000.

TITLE XXVI—GUARD AND RESERVE FACILITIES

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) IN GENERAL.—There are authorized to be appropriated for fiscal years beginning after September 30, 2001, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $304,915,000; and

(B) for the Army Reserve, $173,017,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $53,291,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $197,472,000; and

(B) for the Air Force Reserve, $79,132,000.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2004; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2005.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor) for which appropriated funds have been obligated before the later of—

(1) October 1, 2004; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2005 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment program.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1999 PROJECTS.

(a) EXCEPTION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2199), authorizations set forth in the tables in subsection (b), as provided in section 2302 or 2601 of that Act, shall remain in effect until October 1, 2002, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2003, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Air Force: Extension of 1999 Project Authorizations

State	Installation or location	Project	Amount
Delaware	Dover Air Force Base	Family Housing Replacement (55 Units)	$8,998,000
Florida	Patrick Air Force Base	Family Housing Replacement (46 Units)	$9,692,000
New Mexico	Kirtland Air Force Base	Family Housing Replacement (37 Units)	$6,400,000
Ohio	Wright-Patterson Air Force Base	Family Housing Replacement (40 Units)	$5,600,000

Army National Guard: Extension of 1999 Project Authorizations

State	Installation or location	Project	Amount
Massachusetts	Westfield	Army Aviation Support Facility	$9,274,000
South Carolina	Spartanburg	Readiness Center	$5,260,000

SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1998 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 1984), authorizations set forth in the tables in subsection (b), as provided in section 2102, 2202, or 2302 of that Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A–408), shall remain in effect until October 1, 2002, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2003, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Army: Extension of 1998 Project Authorization

State	Installation or location	Project	Amount
Maryland	Fort Meade	Family Housing Construction (56 units)	$7,900,000

Navy: Extension of 1998 Project Authorizations

State	Installation or location	Project	Amount
California	Naval Complex, San Diego	Family Housing Replacement (94 units)	$13,500,000
California	Marine Corps Air Station, Miramar	Family Housing Construction (166 units)	$28,881,000
Louisiana	Naval Complex, New Orleans	Family Housing Replacement (100 units)	$11,930,000
Texas	Naval Air Station, Corpus Christi	Family Housing Construction (212 units)	$22,250,000

Air Force: Extension of 1998 Project Authorization

State	Installation or location	Project	Amount
New Mexico	Kirtland Air Force Base	Family Housing Replacement (180 units)	$20,900,000

SEC. 2704. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall take effect on the later of—

(1) October 1, 2001; or

(2) the date of the enactment of this Act.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. INCREASE IN CERTAIN UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECT THRESHOLDS.

Section 2805 of title 10, United States Code, is amended—

(1) in subsection (b)(1), by striking ''$500,000'' and inserting ''$750,000'';

(2) in subsection (c)(1)(A), by striking ''$1,000,000'' and inserting ''$1,500,000''; and

(3) in subsection (c)(1)(B), by striking ''$500,000'' and inserting ''$750,000''.

SEC. 2802. EXCLUSION OF UNFORESEEN ENVIRONMENTAL HAZARD REMEDIATION FROM LIMITATION ON AUTHORIZED COST VARIATIONS.

Subsection (d) of section 2853 of title 10, United States Code, is amended to read as follows:

''(d) The limitation on cost increases in subsection (a) does not apply—

''(1) to the settlement of a contractor claim under a contract; or

''(2) to the costs associated with the required remediation of an environmental hazard in connection with a military construction project or military family housing project, such as asbestos removal, radon abatement, lead-based paint removal or abatement, or any other legally required environmental hazard remediation, if the required remediation could not have reasonably been anticipated at the time the project was approved originally by Congress.''.

SEC. 2803. REPEAL OF ANNUAL REPORTING REQUIREMENT ON MILITARY CONSTRUCTION AND MILITARY FAMILY HOUSING ACTIVITIES.

(a) REPEAL.—Section 2861 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter III of chapter 169 of such title is amended by striking the item relating to section 2861.

SEC. 2804. PERMANENT AUTHORIZATION FOR ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.

(a) REPEAL OF TERMINATION PROVISION.—Section 2885 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter IV of chapter 169 of such title is amended by striking the item relating to section 2885.

Subtitle B—Real Property and Facilities Administration

SEC. 2811. USE OF MILITARY INSTALLATIONS FOR CERTAIN RECREATIONAL ACTIVITIES.

Section 2671 of title 10, United States Code, is amended—

(1) by transferring subsection (b) to the end of the section and redesignating such subsection, as so transferred, as subsection (e); and

(2) by inserting after subsection (a) the following new subsection (b):

''(b) Subsection (a) shall not apply with respect to all or certain specified hunting, fishing, or trapping at a military installation or facility if the Secretary of Defense determines that the application of the State or Territory fish and game laws to such hunting, fishing, or trapping without modification could result in undesirable consequences for public safety or adverse effects on morale, welfare, or recreation activities at the installation or facility. The Secretary may not waive or modify the requirements under subsection (a)(2) regarding a license for such hunting, fishing, or trapping or any fee imposed by a State or Territory to obtain such a license.''.

SEC. 2812. BASE EFFICIENCY PROJECT AT BROOKS AIR FORCE BASE, TEXAS.

(a) INDEMNIFICATION OF TRANSFEREES.—Section 136 of the Military Construction Appropriations Act, 2001 (division A of Public Law 106–246; 114 Stat. 520), is amended—

(1) by striking subsection (n);

(2) by redesignating subsection (m) as subsection (n); and

(3) by inserting after subsection (l) the following new subsection:

''(m) INDEMNIFICATION OF TRANSFEREES.—(1) With respect to the disposal of real property under subsection (e) at the Base as part of the Project, the Secretary shall hold harmless, defend, and indemnify in full the Community and other persons and entities described in paragraph (2) from and against any suit, claim, demand or action, liability, judgment, cost or other fee arising out of any claim for personal injury or property damage (including death, illness, or loss of or damage to property or economic loss) that results from, or is in any manner predicated upon, the release or threatened release of any hazardous substance, pollutant or contaminant, or petroleum or petroleum derivative as a result of Department of Defense activities at the Base.

''(2) The persons and entities referred to in paragraph (1) are the following:

''(A) The Community (including any officer, agent, or employee of the Community) that acquires ownership or control of any real property at the Base as described in paragraph (1).

''(B) The State of Texas or any political subdivision of the State (including any officer, agent, or employee of the State or political subdivision) that acquires such ownership or control.

''(C) Any other person or entity that acquires such ownership or control.

''(D) Any successor, assignee, transferee, lender, or lessee of a person or entity described in subparagraphs (A) through (C).

''(3) To the extent the persons and entities described in paragraph (2) contributed to any such release or threatened release, paragraph (1) shall not apply.

''(4) No indemnification may be afforded under this subsection unless the person or entity making a claim for indemnification—

''(A) notifies the Department of Defense in writing within two years after such claim accrues or begins action within six months after the date of mailing, by certified or registered mail, of notice of final denial of the claim by the Department of Defense;

''(B) furnishes to the Department of Defense copies of pertinent papers the entity receives;

''(C) furnishes evidence or proof of any claim, loss, or damage covered by this subsection; and

''(D) provides, upon request by the Department of Defense, access to the records and personnel of the entity for purposes of defending or settling the claim or action.

''(5) In any case in which the Secretary determines that the Department of Defense may be required to make indemnification payments to a person under this subsection for any suit, claim, demand or action, liability, judgment, cost or other fee arising out of any claim for personal injury or property damage referred to in paragraph (1), the Secretary may settle or defend, on behalf of that person, the claim for personal injury or property damage. If the person to whom the Department of Defense may be required to make indemnification payments does not allow the Secretary to settle or defend the claim, the person may not be afforded indemnification with respect to that claim under this subsection.

''(6) For purposes of paragraph (4)(A), the date on which a claim accrues is the date on which the plaintiff knew (or reasonably should have known) that the personal injury or property damage referred to in paragraph (1) was caused or contributed to by the release or threatened release of a hazardous substance, pollutant or contaminant, or petroleum or petroleum derivative as a result of Department of Defense activities at the Base.

''(7) Nothing in this subsection shall be construed as affecting or modifying in any way section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

''(8) In this subsection, the terms 'facility', 'hazardous substance', 'release', and 'pollutant or contaminant' have the meanings given such terms in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, respectively (42 U.S.C. 9601).''.

(b) DEFINITIONS.—Paragraph (9) of subsection (n) of such section, as redesignated by subsection (a)(2), is amended by striking '', who shall be a civilian official of the Department appointed by the President with the advice and consent of the Senate''.

Subtitle C—Defense Base Closure and Realignment

SEC. 2821. LEASE BACK OF BASE CLOSURE PROPERTY.

(a) 1988 LAW.—Section 204(b)(4) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note) is amended—

(1) by redesignating subparagraphs (E), (F), (G), (H), and (I) as subparagraphs (F), (G), (H), (I), and (J), respectively; and

(2) by inserting after subparagraph (D) the following new subparagraph (E):

''(E)(i) The Secretary may transfer real property at an installation approved for closure or realignment under this title (including property at an installation approved for realignment which will be retained by the Department of Defense or another Federal agency after realignment) to the redevelopment authority for the installation if the redevelopment authority agrees to lease, directly upon transfer, one or more portions of the property transferred under this subparagraph to the Secretary or to the head of another department or agency of the Federal Government. Subparagraph (B) shall apply to a transfer under this subparagraph.

''(ii) A lease under clause (i) shall be for a term of not to exceed 50 years, but may provide for options for renewal or extension of the term by the department or agency concerned.

''(iii) A lease under clause (i) may not require rental payments by the United States.

''(iv) A lease under clause (i) shall include a provision specifying that if the department or agency concerned ceases requiring the use of the leased property before the expiration of the term of the lease, the remainder of the lease term may be satisfied by the same or another department or agency of the Federal Government using the property for a use similar to the use under the lease. Exercise of the authority provided by this clause shall be made in consultation with the redevelopment authority concerned.

''(v) Notwithstanding clause (iii) or chapter 137 of title 10, United States Code, if a lease under clause (i) involves a substantial portion of the installation, the department or agency concerned may obtain facility services for the leased property and common area maintenance from the redevelopment authority or the redevelopment authority's assignee as a provision of the lease. The facility services and common area maintenance shall be provided at a rate no higher than the rate charged to non-Federal tenants of the transferred property. Facility services and common area maintenance covered by the lease shall not include—

''(I) municipal services that a State or local government is required by law to provide to all landowners in its jurisdiction without direct charge; or

''(II) firefighting or security-guard functions.''.

(b) 1990 LAW.—Section 2905(b)(4)(E) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by adding at the end the following new clause:

''(v) Notwithstanding clause (iii) or chapter 137 of title 10, United States Code, if a lease under clause (i) involves a substantial portion of the installation, the department or agency concerned may obtain facility services for the leased property and common area maintenance from the redevelopment authority or the redevelopment authority's assignee as a provision of the lease. The facility services and common area maintenance shall be provided at a rate no higher than the rate charged to non-Federal tenants of the transferred property. Facility services and common area maintenance covered by the lease shall not include—

''(I) municipal services that a State or local government is required by law to provide to all landowners in its jurisdiction without direct charge; or

''(II) firefighting or security-guard functions.''.

Subtitle D—Land Conveyances

PART I—ARMY CONVEYANCES

SEC. 2831. MODIFICATION OF LAND EXCHANGE, ROCK ISLAND ARSENAL, ILLINOIS.

(a) ADDITIONAL CONVEYANCE AUTHORIZED.—Subsection (a) of section 2832 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 857) is amended—

(1) by inserting ''(1)'' before ''The Secretary''; and

(2) by adding at the end the following new paragraph:

''(2) The Secretary may convey to the City all right, title, and interest of the United States in and to an additional parcel of real property, including improvements thereon, at the Rock Island Arsenal consisting of approximately .513 acres.''.

(b) CONSIDERATION.—Subsection (b) of such section is amended—

(1) by inserting ''(1)'' before ''As consideration'';

(2) by striking ''subsection (a)'' both places it appears and inserting ''subsection (a)(1)''; and

(3) by adding at the end the following new paragraph:

''(2) As consideration for the conveyance under subsection (a)(2), the City shall convey to the Secretary all right, title, and interest of the City in and to a parcel of real property consisting of approximately .063 acres and construct on the parcel, at the City's expense, a new access ramp to the Rock Island Arsenal.''.

SEC. 2832. MODIFICATION OF LAND CONVEYANCES, FORT DIX, NEW JERSEY.

Section 2835(c) of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 2004) is amended by adding at the end the following new paragraph:

''(3) Notwithstanding paragraphs (1) or (2), the Borough and Board may exchange between each other, without the consent of the Secretary, all or any portion of the property conveyed under subsection (a) so long as the property continues to be used by the grantees for economic development or educational purposes.''.

SEC. 2833. LEASE AUTHORITY, FORT DERUSSY, HAWAII.

Notwithstanding section 809 of the Military Construction Authorization Act, 1968 (Public Law 90–110; 81 Stat. 309) and section 2814(b) of the Military Construction Authorization Act, 1989 (Public Law 100–456; 102 Stat. 2117), the Secretary of the Army may enter into a lease with the City of Honolulu, Hawaii, for the purpose of making available to the City a parcel of real property at Fort DeRussy, Hawaii, for the construction of a parking facility.

SEC. 2834. LAND EXCHANGE AND CONSOLIDATION, FORT LEWIS, WASHINGTON.

(a) EXCHANGE AUTHORIZED.—(1) The Secretary of the Army may convey to the Nisqually Tribe, a federally recognized Indian tribe whose tribal lands are located within the State of Washington, all right, title, and interest of the United States in and to two parcels of real property, including any improvements thereon, consisting of approximately 138 acres at Fort Lewis, Washington, in exchange for the real property described in subsection (b).

(2) The property authorized for conveyance under paragraph (1) does not include Bonneville Power Administration transmission facilities or the right of way described in subsection (c).

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the Nisqually Tribe shall—

(1) acquire from Thurston Country, Washington, several parcels of real property consisting of approximately 416 acres that are owned by the county, are within the boundaries of Fort Lewis, and are currently leased by the Army, and

(2) convey fee title over the acquired property to the Secretary.

(c) RIGHT-OF-WAY FOR BONNEVILLE POWER ADMINISTRATION.—The Secretary may use the authority provided in section 2668 of title 10, United States Code, to convey to the Bonneville Power Administration a right-of-way that authorizes the Bonneville Power Administration to use real property at Fort Lewis as a route for the Grand Coulee-Olympia and Olympia-White River electric transmission lines and appurtenances to facilitate the removal of such transmission lines from tribal lands of the Nisqually Tribe.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) and acquired under subsection (b) shall be determined by a survey satisfactory to the Secretary and the Nisqually Tribe. The cost of the survey shall be borne by the recipient of the property.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2835. LAND CONVEYANCE, WHITTIER-ANCHORAGE PIPELINE TANK FARM, ANCHORAGE, ALASKA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Port of Anchorage, an entity of the Municipality of Anchorage, Alaska, all right, title, and interest of the United States in and to two adjoining parcels of real property, including any improvements thereon, consisting of approximately 48 acres in Anchorage, Alaska, which are known as of the Whittier-Anchorage Pipeline Tank Farm, for the purpose of permitting the Port of Anchorage to use the parcels for economic development.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the recipient of the real property.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section (a) as the Secretary considers appropriate to protect the interests of the United States.

PART II—NAVY CONVEYANCES

SEC. 2841. TRANSFER OF JURISDICTION, CENTERVILLE BEACH NAVAL STATION, HUMBOLDT COUNTY, CALIFORNIA.

(a) TRANSFER AUTHORIZED.—The Secretary of the Navy may transfer, without reimbursement, to the administrative jurisdiction of the Secretary of the Interior the real property, including any improvements thereon, consisting of the closed Centerville Beach Naval Station in Humboldt County, California, for the purpose of permitting the Secretary of the Interior to manage the real property as open space or for other public purposes.

(b) LEGAL DESCRIPTION.—The exact acreage and legal description of the real property to be transferred under this section shall be determined by a survey satisfactory to the Secretary of the Navy. The cost of the survey shall be borne by the Secretary of the Interior.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Navy may require such additional terms and conditions in connection with the transfer under this section as the Secretary of the Navy considers appropriate to protect the interests of the United States.

SEC. 2842. LAND CONVEYANCE, NAVAL WEAPONS INDUSTRIAL RESERVE PLANT, TOLEDO, OHIO.

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Navy may convey, without consideration, to the Toledo-Lucas County Port Authority, Ohio (in this section referred to as the ''Port Authority''), all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 29 acres, including any improvements thereon, and comprising the Naval Weapons Industrial Reserve Plant, Toledo, Ohio.

(2) The Secretary may include in the conveyance under paragraph (1) such facilities, equipment, fixtures, and other personal property located or based on the parcel conveyed under that paragraph, or used in connection with the parcel, as the Secretary determines to be not required by the Navy for other purposes.

(b) LEASE AUTHORITY.—Until such time as the real property described in subsection (a)(1) is conveyed by deed, the Secretary may lease the real property, together with any improvements, facilities, equipment, fixtures, and other personal property thereon, to the Port Authority in exchange for security services, fire protection services, and maintenance services provided by the Port Authority for the real property.

(c) CONDITIONS OF CONVEYANCE.—(1) The conveyance under subsection (a), and any lease under subsection (b), shall be subject to the conditions that the Port Authority—

(A) accept the parcel, and any improvements, facilities, equipment, fixtures, and other personal property thereon, in their condition at the time of the conveyance or lease, as the case may be; and

(B) except as provided in paragraph (2), use the parcel, and any improvements, facilities, equipment, fixtures, and other personal property thereon, whether directly or through an agreement with a public or private entity, for economic development, redevelopment, or retention purposes, including the creation or preservation of jobs and employment opportunities, or such other public purposes as the Port Authority determines appropriate.

(2) The Port Authority may at any time convey, lease, or sublease, as the case may be, the parcel, and any improvements, facilities, equipment, fixtures, and other personal property thereon, to a public or private entity for purposes described in paragraph (1)(B).

(d) INSPECTION.—The Secretary may permit the Port Authority to review and inspect the improvements, facilities, equipment, fixtures, and other personal property located on the parcel described in subsection (a)(1) for purposes of the conveyance authorized by that subsection and the lease authorized by subsection (b).

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a)(1), and of any facilities, equipment fixtures, or other personal property to be conveyed under subsection (a)(2), shall be determined by a survey and other means satisfactory to the Secretary. The cost of any activities under the preceding sentence shall be borne by the Port Authority.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a)(1), and any lease under subsection (b), as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2843. MODIFICATION OF AUTHORITY FOR CONVEYANCE OF NAVAL COMPUTER AND TELECOMMUNICATIONS STATION, CUTLER, MAINE.

Section 2853(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A–430) is amended by inserting ''any or'' before ''all right''.

SEC. 2844. MODIFICATION OF LAND CONVEYANCE, FORMER UNITED STATES MARINE CORPS AIR STATION, EAGLE MOUNTAIN LAKE, TEXAS.

Section 5 of Public Law 85–258 (71 Stat. 583) is amended by inserting before the period at the end the following: ''or for the protection, maintenance, and operation of other Texas National Guard facilities''.

SEC. 2845. LAND TRANSFER AND CONVEYANCE, NAVAL SECURITY GROUP ACTIVITY, WINTER HARBOR, MAINE.

(a) TRANSFER OF JURISDICTION OF SCHOODIC POINT PROPERTY AUTHORIZED.—(1) The Secretary of the Navy may transfer, without consideration, to the Secretary of the Interior administrative jurisdiction of a parcel of real property, including any improvements thereon and appurtenances thereto, consisting of approximately 26 acres as generally depicted as Tract 15–116 on the map entitled ''Acadia National Park Schoodic Point Area'', numbered 123/80,418 and dated May 2001. The map shall be on file and available for inspection in the appropriate offices of the National Park Service.

(2) The transfer authorized by this subsection shall occur, if at all, concurrently with the reversion of administrative jurisdiction of a parcel of real property consisting of approximately 71 acres, as depicted as Tract 15–115 on the map referred to in paragraph (1), from the Secretary of the Navy to the Secretary of the Interior as authorized by Public Law 80–260 (61 Stat. 519) and to be executed on or about June 30, 2002.

(b) CONVEYANCE OF COREA AND WINTER HARBOR PROPERTIES AUTHORIZED.—The Secretary of the Navy may convey, without consideration, to the State of Maine, any political subdivision of the State of Maine, or any tax-supported agency in the State of Maine, all right, title, and interest of the United States in and to any of the parcels of real property, including any improvements thereon and appurtenances thereto, consisting of approximately 485 acres and

comprising the former facilities of the Naval Security Group Activity, Winter Harbor, Maine, located in Hancock County, Maine, except for the real property described in subsection (a)(1).

(c) TRANSFER OF PERSONAL PROPERTY.—The Secretary of the Navy shall transfer, without consideration, to the Secretary of the Interior in the case of the real property transferred under subsection (a), or to any recipient of such real property in the case of real property conveyed under subsection (b), any or all personal property associated with such real property so transferred or conveyed, including—

(1) the ambulances and any fire trucks or other firefighting equipment; and

(2) any personal property required to continue the maintenance of the infrastructure of such real property, including the generators and an uninterrupted power supply in building 154 at the Corea site.

(d) MAINTENANCE OF PROPERTY PENDING CONVEYANCE.—The Secretary of the Navy shall maintain any real property, including any improvements thereon, appurtenances thereto, and supporting infrastructure, to be conveyed under subsection (b) until the earlier of—

(1) the date of the conveyance of such real property under subsection (b); or

(2) September 30, 2003.

(e) INTERIM LEASE.—(1) Until such time as any parcel of real property to be conveyed under subsection (b) is conveyed by deed under that subsection, the Secretary of the Navy may lease such parcel to any person or entity determined by the Secretary to be an appropriate lessee of such parcel.

(2) The amount of rent for a lease under paragraph (1) shall be the amount determined by the Secretary to be appropriate, and may be an amount less than the fair market value of the lease.

(f) REIMBURSEMENT FOR ENVIRONMENTAL AND OTHER ASSESSMENTS.—(1) The Secretary of the Navy may require each recipient of real property conveyed under subsection (b) to reimburse the Secretary for the costs incurred by the Secretary for any environmental assessment, study, or analysis carried out by the Secretary with respect to such property before completing the conveyance under that subsection.

(2) The amount of any reimbursement required under paragraph (1) shall be determined by the Secretary, but may not exceed the cost of the assessment, study, or analysis for which reimbursement is required.

(3) Section 2695(c) of title 10, United States Code, shall apply to any amount received by the Secretary under this subsection.

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property transferred under subsection (a), and each parcel of real property conveyed under subsection (b), shall be determined by a survey satisfactory to the Secretary of the Navy. The cost of any survey under the preceding sentence for real property conveyed under subsection (b) shall be borne by the recipient of the real property.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Navy may require such additional terms and conditions in connection with any conveyance under subsection (b), and any lease under subsection (e), as the Secretary considers appropriate to protect the interests of the United States.

PART III—AIR FORCE CONVEYANCES

SEC. 2851. WATER RIGHTS CONVEYANCE, ANDERSEN AIR FORCE BASE, GUAM.

(a) AUTHORITY TO CONVEY.—In conjunction with the conveyance of the water supply system for Anderson Air Force Base, Guam, under the authority of section 2688 of title 10, United States Code, and in accordance with all the requirements of that section, the Secretary of the Air Force may convey all right, title, and interest of the United States, or such lesser estate as the Secretary considers appropriate to serve the interests of the United States, in the water rights related to the following Air Force properties located on Guam:

(1) Andy South, also known as the Andersen Administrative Annex.

(2) Marianas Bonins Base Command.

(3) Andersen Water Supply Annex, also known as the Tumon Water Well or the Tumon Maui Well.

(b) ADDITIONAL REQUIREMENTS.—The Secretary may exercise the authority contained in subsection (a) only if—

(1) the Secretary determines that adequate supplies of potable groundwater exist under the main base and northwest field portions of Andersen Air Force Base to meet the current and long-term requirements of the installation for water;

(2) the Secretary determines that such supplies of groundwater are economically obtainable; and

(3) the Secretary requires the conveyee of the water rights under subsection (a) to provide a water system capable of meeting the water supply needs of the main base and northwest field portions of Anderson Air Force Base, as determined by the Secretary.

(c) INTERIM WATER SUPPLIES.—If the Secretary determines that it is in the best interests of the United States to transfer title to the water rights and utility systems at Andy South and Andersen Water Supply Annex before placing into service a replacement water system and well field on Andersen Air Force Base, the Secretary may require that the United States have the primary right to all water produced from Andy South and Andersen Water Supply Annex until the replacement water system and well field is placed into service and operates to the satisfaction of the Secretary. In exercising the authority provided by this subsection, the Secretary may retain a reversionary interest in the water rights and utility systems at Andy South and Andersen Water Supply Annex until such time as the new replacement water system and well field is placed into service and operates to the satisfaction of the Secretary.

(d) SALE OF EXCESS WATER AUTHORIZED.—(1) As part of the conveyance of water rights under subsection (a), the Secretary may authorize the conveyee of the water system to sell to public or private entities such water from Andersen Air Force Base as the Secretary determines to be excess to the needs of the United States. In the event the Secretary authorizes the conveyee to resell water, the Secretary shall negotiate a reasonable return to the United States of the value of such excess water sold by the conveyee, which return the Secretary may receive in the form of reduced charges for utility services provided by the conveyee.

(2) If the Secretary cannot meet the requirements of subsection (b), and the Secretary determines to proceed with a water utility system conveyance under section 2688 of title 10, United States Code, without the conveyance of water rights, the Secretary may provide in any such conveyance that the conveyee of the water system may sell to public or private entities such water from Andy South and Andersen Water Supply Annex as the Secretary determines to be excess to the needs of the United States. The Secretary shall negotiate a reasonable return to the United States of the value of such excess water sold by the conveyee, which return the Secretary may receive in the form of reduced charges for utility services provided by the conveyee.

(e) TREATMENT OF WATER RIGHTS.—For purposes of section 2688 of title 10, United States Code, the water rights referred to in subsection (a) shall be considered as part of a utility system (as that term is defined in subsection (h)(2) of such section).

SEC. 2852. REEXAMINATION OF LAND CONVEYANCE, LOWRY AIR FORCE BASE, COLORADO.

The Secretary of the Air Force shall reevaluate the terms and conditions of the pending negotiated sale agreement with the Lowry Redevelopment Authority for certain real property at Lowry Air Force Base, Colorado, in light of changed circumstances regarding the property, including changes in the flood plain designations affecting some of the property, to determine whether the changed circumstances warrant a reduction in the amount of consideration otherwise required under the agreement or other modifications to the agreement.

Subtitle E—Other Matters

SEC. 2861. TRANSFER OF JURISDICTION FOR DEVELOPMENT OF ARMED FORCES RECREATION FACILITY, PARK CITY, UTAH.

(a) TRANSFER REQUIRED.—(1) The Secretary of the Interior shall transfer, without reimbursement, to the administrative jurisdiction of the Secretary of the Air Force a parcel of real property in Park City, Utah, including any improvements thereon, that consists of approximately 35 acres, is located in township 2 south, range 4 east, Salt Lake meridian, and is designated as parcel 3 by the Bureau of Land Management.

(2) The transfer shall be subject to existing rights, except that the Secretary of the Interior shall terminate any lease with respect to the parcel issued under the Act of June 14, 1926 (commonly known as the Recreation and Public Purposes Act; 43 U.S.C. 689 et seq.), and still in effect as of the date of the enactment of this Act.

(3) The transfer required by this subsection shall be completed not later than one year after the date of the enactment of this Act.

(b) USE OF TRANSFERRED LAND.—(1) The Secretary of the Air Force may use the real property transferred under subsection (a) as the location for an armed forces recreation facility to be developed using nonappropriated funds.

(2) The Secretary of the Air Force may return the transferred property (or property acquired in exchange for the transferred property under subsection (c)) to the administrative jurisdiction of the Secretary of the Interior at any time upon certifying that development of the armed forces recreation facility would not be in the best interests of the Government.

(c) SUBSEQUENT CONVEYANCE AUTHORITY.—(1) In lieu of developing the armed forces recreation facility on the real property transferred under subsection (a), the Secretary of the Air Force may convey or lease the property to the State of Utah, a local government, or a private entity in exchange for other property to be used as the site of the facility.

(2) The values of the properties exchanged by the Secretary under this subsection either shall be equal, or if they are not equal, the values shall be equalized by the payment of money to the grantor or to the Secretary as the circumstances require. The conveyance or lease shall be on such other terms as the Secretary of the Air Force considers to be advantageous to the development of the facility.

(d) ALTERNATIVE DEVELOPMENT AUTHORITY.—The Secretary of the Air Force may lease the real property transferred under subsection (a), or any property acquired pursuant to subsection (c), to another party and may enter into a contract with the party for the design, construction, and operation of the armed forces recreation facility. The Secretary of the Air Force may authorize the contractor to operate the facility as both a military and a commercial operation if the Secretary determines that such an authorization is a necessary incentive for the contractor to agree to design, construct, and operate the facility.

(e) LEGAL DESCRIPTION.—The exact acreage and legal description of the real property to be transferred under subsection (a) shall be determined by a survey. The cost of the survey shall be borne by the Secretary of the Air Force.

SEC. 2862. SELECTION OF SITE FOR UNITED STATES AIR FORCE MEMORIAL AND RELATED LAND TRANSFERS FOR THE IMPROVEMENT OF ARLINGTON NATIONAL CEMETERY, VIRGINIA.

(a) DEFINITIONS.—In this section:

(1) The term ''Arlington Naval Annex'' means the parcel of Federal land located in Arlington County, Virginia, that is subject to transfer to the administrative jurisdiction of the Secretary of the Army under section 2881 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 879).

(2) The term ''Foundation'' means the Air Force Memorial Foundation, which was authorized in Public Law 103–163 (107 Stat. 1973; 40 U.S.C. 1003 note) to establish a memorial in the District of Columbia or its environs to honor the men and women who have served in the United States Air Force and its predecessors.

(3) The term ''Air Force Memorial'' means the United States Air Force Memorial to be established by the Foundation.

(4) The term ''Arlington Ridge tract'' means the parcel of Federal land in Arlington County, Virginia, known as the Nevius Tract and transferred to the Department of the Interior in 1953, that is bounded generally by—

(A) Arlington Boulevard (United States Route 50) to the north;

(B) Jefferson Davis Highway (Virginia Route 110) to the east;

(C) Marshall Drive to the south; and

(D) North Meade Street to the west.

(5) The term ''Section 29'' means a parcel of Federal land in Arlington County, Virginia, that is currently administered by the Secretary of the Interior within the boundaries of Arlington National Cemetery and is identified as ''Section 29''.

(b) OFFER OF PORTION OF ARLINGTON NAVAL ANNEX AS SITE FOR AIR FORCE MEMORIAL.—Within 60 days after the date of the enactment of this Act, the Secretary of Defense shall offer to the Foundation an option to use, without reimbursement, up to three acres of the Arlington Naval Annex as the site within which the Foundation will construct the Air Force Memorial. The offered acreage shall include the promontory adjacent to, and the land underlying, Wing 8 of Federal Office Building #2 in the northeast quadrant of the Arlington Naval Annex.

(c) ACCEPTANCE OR REJECTION OF OFFER.—

(1) DEADLINE.—Within 90 days after the date on which the Secretary of Defense makes the offer required by subsection (b), the Foundation shall provide written notice to the Secretary of the decision of the Foundation to accept or decline the offer.

(2) EFFECT OF ACCEPTANCE.—Subject to subsection (d), if the Foundation accepts the offer of the Secretary of Defense, the Foundation shall relinquish all claims to the previously approved location for the Air Force Memorial. No other commemorative work may thereafter be established on the Arlington Naval Annex property.

(3) EFFECT OF REJECTION.—If the Foundation declines the offer of the Secretary of Defense, the Foundation may resume its efforts to construct the Air Force Memorial on the Arlington Ridge tract from the farthest point of progress. Any administrative record compiled during previous proceedings related to the siting of the memorial on the Arlington Ridge tract pursuant to Public Law 103–163 (40 U.S.C. 1003 note), shall be preserved, and all deadlines tolled, while the Foundation is considering the offer of a site for the memorial within the Arlington Naval Annex.

(d) PREPARATION FOR AND CONSTRUCTION OF AIR FORCE MEMORIAL.—

(1) PREPARATION FOR CONSTRUCTION.—Not later than two years after the date on which the Foundation accepts the offer made under subsection (b) and has available sufficient funds to construct the Air Force Memorial, the Secretary of Defense, in coordination with the Foundation, shall remove all structures and prepare the Arlington Naval Annex site for use as may be necessary to permit construction of the memorial and appropriate access.

(2) CONSTRUCTION OF MEMORIAL.—Upon the removal of structures and preparation of the property for use as required by paragraph (1), the Secretary of Defense shall permit the Foundation to commence construction of the Air Force Memorial on the Arlington Naval Annex site.

(3) RELATION TO OTHER TRANSFER AUTHORITY.—Nothing in this section alters the deadline for transfer of the Arlington Naval Annex to the Secretary of the Army and remediation of the transferred land for use as part of Arlington National Cemetery, as required by section 2881 of the Military Construction Authorization Act for Fiscal Year 2000.

(4) OVERSIGHT.—The Secretary of Defense shall have exclusive authority in all matters relating to approval of the siting and design of the Air Force Memorial on the Arlington Naval Annex site, and the siting, design, and construction of the memorial on such site shall not be subject to the requirements of the Commemorative Works Act (40 U.S.C. 1001 et seq.).

(e) ACCESS AND MANAGEMENT OF RESULTING AIR FORCE MEMORIAL.—The Secretary of the Army may enter into a cooperative agreement with the Foundation to provide for management of the Air Force Memorial constructed on the Arlington Naval Annex site and to guarantee public access to the memorial.

(f) LAND TRANSFER, ARLINGTON RIDGE TRACT.—

(1) TRANSFER REQUIRED.—Within 30 days after the date of the enactment of this Act, the Secretary of the Interior shall transfer, without reimbursement, to the Secretary of the Army administrative jurisdiction over the Arlington Ridge tract.

(2) USE OF LAND.—The Secretary of the Army shall incorporate the Arlington Ridge tract into Arlington National Cemetery and may designate and use up to 15 acres of that portion of the tract east of the Netherlands Carillon and Marine Corps Memorial as new in-ground burial sites, for both full casket and cremated remains, for the burial of eligible individuals in Arlington National Cemetery. Burial sites shall not be developed within 50 feet of the pathway, in existence as of the date of the enactment of this Act, that connects the Netherlands Carillon and the Marine Corps Memorial or the existing roadway that circles the Marine Corps Memorial. No other structures shall be permitted on the Arlington Ridge tract.

(3) ACCESS AND MANAGEMENT OF EXISTING MEMORIALS.—The Secretary of the Army and the Secretary of the Interior shall enter into a cooperative agreement to continue National Park Service management of the Netherlands Carillon and the Marine Corps Memorial and to guarantee public access to these locations.

(g) LAND TRANSFER, SECTION 29.—

(1) TRANSFER REQUIRED.—Within 30 days after the date of the enactment of this Act, the Secretary of the Interior shall transfer, without reimbursement, to the Secretary of the Army administrative jurisdiction over that portion of Section 29 located more than 50 feet from Sherman Drive and located between Ord and Weitzel Drive and the southern boundary of Section 29.

(2) USE OF LAND.—The Secretary of the Army shall use the transferred property only for the development of in-ground burial sites and columbarium which are designed to meet the contours of Section 29. The Secretary of the Army shall preserve the natural setting of the parcel and the mature trees on the parcel to the greatest extent practicable while providing for its efficent use as burial space.

(3) MANAGEMENT OF REMAINDER.—The Secretary of the Army and the Secretary of the Interior shall enter into a cooperative agreement to continue National Park Service management of that portion of Section 29 that is not transferred under this subsection to provide a natural setting and visual buffer for Arlington House, the Robert E. Lee Memorial.

(h) REMOVAL OF ARLINGTON NAVAL ANNEX AS POSSIBLE NATIONAL MILITARY MUSEUM SITE.—

(1) EXISTING NAVY ANNEX TRANSFER.—Section 2881 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 879) is amended—

(A) in subsection (b)—

(i) by striking ''(1) Subject to paragraph (2), the'' and inserting ''The''; and

(ii) by striking paragraph (2);

(B) by striking subsections (d), (e), and (f); and

(C) by redesignating subsections (g) and (h) as subsections (d) and (e), respectively.

(2) COMMISSION ON NATIONAL MILITARY MUSEUM.—Section 2902 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 881; 10 U.S.C. 111 note) is amended by striking subsection (d) and inserting the following new subsection:

''(d) PROHIBITION ON CONSIDERATION OF ARLINGTON NAVAL ANNEX.—The Commission may not consider any portion of the Navy Annex property described in section 2881 as a possible site for a national military museum.''.

SEC. 2863. MANAGEMENT OF THE PRESIDIO OF SAN FRANCISCO.

(a) AUTHORITY TO LEASE CERTAIN HOUSING UNITS FOR USE AS ARMY HOUSING.—Title I of division I of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 16 U.S.C. 460bb note) is amended by adding at the end the following new section:

''SEC. 107. AUTHORITY TO LEASE CERTAIN HOUSING UNITS WITHIN THE PRESIDIO.

''(a) AVAILABILITY OF HOUSING UNITS FOR ARMY LEASE.—The Trust shall make available for lease, to those persons designated by the Secretary of the Army, housing units specified in subsection (b).

''(b) HOUSING UNITS.—The housing units referred to in this section are identified as follows:

''(1) Liggett 715 A&B, 716 A&B, 717 A&B, 718 A&B, 719 A&B, and 720 A&B.

''(2) West Washington 1401 A&B, 1403 A&B, and 1405 B.

''(3) Infantry Terrace 340, 341, 342, and 343.

''(4) Wright Loop 1332.

''(c) REPLACEMENT OF DAMAGED OR DESTROYED HOUSING UNITS.—In the event of significant damage to or destruction of a housing unit specified in subsection (b), the Trust shall provide a substitute housing unit of equal size and accommodation.

''(d) LEASE AMOUNT.—The monthly amount charged by the Trust for the lease of a housing unit, including utilities and municipal services, under this section shall not exceed the monthly rate of the basic allowance for housing that the occupant of the housing unit is entitled to receive under section 403 of title 37, United States Code. The Department of the Army shall have no other fiscal obligations with regard to the housing units specified in subsection (b) or housing units replaced pursuant to subsection (c).

''(e) RELATIONS TO TRUST FUNDING LIMITATIONS.—The Trust shall comply with this section without regard to the requirement of section 105(b) that the Trust achieve financial self-sufficiency.''.

(b) INCREASED BORROWING AUTHORITY.—Section 104(d)(3) of title I of division I of the Omnibus Parks and Public Lands Management Act of 1996, as redesignated by section 101(13)(G) of the Omnibus Parks Technical Corrections Act of 2000 (Public Law 106–176; 114 Stat. 25), is amended—

(1) by striking ''$50,000,000'' and inserting ''$150,000,000''; and

(2) by striking ''paragraph (3) of''.

SEC. 2864. EFFECT OF LIMITATION ON CONSTRUCTION OF ROADS OR HIGHWAYS, MARINE CORPS BASE, CAMP PENDLETON, CALIFORNIA.

Section 2851 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2219), as amended by section 2881 of the Spence Act (114 Stat. 1654A–438), is amended by adding at the end the following new subsection:

''(g) LIMITATION ON CONSTRUCTION OF ROADS OR HIGHWAYS.—If a State law enacted after January 1, 2001, directly or indirectly prohibits or restricts the construction or approval of a road or highway within the easement granted under this section, the State law shall not be effective with respect to such construction or approval.''.

SEC. 2865. ESTABLISHMENT OF WORLD WAR II MEMORIAL AT ADDITIONAL LOCATION ON GUAM.

Section 2886 of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A–441) is amended—

(1) in subsection (a), by inserting '', and on Federal lands near Yigo,'' after ''Fena Caves'';

(2) in the heading of subsection (b), by striking ''MEMORIAL'' and inserting ''MEMORIALS''; and

(3) in subsections (b) and (c), by striking ''memorial'' each place it appears and inserting ''memorials''.

TITLE XXIX—FORT IRWIN MILITARY LAND WITHDRAWAL

SEC. 2901. SHORT TITLE.

This title may be cited as the ''Fort Irwin Military Land Withdrawal Act of 2001''.

SEC. 2902. WITHDRAWAL AND RESERVATION OF LANDS FOR NATIONAL TRAINING CENTER.

(a) WITHDRAWAL.—Subject to valid existing rights and except as otherwise provided in this title, all public lands and interests in lands described in subsection (c) are hereby withdrawn from all forms of appropriation under the general land laws, including the mining laws and mineral and geothermal leasing laws, and jurisdiction over such lands and interests in lands withdrawn and reserved by this title is hereby transferred to the Secretary of the Army.

(b) RESERVATION.—The lands withdrawn under subsection (a) are reserved for use by the Secretary of the Army for the following purposes:

(1) The conduct of combined arms military training at the National Training Center.

(2) The development and testing of military equipment at the National Training Center.

(3) Other defense-related purposes consistent with the purposes specified in paragraphs (1) and (2).

(4) Conservation and related research purposes.

(c) LAND DESCRIPTION.—The public lands and interests in lands withdrawn and reserved by this section comprise approximately 110,000 acres in San Bernardino County, California, as generally depicted as ''Proposed Withdrawal Land'' on the map entitled ''National Training Center—Proposed Withdrawal of Public Lands for Training Purposes,'' dated September 21, 2000, and filed in accordance with section 2903.

(d) CHANGES IN USE.—The Secretary of the Army shall consult with the Secretary of the Interior before using the lands withdrawn and reserved by this section for any purpose other than those purposes identified in subsection (b).

(e) INDIAN TRIBES.—Nothing in this title shall be construed as altering any rights reserved for tribal use by treaty or Federal law. The Secretary of the Army shall consult with federally recognized Indian tribes in the vicinity of the lands withdrawn under subsection (a) before taking action affecting rights or cultural resources protected by treaty or Federal law.

SEC. 2903. MAP AND LEGAL DESCRIPTION.

(a) PREPARATION OF MAP AND LEGAL DESCRIPTION.—As soon as practicable after the date of the enactment of this Act, the Secretary of the Interior shall—

(1) publish in the Federal Register a notice containing the legal description of the lands withdrawn and reserved by this title; and

(2) file a map and legal description of the lands withdrawn and reserved by this title with the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

(b) LEGAL EFFECT.—The map and legal description shall have the same force and effect as if included in this title, except that the Secretary of the Interior may correct clerical and typographical errors in the map and legal description.

(c) AVAILABILITY.—Copies of the map and the legal description shall be available for public inspection in the following offices:

(1) The offices of the California State Director, California Desert District Office, and Riverside and Barstow Field Offices of the Bureau of Land Management.

(2) The Office of the Commander, National Training Center and Fort Irwin.

(d) COSTS.—The Secretary of the Army shall reimburse the Secretary of the Interior for the costs incurred by the Secretary of the Interior in implementing this section.

SEC. 2904. MANAGEMENT OF WITHDRAWN AND RESERVED LANDS.

(a) GENERAL MANAGEMENT AUTHORITY.—During the period of the withdrawal and reservation made by this title, the Secretary of the Army shall manage the lands withdrawn and reserved by this title for the purposes specified in section 2902.

(b) TEMPORARY PROHIBITION ON CERTAIN USE.—Military use of the lands withdrawn and reserved by this title that result in ground disturbance, as determined by the Secretary of the Army and the Secretary of the Interior, are prohibited until the Secretary of the Army and the Secretary of the Interior certify to Congress that there has been full compliance with respect to such lands with the appropriate provisions of this title, the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and other applicable laws.

(c) ACCESS RESTRICTIONS.—

(1) IN GENERAL.—If the Secretary of the Army determines that military operations, public safety, or national security require the closure to the public of any road, trail, or other portion of the lands withdrawn and reserved by this title, the Secretary may take such action as the Secretary determines necessary or desirable to effect and maintain such closure.

(2) LIMITATION.—Any closure under paragraph (1) shall be limited to the minimum areas and periods that the Secretary of the Army determines are required for the purposes specified in such paragraph.

(3) NOTICE.—Immediately preceding and during any closure under paragraph (1), the Secretary of the Army shall post appropriate warning notices and take other steps, as necessary, to notify the public of the closure.

(d) INTEGRATED NATURAL RESOURCES MANAGEMENT PLAN.—The Secretary of the Army shall prepare and implement, in accordance with title I of the Sikes Act (16 U.S.C. 670 et seq.), an integrated natural resources management plan for the lands withdrawn and reserved by this title. In addition to the elements required under the Sikes Act, the integrated natural resources management plan shall include the following:

(1) A requirement that any hunting, fishing, and trapping on the lands withdrawn and reserved by this title be conducted in accordance with section 2671 of title 10, United States Code.

(2) A requirement that the Secretary of the Army take necessary actions to prevent, suppress, and manage brush and range fires occurring within the boundaries of Fort Irwin and brush and range fires occurring outside the boundaries of Fort Irwin that result from military activities at Fort Irwin.

(e) FIREFIGHTING.—Notwithstanding section 2465 of title 10, United States Code, the Secretary of the Army may obligate funds appropriated or otherwise available to the Secretary of the Army to enter into a memorandum of understanding, cooperative agreement, or contract for fire fighting services to carry out the requirements of subsection (d)(2). The Secretary of the Army shall reimburse the Secretary of the Interior for costs incurred by the Secretary of the Interior to assist in carrying out the requirements of such subsection.

(f) CONSULTATION WITH NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.—In preparing and implementing any plan, report, assessment, survey, opinion, or impact statement regarding the lands withdrawn and reserved by this title, the Secretary of the Army shall consult with the Administrator of the National Aeronautics and Space Administration whenever proposed Army actions have the potential to affect the operations or the environmental management of the Goldstone Deep Space Communications Complex. The requirement for consultation shall apply, at a minimum, to the following:

(1) Plans for military training, military equipment testing, or related activities that have the potential of impacting communications between Goldstone Deep Space Communications Complex and space flight missions or other transmission or receipt of signals from outer space by the Goldstone Deep Space Communications Complex.

(2) The integrated natural resources management plan required by subsection (d).

(3) The West Mojave Coordinated Management Plan referred to in section 2907.

(4) Any document prepared in compliance with the Endangered Species Act of 1973, the National Environmental Policy Act of 1969, and other laws applicable to the lands withdrawn and reserved by this title.

(g) USE OF MINERAL MATERIALS.—Notwithstanding any other provision of this title or the Act of July 31, 1947 (commonly known as the Materials Act of 1947, 30 U.S.C. 601 et seq.), the Secretary of the Army may use sand, gravel, or similar mineral material resources of the type subject to disposition under such Act from the lands withdrawn and reserved by this title if the use of such resources is required for construction needs of the National Training Center.

SEC. 2905. WATER RIGHTS.

(a) NO RESERVED WATER RIGHT ESTABLISHED.—Nothing in this title shall be construed—

(1) to establish a reservation in favor of the United States with respect to any water or water right on the lands withdrawn and reserved by this title; or

(2) to authorize the appropriation of water on such lands by the United States after the date of the enactment of this Act, except in accordance with applicable State law.

(b) EFFECT ON PREVIOUSLY ACQUIRED OR RESERVED WATER RIGHTS.—This section shall not be construed to affect any water rights acquired or reserved by the United States before the date of the enactment of this Act, and the Secretary of the Army may exercise any such previously acquired or reserved water rights.

SEC. 2906. ENVIRONMENTAL COMPLIANCE AND ENVIRONMENTAL RESPONSE REQUIREMENTS.

(a) AGREEMENT CONCERNING ENVIRONMENT AND PUBLIC HEALTH.—The Secretary of the Army and the Secretary of the Interior may enter into such agreements concerning the environment and public health as are necessary, appropriate, and in the public interest to carry out the purposes of this title.

(b) RELATION TO OTHER ENVIRONMENTAL LAWS.—Nothing in this section shall be construed to alter the rights, responsibilities, and

obligations of the Secretary of the Army or the Secretary of the Interior under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601 et seq.) or other environmental laws applicable to the lands withdrawn and reserved by this title.

SEC. 2907. WEST MOJAVE COORDINATED MANAGEMENT PLAN.

(a) COMPLETION.—The Secretary of the Interior shall make every effort to complete the West Mojave Coordinated Management Plan not later than two years after the date of the enactment of this Act.

(b) CONSIDERATION OF WITHDRAWAL AND RESERVATION IMPACTS.—The Secretary of the Interior shall ensure that the West Mojave Coordinated Management Plan considers the impacts of the availability or nonavailability of the lands withdrawn and reserved by this title on the plan as a whole.

(c) CONSULTATION.—The Secretary of the Interior shall consult with the Secretary of the Army and the Administrator of the National Aeronautics and Space Administration in the development of the West Mojave Coordinated Management Plan.

SEC. 2908. RELEASE OF WILDERNESS STUDY AREAS.

Congress hereby finds and directs that lands withdrawn and reserved by this title have been adequately studied for wilderness designation pursuant to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), and are no longer subject to the requirement of such section pertaining to the management of wilderness study areas in a manner that does not impair the suitability of such areas for preservation as wilderness.

SEC. 2909. TRAINING ACTIVITY SEPARATION FROM UTILITY CORRIDORS.

(a) REQUIRED SEPARATION.—All military ground activity training on the lands withdrawn and reserved by this title shall remain at least 500 meters from any utility system, in existence as of the date of the enactment of this Act, in Utility Planning Corridor D, as described in the California Desert Conservation Area Plan, dated 1980 and subsequently amended.

(b) EXCEPTION.—Subsection (a) does not modify the use of any lands used, as of the date of the enactment of this Act, by the National Training Center for training or alter any right of access granted by interagency agreement.

SEC. 2910. DURATION OF WITHDRAWAL AND RESERVATION.

(a) TERMINATION DATE.—Unless extended pursuant to section 2911, unless relinquishment is postponed by the Secretary of the Interior pursuant to section 2912(b), and except as provided in section 2912(d), the withdrawal and reservation made by this title shall terminate 25 years after the date of the enactment of this Act.

(b) LIMITATION ON SUBSEQUENT AVAILABILITY FOR APPROPRIATION.—At the time of termination of the withdrawal and reservation made by this title, the previously withdrawn lands shall not be open to any forms of appropriation under the general land laws, including the mining laws and the mineral and geothermal leasing laws, until the Secretary of the Interior publishes in the Federal Register an appropriate order that shall state the date upon which such lands shall be restored to the public domain and opened.

SEC. 2911. EXTENSION OF INITIAL WITHDRAWAL AND RESERVATION.

(a) NOTIFICATION REQUIREMENT.—Not later than three years before the termination date specified in section 2910(a), the Secretary of the Army shall notify Congress and the Secretary of the Interior concerning whether the Army will have a continuing military need, beyond the termination date, for all or any portion of the lands withdrawn and reserved by this title.

(b) PROCESS FOR EXTENSION OF WITHDRAWAL AND RESERVATION.—

(1) CONSULTATION AND APPLICATION.—If the Secretary of the Army determines that there will be a continuing military need after the termination date for any of the lands withdrawn and reserved by this title, the Secretary of the Army shall—

(A) consult with the Secretary of the Interior concerning any adjustments to be made to the extent of, or to the allocation of management responsibility for, such needed lands; and

(B) file with the Secretary of the Interior, within one year after the notice required by subsection (a), an application for extension of the withdrawal and reservation of such needed lands.

(2) APPLICATION REQUIREMENTS.—Notwithstanding any general procedure of the Department of the Interior for processing Federal land withdrawals, an application for extension of the land withdrawal and reservation made by this title shall be considered to be complete if the application includes the information required by section 3 of Public Law 85–337 (commonly known as the Engle Act; 43 U.S.C. 157), except that no information shall be required concerning the use or development of mineral, timber, or grazing resources unless, and only to the extent, the Secretary of the Army proposes to use or develop such resources during the period of extension.

(c) SUBMISSION OF PROPOSED EXTENSION TO CONGRESS.—The Secretary of the Interior and the Secretary of the Army may submit to Congress a legislative proposal for the extension of the withdrawal and reservation made by this title. The legislative proposal shall be accompanied by an appropriate analysis of environmental impacts associated with the proposal, as required by section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

SEC. 2912. TERMINATION AND RELINQUISHMENT.

(a) NOTICE OF TERMINATION.—During the first 22 years of the withdrawal and reservation made by this title, if the Secretary of the Army determines that there is no continuing military need for the lands withdrawn and reserved by this title, or any portion of such lands, the Secretary of the Army shall submit to the Secretary of the Interior a notice of intent to relinquish jurisdiction over such lands. The notice shall specify the proposed date of relinquishment.

(b) ACCEPTANCE OF JURISDICTION.—The Secretary of the Interior may accept jurisdiction over any lands covered by a notice under subsection (a) if the Secretary of the Interior determines that the Secretary of the Army has taken or will take all environmental response and restoration activities required under applicable laws and regulations.

(c) NOTICE OF ACCEPTANCE.—If the Secretary of the Interior decides to accept jurisdiction over lands covered by a notice under subsection (a) before the termination date of the withdrawal and reservation, the Secretary shall publish in the Federal Register an appropriate order that shall—

(1) terminate the withdrawal and reservation of such lands under this title;

(2) constitute official acceptance of administrative jurisdiction over the lands by the Secretary of the Interior; and

(3) state the date upon which such lands shall be opened to the operation of the general land laws, including the mining laws and the mineral and geothermal leasing laws, if appropriate.

(d) RETAINED ARMY JURISDICTION.—Notwithstanding the termination date specified in section 2910, unless and until the Secretary of the Interior accepts jurisdiction of land proposed for relinquishment pursuant to this section, such land shall remain withdrawn and reserved for the Secretary of the Army for the limited purposes of environmental response and restoration actions under section 2906 and continued land management responsibilities pursuant to the integrated natural resources management plan required under section 2904, until such environmental response and restoration activities on those lands are completed.

(e) SEVERABILITY OF FUNCTIONS.—All functions described under this section, including transfers, relinquishments, extensions, and other determinations, may be made on a parcel-by-parcel basis.

SEC. 2913. DELEGATION OF AUTHORITY.

(a) SECRETARY OF THE ARMY.—The Secretary of the Army may delegate to officials in the Department of the Army such functions as the Secretary of the Army may determine appropriate to carry out this title.

(b) SECRETARY OF THE INTERIOR.—The functions of the Secretary of the Interior under this title may be delegated, except that the order described in section 2912(c) may be approved and signed only by the Secretary of the Interior, the Deputy Secretary of the Interior, or an Assistant Secretary of the Department of the Interior.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2002 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of $6,859,895,000, to be allocated as follows:

(1) WEAPONS ACTIVITIES.—For weapons activities, $5,369,488,000, to be allocated as follows:

(A) For stewardship operation and maintenance, $4,527,192,000, to be allocated as follows:

(i) For directed stockpile work, $1,043,791,000.

(ii) For campaigns, $2,036,413,000, to be allocated as follows:

(I) For operation and maintenance, $1,653,441,000.

(II) For construction, $382,972,000, to be allocated as follows:

Project 01–D–101, distributed information systems laboratory, Sandia National Laboratories, Livermore, California, $5,400,000.

Project 00–D–103, terascale simulation facility, Lawrence Livermore National Laboratory, Livermore, California, $20,000,000.

Project 00–D–105, strategic computing complex, Los Alamos National Laboratory, Los Alamos, New Mexico, $11,070,000.

Project 00–D–107, joint computational engineering laboratory, Sandia National Laboratories, Albuquerque, New Mexico, $5,377,000.

Project 98–D–125, tritium extraction facility, Savannah River Plant, Aiken, South Carolina, $81,125,000.

Project 98–D–126, accelerator production of tritium (APT), various locations, $15,000,000.

Project 96–D–111, national ignition facility (NIF), Lawrence Livermore National Laboratory, Livermore, California, $245,000,000.

(iii) For readiness in technical base and facilities, $1,446,988,000, to be allocated as follows:

(I) For operation and maintenance, $1,292,324,000.

(II) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $154,664,000, to be allocated as follows:

Project 02–D–101, microsystems and engineering sciences applications (MESA), Sandia National Laboratories, Albuquerque, New Mexico, $2,000,000.

Project 02–D–103, project engineering and design (PED), various locations, $9,180,000.

Project 02–D–107, electrical power systems safety communications and bus upgrades, Nevada Test Site, Nevada, $3,507,000.

Project 01–D–103, preliminary project design and engineering, various locations, $45,379,000.

Project 01–D–124, highly enriched uranium (HEU) materials storage facility, Y–12 Plant, Oak Ridge, Tennessee, $9,500,000.

Project 01–D–126, weapons evaluation test laboratory, Pantex Plant, Amarillo, Texas, $7,700,000.

Project 01–D–800, sensitive compartmented information facility, Lawrence Livermore National Laboratory, Livermore, California, $12,993,000.

Project 99–D–103, isotope sciences facilities, Lawrence Livermore National Laboratory, Livermore, California, $4,400,000.

Project 99–D–104, protection of real property (roof reconstruction, phase II), Lawrence Livermore National Laboratory, Livermore, California, $2,800,000.

Project 99–D–106, model validation and system certification center, Sandia National Laboratories, Albuquerque, New Mexico, $4,955,000.

Project 99–D–125, replace boilers and controls, Kansas City Plant, Kansas City, Missouri, $300,000.

Project 99–D–127, stockpile management restructuring initiative, Kansas City plant, Kansas City, Missouri, $22,200,000.

Project 99–D–128, stockpile management restructuring initiative, Pantex Plant, Amarillo, Texas, $3,300,000.

Project 98–D–123, stockpile management restructuring initiative, tritium facility modernization and consolidation, Savannah River Plant, Aiken, South Carolina, $13,700,000.

Project 98–D–124, stockpile management restructuring initiative, Y–12 consolidation, Oak Ridge, Tennessee, $6,850,000.

Project 97–D–123, structural upgrades, Kansas City Plant, Kansas City, Missouri, $3,000,000.

Project 96–D–102, stockpile stewardship facilities revitalization, Phase VI, various locations, $2,900,000.

(B) For facilities and infrastructure, $50,600,000.

(C) For secure transportation asset, $121,800,000, to be allocated as follows:

(i) For operation and maintenance, $77,571,000.

(ii) For program direction, $44,229,000.

(D) For safeguards and security, $448,881,000, to be allocated as follows:

(i) For operations and maintenance, $439,281,000.

(ii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $9,600,000, to be allocated as follows:

Project 99–D–132, stockpile management restructuring initiative, nuclear material safeguards and security upgrades project, Los Alamos National Laboratory, Los Alamos, New Mexico, $9,600,000.

(E) For program direction, $250,000,000.

(F) The total amount authorized by this paragraph is the sum of the amounts authorized to be appropriated by subparagraphs (A) through (E), reduced by $28,985,000, to be derived from a security charge for reimbursable work.

(2) DEFENSE NUCLEAR NONPROLIFERATION.—For other nuclear security activities, $773,700,000, to be allocated as follows:

(A) For nonproliferation and verification research and development, $206,102,000, to be allocated as follows:

(i) For operation and maintenance, $170,296,000.

(ii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $35,806,000, to be allocated as follows:

Project 00–D–192, nonproliferation and international security center (NISC), Los Alamos National Laboratory, Los Alamos, New Mexico, $35,806,000.

(B) For arms control, $101,500,000.

(C) For international materials protection, control, and accounting, $138,800,000.

(D) For highly enriched uranium transparency implementation, $13,950,000.

(E) For international nuclear safety, $10,800,000.

(F) For fissile materials control and disposition, $293,089,000, to be allocated as follows:

(i) For United States surplus fissile materials disposition, $236,089,000, to be allocated as follows:

(I) For operation and maintenance, $130,089,000.

(II) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $106,000,000, to be allocated as follows:

Project 01–D–407, highly enriched uranium blend-down, Savannah River Site, Aiken, South Carolina, $24,000,000.

Project 99–D–141, pit disassembly and conversion facility, Savannah River Site, Aiken, South Carolina, $16,000,000.

Project 99–D–143, mixed oxide fuel fabrication facility, Savannah River Site, Aiken, South Carolina, $63,000,000.

Project 99–D–142, immobilization and associated processing facility, Savannah River Site, Aiken, South Carolina, $3,000,000.

(ii) For Russian surplus fissile materials disposition, $57,000,000, to be allocated as follows:

(I) For Russian plutonium disposition, and support and oversight in the United States, $56,000,000.

(II) For advanced reactor technology, $1,000,000.

(G) For program direction, $51,459,000.

(H) The total amount authorized by this paragraph is the sum of the amounts authorized to be appropriated by subparagraphs (A) through (G), reduced by $42,000,000, to be derived from offsets and use of prior year balances.

(3) NAVAL REACTORS.—For naval reactors, $688,045,000, to be allocated as follows:

(A) For naval reactors development, $665,445,000, to be allocated as follows:

(i) For operation and maintenance, $652,245,000.

(ii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $13,200,000, to be allocated as follows:

Project 01–D–200, major office replacement building, Schenectady, New York, $9,000,000.

Project 90–N–102, expended core facility dry cell project, Naval Reactors Facility, Idaho, $4,200,000.

(B) For program direction, $22,600,000.

(4) DEFENSE NUCLEAR COUNTERINTELLIGENCE.—For defense nuclear counterintelligence, $13,662,000.

(5) OFFICE OF ADMINISTRATOR FOR NUCLEAR SECURITY.—For the Office of the Administrator for Nuclear Security, for program direction, $15,000,000.

SEC. 3102. DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2002 for environmental restoration and waste management activities in carrying out programs necessary for national security in the amount of $4,646,427,000, to be allocated as follows:

(1) CLOSURE PROJECTS.—For closure projects carried out in accordance with section 3143 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2836; 42 U.S.C. 7277n), $1,050,538,000.

(2) SITE/PROJECT COMPLETION.—For site completion and project completion in carrying out environmental management activities necessary for national security programs, $920,196,000, to be allocated as follows:

(A) For operation and maintenance, $872,030,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $48,166,000, to be allocated as follows:

Project 02–D–420, FB line plutonium stabilization and packaging, Savannah River Site, Aiken, South Carolina, $20,000,000.

Project 01–D–402, Intec cathodic protection system expansion, Idaho National Engineering and Environmental Laboratory, Idaho Falls, Idaho, $3,256,000.

Project 01–D–414, preliminary project, engineering and design (PE&D), various locations, $10,254,000.

Project 99–D–402, tank farm support services, F&H areas, Savannah River Site, Aiken, South Carolina, $5,040,000.

Project 99–D–404, health physics instrumentation laboratory, Idaho National Engineering and Environmental Laboratory, Idaho Falls, Idaho, $2,700,000.

Project 98–D–453, plutonium stabilization and handling system for plutonium finishing plant, Richland, Washington, $1,910,000.

Project 96–D–471, chlorofluorocarbon heating, ventilation, and air conditioning and chiller retrofit, Savannah River Site, Aiken, South Carolina, $4,244,000.

Project 86–D–103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, Livermore, California, $762,000.

(3) POST-2006 COMPLETION.—For post-2006 completion in carrying out environmental restoration and waste management activities necessary for national security programs, $3,021,201,000, to be allocated as follows:

(A) For operation and maintenance, $1,761,979,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $6,754,000, to be allocated as follows:

Project 93–D–187, high-level waste removal from filled waste tanks, Savannah River Site, Aiken, South Carolina, $6,754,000.

(C) For the Office of River Protection in carrying out environmental restoration and waste management activities necessary for national security programs, $832,468,000, to be allocated as follows:

(i) For operation and maintenance, $272,151,000.

(ii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $560,317,000, to be allocated as follows:

Project 01–D–416, waste treatment and immobilization plant, Richland, Washington, $520,000,000.

Project 97–D–402, tank farm restoration and safe operations, Richland, Washington, $33,473,000.

Project 94–D–407, initial tank retrieval systems, Richland, Washington, $6,844,000.

(4) SCIENCE AND TECHNOLOGY DEVELOPMENT.—For science and technology development in carrying out environmental restoration and waste management activities necessary for national security programs, $196,000,000.

(5) EXCESS FACILITIES.—For excess facilities in carrying out environmental restoration and waste management activities necessary for national security programs, $1,300,000.

(6) SAFEGUARDS AND SECURITY.—For safeguards and security in carrying out environmental restoration and waste management activities necessary for national security programs, $205,621,000.

(7) PROGRAM DIRECTION.—For program direction in carrying out environmental restoration and waste management activities necessary for national security programs, $355,761,000.

(b) ADJUSTMENT.—The total amount authorized to be appropriated by subsection (a) is the sum of the amounts authorized to be appropriated by paragraphs (1) through (7) of that subsection, reduced by $53,652,000, to be derived from offsets and use of prior year balances.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2002 for other defense activities in carrying out programs necessary for national security in the amount of $502,099,000, to be allocated as follows:

(1) INTELLIGENCE.—For intelligence, $40,844,000.

(2) COUNTERINTELLIGENCE.—For counterintelligence, $32,727,000.

(3) SECURITY AND EMERGENCY OPERATIONS.—For security and emergency operations, $269,250,000, to be allocated as follows:

(A) For nuclear safeguards and security, $121,188,000.

(B) For security investigations, $44,927,000.

(C) For corporate management information programs, $20,000,000.

(D) For program direction, $83,135,000.

(4) INDEPENDENT OVERSIGHT AND PERFORMANCE ASSURANCE.—For independent oversight and performance assurance, $14,904,000.

(5) ENVIRONMENT, SAFETY, AND HEALTH.—For the Office of Environment, Safety, and Health, $105,293,000, to be allocated as follows:

(A) For environment, safety, and health (defense), $84,500,000.

(B) For program direction, $20,793,000.

(6) WORKER AND COMMUNITY TRANSITION ASSISTANCE.—For worker and community transition assistance, $21,900,000, to be allocated as follows:

(A) For worker and community transition, $19,000,000.

(B) For program direction, $2,900,000.

(7) OFFICE OF HEARINGS AND APPEALS.—For the Office of Hearings and Appeals, $2,893,000.

(8) NATIONAL SECURITY PROGRAMS ADMINISTRATIVE SUPPORT.—For national security programs administrative support, $25,000,000.

(b) ADJUSTMENT.—The amount authorized to be appropriated pursuant to subsection (a) is the total of the amounts authorized to be appropriated by paragraphs (1) through (8) of that subsection, reduced by $10,712,000, of which $10,000,000 is to reflect an offset provided by use of prior year balances and $712,000 is to reflect an offset provided by user organizations for security investigations.

SEC. 3104. DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2002 for privatization initiatives in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $126,208,000, to be allocated as follows:

Project 98–PVT–2, spent nuclear fuel dry storage, Idaho Falls, Idaho, $49,332,000.

Project 97–PVT–2, advanced mixed waste treatment project Idaho Falls, Idaho, $40,000,000.

Project 97–PVT–3, transuranic waste treatment, Oak Ridge, Tennessee, $10,826,000.

Project 98–PVT–5, environmental management/waste management disposal, Oak Ridge, Tennessee, $26,050,000.

SEC. 3105. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2002 for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $310,000,000.

Subtitle B—Recurring General Provisions

SEC. 3121. REPROGRAMMING.

(a) IN GENERAL.—Until the Secretary of Energy submits to the congressional defense committees the report referred to in subsection (b) and a period of 30 days has elapsed after the date on which such committees receive the report, the Secretary may not use amounts appropriated pursuant to this title for any program—

(1) in amounts that exceed, in a fiscal year, the amount authorized for that program by this title; or

(2) which has not been presented to, or requested of, Congress.

(b) REPORT.—(1) The report referred to in subsection (a) is a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of the proposed action.

(2) In the computation of the 30-day period under subsection (a), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(c) LIMITATIONS.—(1) In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

(2) Funds appropriated pursuant to this title may not be used for an item for which Congress has specifically denied funds.

SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.

(a) IN GENERAL.—The Secretary of Energy may carry out any construction project under the general plant projects authorized by this title if the total estimated cost of the construction project does not exceed $5,000,000.

(b) REPORT TO CONGRESS.—If, at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $5,000,000, the Secretary shall immediately furnish a report to the congressional defense committees explaining the reasons for the cost variation.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) IN GENERAL.—(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, authorized by 3101, 3102, or 3103, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

(2) An action described in paragraph (1) may be taken if—

(A) the Secretary of Energy has submitted to the congressional defense committees a report on the actions and the circumstances making such action necessary; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(b) EXCEPTION.—Subsection (a) does not apply to a construction project with a current estimated cost of less than $5,000,000.

SEC. 3124. FUND TRANSFER AUTHORITY.

(a) TRANSFER TO OTHER FEDERAL AGENCIES.—The Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title to other Federal agencies for the performance of work for which the funds were authorized. Funds so transferred may be merged with and be available for the same purposes and for the same time period as the authorizations of the Federal agency to which the amounts are transferred.

(b) TRANSFER WITHIN DEPARTMENT OF ENERGY.—(1) Subject to paragraph (2), the Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title between any such authorizations. Amounts of authorizations so transferred may be merged with and be available for the same purposes and for the same period as the authorization to which the amounts are transferred.

(2) Not more than 5 percent of any such authorization may be transferred between authorizations under paragraph (1). No such authorization may be increased or decreased by more than 5 percent by a transfer under such paragraph.

(c) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may be used only to provide funds for items relating to activities necessary for national security programs that have a higher priority than the items from which the funds are transferred; and

(2) may not be used to provide funds for an item for which Congress has specifically denied funds.

(d) NOTICE TO CONGRESS.—The Secretary of Energy shall promptly notify the Committees on Armed Services of the Senate and House of Representatives of any transfer of funds to or from authorizations under this title.

SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUCTION DESIGN.

(a) REQUIREMENT OF CONCEPTUAL DESIGN.—(1) Subject to paragraph (2) and except as provided in paragraph (3), before submitting to Congress a request for funds for a construction project that is in support of a national security program of the Department of Energy, the Secretary of Energy shall complete a conceptual design for that project.

(2) If the estimated cost of completing a conceptual design for a construction project exceeds $3,000,000, the Secretary shall submit to Congress a request for funds for the conceptual design before submitting a request for funds for the construction project.

(3) The requirement in paragraph (1) does not apply to a request for funds—

(A) for a construction project the total estimated cost of which is less than $5,000,000; or

(B) for emergency planning, design, and construction activities under section 3126.

(b) AUTHORITY FOR CONSTRUCTION DESIGN.—(1) Within the amounts authorized by this title, the Secretary of Energy may carry out construction design (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such design does not exceed $600,000.

(2) If the total estimated cost for construction design in connection with any construction project exceeds $600,000, funds for that design must be specifically authorized by law.

SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DESIGN, AND CONSTRUCTION ACTIVITIES.

(a) AUTHORITY.—The Secretary of Energy may use any funds available to the Department of Energy pursuant to an authorization in this title, including funds authorized to be appropriated for advance planning and construction design under sections 3101, 3102, and 3103, to perform planning, design, and construction activities for any Department of Energy national security program construction project that, as determined by the Secretary, must proceed expeditiously in order to protect public health and safety, to meet the needs of national defense, or to protect property.

(b) LIMITATION.—The Secretary may not exercise the authority under subsection (a) in the case of any construction project until the Secretary has submitted to the congressional defense committees a report on the activities that the Secretary intends to carry out under this section and the circumstances making those activities necessary.

(c) SPECIFIC AUTHORITY.—The requirement of section 3125(b)(2) does not apply to emergency planning, design, and construction activities conducted under this section.

SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

Subject to the provisions of appropriation Acts and section 3121, amounts appropriated pursuant to this title for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

SEC. 3128. AVAILABILITY OF FUNDS.

(a) IN GENERAL.—Except as provided in subsection (b), when so specified in an appropriations Act, amounts appropriated for operation and maintenance or for plant projects may remain available until expended.

(b) EXCEPTION FOR PROGRAM DIRECTION FUNDS.—Amounts appropriated for program direction pursuant to an authorization of appropriations in subtitle A shall remain available to be expended only until the end of fiscal year 2003.

SEC. 3129. TRANSFERS OF DEFENSE ENVIRONMENTAL MANAGEMENT FUNDS AT FIELD OFFICES OF THE DEPARTMENT OF ENERGY.

(a) TRANSFER AUTHORITY FOR DEFENSE ENVIRONMENTAL MANAGEMENT FUNDS.—The Secretary of Energy shall provide the manager of each field office of the Department of Energy with the authority to transfer defense environmental management funds from a program or project under the jurisdiction of the office to another such program or project.

(b) LIMITATIONS.—(1) Only one transfer may be made to or from any program or project under subsection (a) in a fiscal year.

(2) The amount transferred to or from a program or project under subsection (a) may not exceed $5,000,000 in a fiscal year.

(3) A transfer may not be carried out by a manager of a field office under subsection (a) unless the manager determines that the transfer is necessary to address a risk to health, safety, or the environment or to assure the most efficient use of defense environmental management funds at the field office.

(4) Funds transferred pursuant to subsection (a) may not be used for an item for which Congress has specifically denied funds or for a new program or project that has not been authorized by Congress.

(c) EXEMPTION FROM REPROGRAMMING REQUIREMENTS.—The requirements of section 3121 shall not apply to transfers of funds pursuant to subsection (a).

(d) NOTIFICATION.—The Secretary, acting through the Assistant Secretary of Energy for Environmental Management, shall notify Congress of any transfer of funds pursuant to subsection (a) not later than 30 days after such transfer occurs.

(e) DEFINITIONS.—In this section:

(1) The term ''program or project'' means, with respect to a field office of the Department of Energy, any of the following:

(A) A program referred to or a project listed in paragraph (2) or (3) of section 3102.

(B) A program or project not described in subparagraph (A) that is for environmental restoration or waste management activities necessary for national security programs of the Department, that is being carried out by the office, and for which defense environmental management funds have been authorized and appropriated before the date of the enactment of this Act.

(2) The term ''defense environmental management funds'' means funds appropriated to the Department of Energy pursuant to an authorization for carrying out environmental restoration and waste management activities necessary for national security programs.

(f) DURATION OF AUTHORITY.—The managers of the field offices of the Department may exercise the authority provided under subsection (a) during fiscal year 2002.

SEC. 3130. TRANSFERS OF WEAPONS ACTIVITIES FUNDS AT NATIONAL SECURITY LABORATORIES AND NUCLEAR WEAPONS PRODUCTION FACILITIES.

(a) TRANSFER AUTHORITY.—The Secretary of Energy, acting through the Administrator for Nuclear Security, shall provide the head of each national security laboratory and nuclear weapons production facility with the authority to transfer weapons activities funds from a program under the jurisdiction of such laboratory or facility to another such program.

(b) LIMITATIONS.—(1) The amount transferred under subsection (a) by a laboratory or facility in a fiscal year may not exceed the lesser of—

(A) $5,000,000; and

(B) 10 percent of the total weapons activities funds available to that laboratory or facility in that fiscal year for programs under the jurisdiction of such laboratory or facility.

(2) A transfer may not be carried out under subsection (a) unless the head of the laboratory or facility determines that the transfer will result in cost savings and efficiencies.

(3) A transfer may not be carried out under subsection (a) to cover a cost overrun or scheduling delay for any program.

(4) Funds transferred pursuant to subsection (a) may not be used for an item for which Congress has specifically denied, limited, or increased funds or for a new program that has not been authorized by Congress.

(c) EXEMPTION FROM REPROGRAMMING REQUIREMENTS.—The requirements of section 3121 shall not apply to transfers of funds pursuant to subsection (a).

(d) NOTIFICATION.—The Secretary, acting through the Administrator for Nuclear Security, shall notify Congress of any transfer of funds pursuant to subsection (a) not later than 30 days after such transfer occurs.

(e) DEFINITIONS.—In this section:

(1) The term ''program'' means, with respect to a national security laboratory or nuclear weapons production facility, any of the following:

(A) A program referred to or listed in paragraph (1) of section 3101.

(B) A program not described in subparagraph (A) that is for weapons production or weapons component production of the National Nuclear Security Administration that is being carried out by the laboratory or facility, and for which weapons activities funds have been authorized and appropriated before the date of the enactment of this Act.

(2) The term ''weapons activities funds'' means funds appropriated to the Department of Energy pursuant to an authorization for weapons activities of the National Nuclear Security Administration in carrying out programs necessary for national security.

(3) The terms ''national security laboratory'' and ''nuclear weapons production facility'' have the meanings given such terms in section 3281 of the National Nuclear Security Administration Act (title XXXII of Public Law 106–65; 113 Stat. 968; 50 U.S.C. 2471).

(f) DURATION OF AUTHORITY.—The heads of the national security laboratories and nuclear weapons production facilities may exercise the authority provided under subsection (a) during fiscal year 2002.

Subtitle C—Program Authorizations, Restrictions, and Limitations

SEC. 3131. TERMINATION DATE OF OFFICE OF RIVER PROTECTION, RICHLAND, WASHINGTON.

Subsection (f) of section 3139 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2250), as amended by section 3141 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–462), is amended to read as follows:

''(f) TERMINATION.—(1) The Office shall terminate on the later to occur of the following dates:

''(A) September 30, 2010.

''(B) The date on which the Assistant Secretary of Energy for Environmental Management determines, in consultation with the head of the Office, that continuation of the Office is no longer necessary to carry out the responsibilities of the Department of Energy under the Tri-Party Agreement.

''(2) The Assistant Secretary shall notify, in writing, the committees referred to in subsection (d) of a determination under paragraph (1).

''(3) In this subsection, the term 'Tri-Party Agreement' means the Hanford Federal Facility Agreement and Consent Order entered into among the Department of Energy, the Environmental Protection Agency, and the State of Washington Department of Ecology.''.

SEC. 3132. ORGANIZATIONAL MODIFICATIONS FOR NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) ESTABLISHMENT OF PRINCIPAL DEPUTY ADMINISTRATOR.—(1) Subtitle A of the National Nuclear Security Administration Act is amended by inserting after section 3213 (50 U.S.C. 2403) the following new section:

''SEC. 3213A. PRINCIPAL DEPUTY ADMINISTRATOR.

''(a) IN GENERAL.—(1) There is in the Administration a Principal Deputy Administrator, who is appointed by the President, by and with the advice and consent of the Senate.

''(2) The Principal Deputy Administrator shall be appointed from among persons who—

''(A) have extensive background in national security, organizational management, and appropriate technical fields; and

''(B) are well qualified to manage the nuclear weapons, nonproliferation, and materials disposition programs of the Administration in a manner that advances and protects the national security of the United States.

''(b) DUTIES.—Subject to the authority, direction, and control of the Administrator, the Principal Deputy Administrator shall perform such duties and exercise such powers as the Administrator may prescribe, including the coordination of activities among the elements of the Administration. The Principal Deputy Administrator shall act for, and exercise the powers of, the Administrator when the Administrator is disabled or the position of Administrator is vacant.''.

(2) The table of contents preceding section 3201 of such Act is amended by inserting after the item relating to section 3213 the following new item:

''Sec. 3213A. Principal Deputy Administrator.''

(3) Section 5315 of title 5, United States Code, is amended—

(A) by inserting before the item relating to Deputy Administrators of the National Nuclear Security Administration the following new item:

''Principal Deputy Administrator, National Nuclear Security Administration.''; and

(B) by inserting ''Additional'' before ''Deputy Administrators of the National Nuclear Security Administration''.

(b) ELIMINATION OF REQUIREMENT THAT NATIONAL SECURITY LABORATORIES AND NUCLEAR WEAPONS PRODUCTION FACILITIES REPORT TO DEPUTY ADMINISTRATOR FOR DEFENSE PROGRAMS.—Section 3214 of the National Nuclear Security Administration Act (50 U.S.C. 2404) is amended by striking subsection (c).

(c) REPEAL OF DUPLICATIVE PROVISION.—Section 3245 of the National Nuclear Security Administration Act (50 U.S.C. 2443) is repealed.

SEC. 3133. CONSOLIDATION OF NUCLEAR CITIES INITIATIVE PROGRAM WITH INITIATIVES FOR PROLIFERATION PREVENTION PROGRAM.

The Administrator for Nuclear Security shall consolidate the Nuclear Cities Initiative program with the Initiatives for Proliferation Prevention program under a single management line. The consolidation shall be completely accomplished not later than July 1, 2002.

SEC. 3134. DISPOSITION OF SURPLUS DEFENSE PLUTONIUM AT SAVANNAH RIVER SITE, AIKEN, SOUTH CAROLINA.

(a) CONSULTATION REQUIRED.—The Secretary of Energy shall consult with the Governor of the State of South Carolina regarding any decisions or plans of the Secretary related to the disposition of surplus defense plutonium located at the Savannah River Site, Aiken, South Carolina, including the plan required by subsection (b).

(b) PLAN FOR DISPOSITION.—Not later than February 1, 2002, the Secretary shall submit to Congress a plan for disposal of the surplus defense plutonium currently located at the Savannah River Site and for disposal of defense plutonium and defense plutonium materials to be shipped to the Savannah River Site in the future. The plan shall review each option considered for such disposal, identify the preferred option, and state the cost of construction and operation of the facilities required by the Department of Energy's Record of Decision for the Storage and Disposition of Weapons-Usable Fissile Materials Final Programmatic Environmental Impact Statement dated January 14, 1997. The plan shall also specify a schedule for the expeditious construction of such facilities, including milestones, and a firm schedule for funding the cost of such facilities. The plan shall specify, in addition, the means by which all such plutonium will be removed in a timely manner from the Savannah River Site for storage or disposal elsewhere.

(c) REQUIREMENT FOR ALTERNATIVE DISPOSITION.—If the Secretary determines that proceeding with construction of the Plutonium Immobilization Plant at the Savannah River Site is not feasible, the Department shall modify the design of the Mixed Oxide Fuel Fabrication facility at the Savannah River Site so that it includes an immobilization capability. If the Secretary determines that proceeding with the Mixed Oxide Fuel Fabrication facility is not feasible, the Department shall proceed with construction of the Plutonium Immobilization Plant.

(d) LIMITATION ON PLUTONIUM SHIPMENTS.—If the plan required in subsection (b) is not submitted to Congress by February 1, 2002, the Secretary shall be prohibited from shipping defense plutonium or defense plutonium materials to the Savannah River Site during the period beginning on February 1, 2002, and ending on the date on which such plan is submitted to Congress.

SEC. 3135. SUPPORT FOR PUBLIC EDUCATION IN THE VICINITY OF LOS ALAMOS NATIONAL LABORATORY, NEW MEXICO.

(a) SUPPORT FOR FISCAL 2002.—From amounts appropriated or otherwise made available to the Secretary of Energy by this title—

(1) $5,000,000 shall be available for payment by the Secretary for fiscal year 2002 to the not-for-profit Los Alamos National Laboratory Foundation, as chartered in accordance with section 3167(a) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2052); and

(2) $8,000,000 shall be available for extension of the contract between the Department of Energy and the Los Alamos Public Schools through fiscal year 2002.

(b) SUPPORT FOR FISCAL 2003.—Subject to the availability of appropriations, the Secretary is authorized to—

(1) make payment for fiscal year 2003 similar to the payment referred to in subsection (a)(1); and

(2) provide for a contract extension through fiscal 2003 similar to the contract extension referred to in subsection (a)(2).

(c) USE OF FUNDS.—The foundation referred to in subsection (a)(1) shall—

(1) utilize funds provided under this section as a contribution to the endowment fund for the foundation; and

(2) use the income generated from investments in the endowment fund that are attributable to payments made under this section to fund programs to support the educational needs of children in public schools in the vicinity of Los Alamos National Laboratory.

(d) REPORT.—Not later than March 1, 2002, the Secretary shall submit to the congressional defense committees a report setting forth the following:

(1) An evaluation of the requirements for continued payments beyond fiscal year 2003 into the endowment fund of the foundation referred to in subsection (a) to enable the foundation to meet the goals of the Department to support the recruitment and retention of staff at the Los Alamos National Laboratory.

(2) The Secretary's recommendations for any further support beyond fiscal year 2003 directly to the Los Alamos Public Schools.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2002, $18,500,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

SEC. 3301. DEFINITIONS.

In this title:

(1) The term ''National Defense Stockpile'' means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

(2) The term ''National Defense Stockpile Transaction Fund'' means the fund established under section 9(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(a)).

(3) The term ''Market Impact Committee'' means the Market Impact Committee appointed under section 10(c) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h–1(c)).

SEC. 3302. AUTHORIZED USES OF STOCKPILE FUNDS.

(a) OBLIGATION OF STOCKPILE FUNDS.—During fiscal year 2002, the National Defense Stockpile Manager may obligate up to $65,200,000 of the funds in the National Defense Stockpile Transaction Fund for the authorized uses of such funds under section 9(b)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)(2)), including the disposal of hazardous materials that are environmentally sensitive.

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date on which Congress receives the notification.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

SEC. 3303. DISPOSAL OF OBSOLETE AND EXCESS MATERIALS CONTAINED IN NATIONAL DEFENSE STOCKPILE.

(a) DISPOSAL AUTHORIZED.—Subject to subsection (b), the President may dispose of certain materials contained in the National Defense Stockpile that are obsolete or excess to stockpile requirements, in the quantities specified in the following table:

Authorized Stockpile Disposals

Material for disposal	Quantity
Bauxite, Refractory	40,000 short tons
Chromium Metal	3,512 short tons
Iridium	25,140 troy ounces
Jewel Bearings	30,273,221 pieces
Manganese, Ferro HC	209,074 short tons
Palladium	11 troy ounces
Quartz Crystal	216,648 pounds
Tantalum Metal Ingot	120,228 pounds of contained Tantalum
Tantalum Metal Powder	36,020 pounds of contained Tantalum
Thorium Nitrate	600,000 pounds

(b) CONSULTATION WITH MARKET IMPACT COMMITTEE.—In disposing of materials under subsection (a), the President shall consult with the Market Impact Committee to ensure that the disposal of the materials does not disrupt the usual markets of producers, processors, and consumers of the materials.

(c) RELATIONSHIP TO OTHER DISPOSAL AUTHORITY.—The disposal authority provided in subsection (a) is new disposal authority and is in addition to, and shall not affect, any other disposal authority provided by law regarding the materials specified in the table in such subsection.

SEC. 3304. EXPEDITED IMPLEMENTATION OF AUTHORITY TO DISPOSE OF COBALT FROM NATIONAL DEFENSE STOCKPILE.

Section 3305(a)(1) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 50 U.S.C. 98d note) is amended by striking ''fiscal year 2003'' and inserting ''the two-fiscal year period ending September 30, 2003''.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

(a) AMOUNT.—There are hereby authorized to be appropriated to the Secretary of Energy $17,371,000 for fiscal year 2002 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves.

(b) PERIOD OF AVAILABILITY.—Funds appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

TITLE XXXV—MARITIME ADMINISTRATION

SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2002.

Funds are hereby authorized to be appropriated for fiscal year 2002, to be available without fiscal year limitation if so provided in appropriations Acts, for the use of the Department of Transportation for the Maritime Administration as follows:

(1) For expenses necessary for operations and training activities, $89,054,000.

(2) For expenses under the loan guarantee program authorized by title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271 et seq.), $103,978,000, of which—

(A) $100,000,000 is for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees under the program; and

(B) $3,978,000 is for administrative expenses related to loan guarantee commitments under the program.

(3) For expenses to dispose of obsolete vessels in the National Defense Reserve Fleet, $10,000,000.

SEC. 3502. DEFINE "WAR RISKS" TO VESSELS TO INCLUDE CONFISCATION, EXPROPRIATION, NATIONALIZATION, AND DEPRIVATION OF THE VESSELS.

Section 1201(c) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1281(c)) is amended to read as follows:

''(c) The term 'war risks' includes to such extent as the Secretary may determine—

''(1) all or any part of any loss that is excluded from marine insurance coverage under a 'free of capture or seizure' clause, or under analogous clauses; and

''(2) other losses from hostile acts, including confiscation, expropriation, nationalization, or deprivation.''.

SEC. 3503. HOLDING OBLIGOR'S CASH AS COLLATERAL UNDER TITLE XI OF MERCHANT MARINE ACT, 1936.

Title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271 et seq.) is amended by inserting after section 1108 the following:

"SEC. 1109. DEPOSIT FUND.

''(a) ESTABLISHMENT OF DEPOSIT FUND.—There is established in the Treasury a deposit fund for purposes of this section. The Secretary may, in accordance with an agreement under subsection (b), deposit into and hold in the deposit fund cash belonging to an obligor to serve as collateral for a guarantee under this title made with respect to the obligor.

''(b) AGREEMENT.—

''(1) IN GENERAL.—The Secretary and an obligor shall enter into a reserve fund or other collateral account agreement to govern the deposit, withdrawal, retention, use, and reinvestment of cash of the obligor held in the deposit fund established by subsection (a).

''(2) TERMS.—The agreement shall contain such terms and conditions as are required under this section and such additional terms as are considered by the Secretary to be necessary to protect fully the interests of the United States.

''(3) SECURITY INTEREST OF UNITED STATES.—The agreement shall include terms that grant to the United States a security interest in all amounts deposited into the deposit fund.

''(c) INVESTMENT.—The Secretary may invest and reinvest any part of the amounts in the deposit fund established by subsection (a) in obligations of the United States with such maturities as ensure that amounts in the deposit fund will be available as required for purposes of agreements under subsection (b). Cash balances of the deposit fund in excess of current requirements shall be maintained in a form of uninvested funds and the Secretary of the Treasury shall pay interest on these funds.

''(d) WITHDRAWALS.—

''(1) IN GENERAL.—The cash deposited into the deposit fund established by subsection (a) may not be withdrawn without the consent of the Secretary.

''(2) USE OF INCOME.—Subject to paragraph (3), the Secretary may pay any income earned on cash of an obligor deposited into the deposit fund in accordance with the terms of the agreement with the obligor under subsection (b).

''(3) RETENTION AGAINST DEFAULT.—The Secretary may retain and offset any or all of the cash of an obligor in the deposit fund, and any income realized thereon, as part of the Secretary's recovery against the obligor in case of a default by the obligor on an obligation.''.

Amend the title so as to read: ''A bill to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.''.

The CHAIRMAN. No amendment to the committee amendment in the nature of a substitute is in order except those specified in the previous order of the House.

Except as specified in that order, each amendment printed in the report shall be considered only in the order placed at the desk, may be offered only by a Member designated on the amendment or a designee, shall be considered read, and shall not be subject to a demand for a division of the question.

Each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent of the amendment, and shall not be subject to amendment, except that the chairman and ranking minority member each may offer one pro forma amendment for the purpose of further debate on any pending amendment.

It shall be in order at any time for the chairman of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments not earlier disposed of or germane modifications of any such amendment.

The amendments en bloc shall be considered read, except that modifications shall be reported, shall be debatable for 10 minutes, equally divided and controlled by the chairman and ranking minority member, or their designees.

The original proponent of an amendment included in the amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before disposition of the amendments en bloc.

The Chairman of the Committee of the Whole may recognize for consideration of amendments out of the order previously specified, but not sooner than 1 hour after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

After disposition of the amendments specified in the previous order of the House, the Committee shall rise without motion. No further consideration of the bill shall be in order except pursuant to a subsequent order of the House.

AMENDMENTS EN BLOC OFFERED BY MR. STUMP

Mr. STUMP. Madam Chairman, I offer amendments en bloc made in order by order of the House of yesterday.

The CHAIRMAN. The Clerk will designate the amendments en bloc.

The text of the amendments en bloc is as follows:

Amendments En Bloc offered by Mr. STUMP: consisting of the amendments originally proposed by the following Members and made in order by the order of the House of September 19, 2001:

Mr. Hall of Ohio,
Mr. Manzullo,
Mr. Lantos,
Mr. Spratt,
Mr. Stearns (Amdt #50),
Mr. Weldon of Pennsylvania (Amdt #81),
Mr. Ehrlich,
Mr. Kirk,
Mr. Boyd,
Mr. Farr of California, and
Mr. Lewis of California:

AMENDMENT OFFERED BY MR. HALL OF OHIO:

At the end of title II (page 43, after line 9), insert the following new subtitle:

Subtitle E—Air Force Science and Technology for the 21st Century

SEC. 251. SHORT TITLE.

This subtitle may be cited as the ''Air Force Science and Technology for the 21st Century Act''.

SEC. 252. SCIENCE AND TECHNOLOGY INVESTMENT AND DEVELOPMENT PLANNING.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of the Air Force should carry out each of the following:

(1) Continue and improve efforts to ensure that—

(A) the Air Force science and technology community is represented, and the recommendations of that community are considered, at all levels of program planning and budgetary decisionmaking within the Air Force;

(B) advocacy for science and technology development is institutionalized across all levels of Air Force management in a manner that is not dependent on individuals; and

(C) the value of Air Force science and technology development is made increasingly apparent to the warfighters, by linking the needs of those warfighters with decisions on science and technology development.

(2) Complete and adopt a policy directive that provides for changes in how the Air Force makes budgetary and nonbudgetary decisions with respect to its science and technology development programs and how it carries out those programs.

(3) At least once every five years, conduct a review of the long-term challenges and short-term objectives of the Air Force science and technology programs that is consistent with the review specified in section 252 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–46).

(4) Ensure that development and science and technology planning and investment activities are carried out for future space warfighting systems and for future nonspace warfighting systems in an integrated manner.

(5) Elevate the position within the Office of the Secretary of the Air Force that has primary responsibility for budget and policy decisions for science and technology programs.

(b) REINSTATEMENT OF DEVELOPMENT PLANNING.—(1) The Secretary of the Air Force shall reinstate and implement a revised development planning process that provides for each of the following:

(A) Coordinating the needs of Air Force warfighters with decisions on science and technology development.

(B) Giving input into the establishment of priorities among science and technology programs.

(C) Analyzing Air Force capability options for the allocation of Air Force resources.

(D) Developing concepts for technology, warfighting systems, and operations with which the Air Force can achieve its critical future goals.

(E) Evaluating concepts for systems and operations that leverage technology across Air Force organizational boundaries.

(F) Ensuring that a ''system-of-systems'' approach is used in carrying out the various Air Force capability planning exercises.

(G) Utilizing existing analysis capabilities within the Air Force product centers in a collaborative and integrated manner.

(2) Not later than one year after the date of the enactment of this Act, the Secretary of the Air Force shall submit to Congress a report on the implementation of the planning process required by paragraph (1). The report shall include the annual amount that the Secretary considers necessary to carry out paragraph (1).

SEC. 253. STUDY AND REPORT ON EFFECTIVENESS OF AIR FORCE SCIENCE AND TECHNOLOGY PROGRAM CHANGES.

(a) REQUIREMENT.—The Secretary of the Air Force, in cooperation with the National Research Council of the National Academy of Sciences, shall carry out a study to determine how the changes to the Air Force science and technology program implemented during the past two years affect the future capabilities of the Air Force.

(b) MATTERS STUDIED.—(1) The study shall independently review and assess whether such changes as a whole are sufficient to ensure the following:

(A) That the concerns about the management of the science and technology program that have been raised by the Congress, the Defense Science Board, the Air Force Science Advisory Board, and the Air Force Association have been adequately addressed.

(B) That appropriate and sufficient technology is available to ensure the military superiority of the United States and counter future high-risk threats.

(C) That the science and technology investments are balanced to meet the near-, mid-, and long-term needs of the Air Force.

(D) That technologies are made available that can be used to respond flexibly and quickly to a wide range of future threats.

(E) That the Air Force organizational structure provides for a sufficiently senior level advocate of science and technology to ensure an ongoing, effective presence of the science and technology community during the budget and planning process.

(2) In addition, the study shall independently assess the specific changes to the Air Force science and technology program as follows:

(A) Whether the biannual science and technology summits provide sufficient visibility into, and understanding and appreciation of, the value of the science and technology program to the senior level of Air Force budget and policy decisionmakers.

(B) Whether the applied technology councils are effective in contributing the input of all levels beneath the senior leadership into the coordination, focus, and content of the science and technology program.

(C) Whether the designation of the commander of the Air Force Materiel Command as the science and technology budget advocate is effective to assure that an adequate budget top line is set.

(D) Whether the revised development planning process is effective to aid in the coordination of the needs of the Air Force warfighters with decisions on science and technology investments and the establishment of priorities among different science and technology programs.

(E) Whether the implementation of section 252 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–46) is effective to identify the basis for the appropriate science and technology program top line and investment portfolio.

(c) REPORT.—Not later than 60 days after the date on which the study required by subsection (a) is completed, the Secretary of the Air Force shall submit to Congress the results of the study.

(d) FUNDING.—Of the amount made available pursuant to section 201(3) for research, development, test, and evaluation for the Air Force, $950,000 shall be available only to carry out this section.

AMENDMENT OFFERED BY MR. MANZULLO:

At the end of subtitle A of title VIII (page 248, after line 9), insert the following new section:

SEC. 8___. INCREASE OF ASSISTANCE LIMITATION REGARDING PROCUREMENT TECHNICAL ASSISTANCE PROGRAMS.

Section 2414(a)(1) of title 10, United States Code, is amended by striking ''$300,000'' and inserting ''$600,000''.

AMENDMENT OFFERED BY MR. LANTOS:

Strike section 1044 (page 281 beginning line 6), relating to a sense of the Congress regarding Kwajalein Atoll.

AMENDMENT OFFERED BY MR. SPRATT:

At the end of title X (page 307, after line 20), insert the following new section:

SEC. 10___. LEASING OF NAVY SHIPS FOR UNIVERSITY NATIONAL OCEANOGRAPHIC LABORATORY SYSTEM.

Subsection (g) of section 2667 of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3) Paragraph (1) does not apply to a renewal or extension of a lease by the Secretary of the Navy with a selected institution for operation of a ship within the University National Oceanographic Laboratory System if, under the lease, each of the following applies:

''(A) Use of the ship is restricted to federally supported research programs and to non-Federal uses under specific conditions with approval by the Secretary of the Navy.

''(B) Because of the anticipated value to the Navy of the oceanographic research and training that will result from the ship's operation, no monetary lease payments are required from the lessee under the initial lease or under any renewal or extension.

''(C) The lessee is required to maintain the ship in a good state of repair, readiness, and efficient operating condition, conform to all applicable regulatory requirements, and assume full responsibility for the safety of the ship, its crew, and scientific personnel aboard.''.

AMENDMENT OFFERED BY MR. STEARNS:

At the end of subtitle E of title X (page 307, after line 20), insert the following new section:

SEC. ___. SENSE OF CONGRESS REGARDING CONTINUED UNITED STATES COMMITMENT TO RESTORING LAFAYETTE ESCADRILLE MEMORIAL, MARNES LA-COGUETTE, FRANCE.

(a) FINDINGS.—Congress finds the following:

(1) The Lafayette Escadrille, an aviation squadron within the French Lafayette Flying Corps, was formed April 16, 1916.

(2) The Lafayette Escadrille consisted of aviators from the United States who volunteered to fight for the people of France during World War I.

(3) 265 volunteers from the United States served in the Lafayette Flying Corps, completing 3,000 combat sorties and amassing nearly 200 victories.

(4) The Lafayette Escadrille won 4 Legions of Honor, 7 Medailles Militaires, and 31 citations, each with a Croix de Guerre.

(5) In 1918, command of the Lafayette Escadrille was transferred to the United States, where the Lafayette Escadrille became the combat air force of the United States.

(6) In 1921, a Franco-American committee was organized to locate a final resting place for the 68 United States aviators who lost their lives flying for France during World War I.

(7) The Lafayette Escadrille Memorial was dedicated on July 4, 1928, in honor of all United States aviators who flew for France during World War I.

(8) The Lafayette Escadrille Memorial Foundation, located in the United States and in France, was founded by Nelson Cromwell in 1930 and endowed with a $1,500,000 trust for the maintenance and upkeep of the Lafayette Escadrille Memorial.

(9) Environmental conditions have contributed to structural damage to, and the overall degradation of, the Lafayette Escadrille Memorial, preventing the holding of memorial services inside the crypt.

(10) The French Government has pledged funds to support a restoration of the Lafayette Escadrille Memorial.

(11) The Lafayette Escadrille Memorial should be restored to its original beauty to honor all the United States aviators who flew for France during World War I and to demonstrate the respect of the United States for the sacrifices made by all Americans who have served our Nation and our allies.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States should continue to honor its commitment to the United States aviators who lost their lives flying for France during World War I by appropriating sufficient funds to restore the Lafayette Escadrille Memorial in Marnes La-Coguette, France.

AMENDMENT OFFERED BY MR. WELDON OF PENNSYLVANIA:

At the end of title X (page 307, after line 20), insert the following new section:

SEC. ___. DESIGNATION OF FIREFIGHTER ASSISTANCE PROGRAM IN HONOR OF FLOYD D. SPENCE, A FORMER MEMBER OF THE HOUSE OF REPRESENTATIVES, AND SENSE OF CONGRESS ON NEED TO CONTINUE THE PROGRAM.

(a) DESIGNATION.—Section 33(b)(2)(A) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(b)(2)(A)) is amended—

(1) by inserting ''AND DESIGNATION'' after ''ESTABLISHMENT''; and

(2) by adding at the end the following new sentence: ''The program of firefighter assistance administered by the Office shall be known as the 'Floyd D. Spence Memorial Domestic Defenders Initiative'.''.

(b) SENSE OF CONGRESS.—The firefighters assistance grant program authorized by section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) is recognized as having served as an effective device in Congress' ongoing effort to address the needs of America's fire service, and it is the sense of Congress that the program should be reauthorized for fiscal year 2003 and subsequent fiscal years at a higher level of funding.

AMENDMENT OFFERED BY MR. EHRLICH:

At the end of title XII (page 331, after line 15), insert the following new section:

SEC. 12___. AUTHORITY FOR EMPLOYEES OF FEDERAL GOVERNMENT CONTRACTORS TO ACCOMPANY CHEMICAL WEAPONS INSPECTION TEAMS AT GOVERNMENT-OWNED FACILITIES.

(a) AUTHORITY TO CONDUCT INSPECTIONS.—Section 303 of the Chemical Weapons Convention Implementation Act of 1998 (as contained in Public Law 105–277; 112 Stat. 2681–873; 22 U.S.C. 6723) is amended in subsection (b)(2) by inserting ''(and in the case of inspection of Federal Government-owned facilities, such designation may include employees of a contractor with the Federal Government)'' after ''Federal Government''.

(b) PROCEDURES FOR INSPECTIONS.—Section 304 of such Act (22 U.S.C. 6724) is amended in subsection (c) by inserting ''or contractor with the Federal Government'' after ''Federal Government''.

AMENDMENT OFFERED BY MR. KIRK:

At the end of subtitle B of title XXVIII (page 394, after line 20), insert the following new section:

SEC. ___. USE OF BUILDINGS ON MILITARY INSTALLATIONS AND RESERVE COMPONENT FACILITIES AS POLLING PLACES.

(a) USE OF MILITARY INSTALLATIONS AUTHORIZED.—Section 2670 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(b) USE AS POLLING PLACES.—(1) Notwithstanding chapter 29 of title 18 (including sections 592 and 593 of such title), the Secretary of a military department may make a building located on a military installation under the jurisdiction of the Secretary available for use as a polling place in any Federal, State, or local election for public office.

''(2) Once a military installation is made available as the site of a polling place with respect to a Federal, State, or local election for public office, the Secretary shall continue to make the site available for subsequent elections for public office unless the Secretary provides to Congress advance notice in a reasonable and timely manner of the reasons why the site will no longer be made available as a polling place.

''(3) In this subsection, the term 'military installation' has the meaning given the term in section 2687(e) of this title.''.

(b) USE OF RESERVE COMPONENT FACILITIES.—(1) Section 18235 of such title is amended by adding at the end the following new subsection:

''(c) Pursuant to a lease or other agreement under subsection (a)(2), the Secretary may make a facility covered by subsection (a) available for use as a polling place in any Federal, State, or local election for public office notwithstanding chapter 29 of title 18 (including sections 592 and 593 of such title). Once a facility is made available as the site of a polling place with respect to an election for public office, the Secretary shall continue to make the facility available for subsequent elections for public office unless the Secretary provides to Congress advance notice in a reasonable and timely manner of the reasons why the facility will no longer be made available as a polling place.''.

(2) Section 18236 of such title is amended by adding at the end the following new subsection:

''(e) Pursuant to a lease or other agreement under subsection (c)(1), a State may make a facility covered by subsection (c) available for use as a polling place in any Federal, State, or local election for public office notwithstanding chapter 29 of title 18 (including sections 592 and 593 of such title).''.

(c) CONFORMING AND CLERICAL AMENDMENTS.—(1) section 2670 of such title is further amended—

(A) by striking ''Under'' and inserting ''(a) USE BY RED CROSS.—Under''; and

(B) by striking ''this section'' and inserting ''this subsection''.

(2) The heading of such section is amended to read as follows:

''§ 2670. Buildings on military installations: use by American National Red Cross and as polling places''.

(3) The item relating to such section in the table of sections at the beginning of chapter 159 of such title is amended to read as follows:

''2670. Buildings on military installations: use by American National Red Cross and as polling places.''.

AMENDMENT OFFERED BY MR. BOYD:

At the end of part III of subtitle D of title XXVIII (page 414, after line 7), insert the following new section:

SEC. 285___. LAND CONVEYANCE, DEFENSE FUEL SUPPORT POINT, FLORIDA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to Florida State University, all right, title and interest of the United States in and to a parcel of real property known as ''Defense Fuel Support Point'', including any improvements thereon, located in Lynn Haven, Florida, and consisting of approximately 200 acres for the purpose of establishing a National Coastal Research Center.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Secretary.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT OFFERED BY MR. FARR OF CALIFORNIA:

At the end of title XXVIII (page 427, after line 7), insert the following new section:

SEC. 2866. ADDITIONAL EXTENSION OF DEMONSTRATION PROJECT FOR PURCHASE OF FIRE, SECURITY, POLICE, PUBLIC WORKS, AND UTILITY SERVICES FROM LOCAL GOVERNMENT AGENCIES.

Section 816(c) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2820), as added by section 2873 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2225), is amended by inserting before the period at the end the following: '', with regard to firefighting and police services, and September 30, 2003, with regard to other services described in under subsection (a)''.

AMENDMENT OFFERED BY MR. LEWIS OF CALIFORNIA:

At the end of title XXVIII (page 427, after line 7), insert the following new section:

SEC. 2866. CONVEYANCE OF AVIGATION EASEMENTS, FORMER NORTON AIR FORCE BASE, CALIFORNIA.

The Administrator of General Services shall convey, without consideration, to the Inland Valley Development Agency (the redevelopment authority for former Norton Air Force Base, California) two avigation easements (identified as APN 289–231–08 and APN 289–232–08) held by the United States.

The CHAIRMAN. Pursuant to the order of the House of Wednesday, September 19, 2001, the gentleman from Arizona (Mr. STUMP) and the gentleman from Missouri (Mr. SKELTON) each will control 5 minutes.

The Chair recognizes the gentleman from Arizona (Mr. STUMP).

Mr. STUMP. Madam Chairman, I yield 5 minutes to the gentleman from Florida (Mr. STEARNS).

(Mr. STEARNS asked and was given permission to revise and extend his remarks.)

Mr. STEARNS. Madam Chairman, I wish to thank the gentleman from Arizona (Mr. STUMP), my good friend, for incorporating my amendments as part of the manager's amendment in this defense authorization bill.

My first amendment concerns the deteriorating state of the Lafayette-Escadrille Memorial. It is basically a sense of the Congress resolution. This memorial honors all U.S. aviators who flew for France in World War I. I laid a wreath at the memorial on June 17 with 40 of my colleagues in attendance to commemorate the 85th anniversary of the squadron's formation.

Seven Americans originally formed the squadron. When the escadrille transferred to the U.S. command in 1918, 265 American volunteers had served in the French air service with 180 of those having flown combat missions. In all, the escadrille flew 3,000 combat sorties, amassing nearly 200 victories. In fact, the escadrille became the birth of the United States Air Force.

A joint French/American committee was organized at the end of World War I to locate a final resting place for those Americans who died there. With land donated by the French Government, the Lafayette-Escadrille Memorial was dedicated on July 4, 1928. It is essentially an American cemetery with 68 Americans who gave their lives interred in the memorial.

Sadly, this memorial is in desperate need of repair. The structure sits in a meadow with a high water table. Heavy rains flood the tomb, exacerbated by the poor functioning drains and water leaking through the terrace behind the memorial. Structural repairs are needed for the crypt and the overall foundation and double glass is needed to protect the remarkable stained glass windows.

The Lafayette-Escadrille Memorial Foundation was endowed originally with a $1.5 million trust fund for its maintenance, but that has been exhausted. The French Government has pledged funds and has begun working in earnest to repair this memorial. I want to point out that the foundation is an American not-for-profit and is subject to IRS regulations governing not-for-profit activities.

Madam Chairman, our men and women in uniform, present and future and past, we hold those who served in the highest regard; and they should be remembered. I have received letters

from descendents of members of the Lafayette-Escadrille offering their support, and I have received calls from persons only wanting to see the memorial restored.

Our men and women in uniform deserve the best this Nation can give them. Such action should not stop at their deaths.

The second amendment that I offer and is part of the en bloc amendment highlights the need for the Department of Defense to realign its focus on using energy efficient technologies. I feel that the Department of Defense should take into account the recommendations contained in the report by the Defense Science Board entitled ''More Capable War-Fighting Through Reduced Fuel Burden.''

The report states: ''Military fuel consumption for aircraft, ships, ground vehicles and facilities make the Department of Defense the single largest consumer of petroleum in America, perhaps in the world. Naval forces depend each day on millions of gallons of fuel to operate around the globe. The Air Force spends approximately 85 percent of its fuel budget to deliver, by airborne tankers, just 6 percent of its annual jet fuel usage.''

It is without a doubt that fuel cost is directly associated with military readiness. By no means, however, should the DOD sacrifice performance requirements to save a few gallons of fuel. Obviously, including energy efficiency as a requirement under DOD's procurement process and investing in new improvements through its S&T community is a significant step in the direction of curtailing energy consumption in a responsible manner, while maintaining the performance and overall military capability.

The DSB report states ''that the largest element of the total fuel cost in DOD is the cost of delivery.'' Improving on daily use of fuel for both combat and support units could reduce the logistics need while allowing units to deploy and remain in the field for a longer sustained period of time.

Undoubtedly, a component in the war against terrorism will be the use of lighter, more mobile forces. So, it is imperative that we improve our logistics capability and reduce the ''logistics tail.'' As the DSB report notes, ''efficiency is a strong component of agility.''

So I again want to thank the chairman, the gentleman from Arizona (Mr. STUMP), for allowing me to incorporate these into the manager's amendment; and I urge the adoption of the manager's amendment.

Mr. SKELTON. Madam Chairman, I might say that we have seen these amendments on our side, and we fully agree and approve of them.

Madam Chairman, I reserve the balance of my time.

Mr. STUMP. Madam Chairman, I move to strike the last word, and I yield to the gentleman from Pennsylvania (Mr. WELDON).

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Madam Chairman, I want to thank our distinguished chairman and ranking member for their support of three amendments in this en bloc amendment that I introduced. The first one I think is perhaps the most important that I want to talk about.

Two years ago I made a recommendation to our leadership that we establish a task force that would integrate our domestic response network, our fire and EMS community, with our military. That task force recommendation was accepted and the panel that was established became known as the Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction, more commonly known as the Gilmore Commission, because the Gilmore Commission has been chaired by Governor Gilmore of Virginia.

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This commission for the past 2 years has been looking at ways that we can further integrate our military and the response of our first responders, our fire and EMS personnel.

Madam Chairman, this commission has done tremendous work in giving us recommendations to assist our domestic defenders who just this past week were the first responders at the World Trade Center.

In fact, Madam Chairman, I went to New York on Friday. I went up on Friday for a very specific reason. The Gilmore Commission, the task force we are extending for 2 years, had members from all aspects of our urban response network: the military, domestic fire service.

The representative of the New York City Fire Department in charge of Special Operations Command was Ray Downey. Ray Downey is a friend of mine who escorted me at the first World Trade Center bombing in 1993. Thirty minutes after the buildings collapsed in New York this past week, as the New York City firefighters were providing their first response, Ray Downey was killed. Ray Downey was the chief of the special operations function for the New York City department. He was a member of the commission that we are going to extend for 2 more years in this amendment. He was the point person to help us understand how our military and our urban response community and civilian response community could interact.

He was making specific recommendations, Madam Chairman, that have helped us better integrate our two networks. In fact, one of the results of their recommendations was that initiative last year that is, in fact, the subject of a second amendment that we have accepted. That amendment deals with the recommendation by this Congress that we accept the firefighter assistance program that we first put into place last year.

Last year it was $100 million. We had $300 billion of requests across the country. What we are asking for is an extension of that program, and the amendment here says that Congress should renew the authorization for that program.

That program, again, was a bipartisan effort. The gentleman from Maryland (Mr. HOYER) and the gentleman from New Jersey (Mr. PASCRELL), Congressmen on our side, including the chairman of our Committee on Armed Services and our ranking member, the gentleman from Missouri (Mr. SKELTON), were the reason why that recommendation became law.

This year we are in the process of giving out $100 million of direct grants through FEMA that are going to local fire and emergency services groups across the country, including the New York City Fire Department.

So the recommendation in the second amendment is to continue that program and to name it after the honorable Floyd Spence, without whose acceptance, as our committee chairman, it would not have become law. That does not diminish the work by other colleagues, the gentleman from Missouri (Mr. SKELTON), the gentleman from Maryland (Mr. HOYER), the gentleman from New Jersey (Mr. PASCRELL), the gentleman from Arizona (Mr. STUMP), and a whole host of other Members from the Congress.

But we are naming it after Floyd Spence because he was the one, as chair of the committee, that allowed this program to move forward.

Madam Chairman, these two amendments are critically important because they both deal with events of the past week. They also show that this committee was far in front of the Congress and the American people in preparing for the kind of incident that we saw occur on Tuesday.

That kind of foresight is what this Committee on Armed Services has been doing since I have been here in Congress for 15 years. It continues with the leadership of our chairman and our ranking member. I thank them both for including the amendments that I offer. I thank them for their commitment not just to our military, but our domestic defenders.

Mr. SKELTON. Madam Chairman, I yield to the gentleman from Texas (Mr. FROST).

(Mr. FROST asked and was given permission to revise and extend his remarks.)

Mr. FROST. Madam Chairman, I rise in support of the defense authorization bill.

Madam Chairman, I am pleased that the House of Representatives is getting back to regular business so quickly—and I'm particularly glad that we're starting with this bill.

After the horror of September 11th, everyone in this Congress and around the country understands the importance of maintaining the finest military in the world.

I have no doubt that the men and women of America's armed forces will rise to the challenges posed by today's dangerous new

world. And I have no doubt that this Congress will ensure America's military has the resources it needs to win the war on terrorism.

Indeed, this bill is a good example of the bipartisan support America's armed forces enjoy. It passed the Armed Services Committee on a bipartisan vote of 58 to 1. Democrats and Republicans are strongly committed to a first-rate military that will protect this nation and its people, and that will maintain our position as the chief protector of democracy and the rule of law throughout the world.

I am particularly pleased that this bill will improve quality of life for men and women in uniform and their families. It increases basic military pay, and provides important resources for military family housing and for military retirees' health care.

Additionally, this bill continues our commitment to the wide range of weapons programs that ensure our military superiority throughout the world—which will be particularly important as we prepare for a new and dangerous world.

Madam Chairman, the first duty of the Congress and the President is to provide for the national defense, and the men and women who protect it. I am proud that this bipartisan bill takes major steps toward accomplishing that goal, and I support it strongly.

Still, I, like many others, believe we need to do more—more especially to provide for ''Homeland Defense'' and to fight terrorism. Our top priority should be ensuring that Americans are never again victimized by another barbaric attack like September 11th. So I look forward to working with Republicans and Democrats over the next few days to ensure that our armed forces have the resources to win this war on terror.

Mr. MANZULLO. Madam Chairman, I want to convey my thanks to the Chairman and the Ranking Minority Member of the House Armed Services Committee for including my amendment to the managers' amendment to HR 2586. My provision doubles the Defense Logistics Agency (DLA) grant match to states which run state-wide Procurement Technical Assistance Centers (PTACs) program so that they would be able to receive up to $600,000 in funding.

Small business participation in government procurement is dropping, particularly for Defense Department contracts. For new contracts worth over $25,000, the number of small businesses winning these opportunities dropped from a high of 70,088 in 1995 to 41,075 in 1999. Even for sales opportunities to the federal government of $2,500 or less, which used to be reserved for small business, the number of small purchase actions from small businesses decreased from nearly 10 million in 1995 to 3.8 million in 2000. One solution to this problem is to enhance the role of Procurement Technical Assistance Centers (PTACs).

During the 1980's, Congress created local PTACs around the country to increase small business participation in defense procurement. Modeled after Small Business Development Centers (SDBCs) run by the Small Business Administration (SBA), these centers offer free advice and help to small businesses both in educating them about how to get involved in government procurement and also how to obtain contracts. Most of the PTACs are co-located in a local higher education institution.

About half of the funding for most of the PTACs comes from Defense Logistics Agency (DLA). The remainder comes from the state government and/or the local host such as the community college. States currently have a choice: they can either ask for up to $300,000 to run a state-wide program or regional centers can ask for up to $150,000 to run a program locally. Some states have decided to run a statewide program in order to have continuity of service throughout the state. However, some states have allowed regional or city PTACs to operate.

Currently, 15 states have regional or city PTACs that receive an excess of $300,000. For example, Pennsylvania received nearly $1.2 million in DLA funding to run eight regional PTACs. Similarly, Michigan received just over $1 million to run eight regional PTACs. The current funding formula penalizes states like my home state of Illinois who have opted for a seamless delivery of procurement assistance services throughout the state but also serve a large population.

My amendment, which was also introduced as a clean bill (H.R. 2689) supported by all the Illinois Members of the House Armed Services Committee, increases the DLA grant match to states that run a state-wide PTAC program so that they would be able to receive up to $600,000 in funding, double the current level of $300,000. This would potentially benefit 30 states and one territory that either have a statewide PTAC program or only one city participates in the PTAC program. These include, in alphabetical order: Alaska, Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Iowa, Idaho, Illinois, Kentucky, Massachusetts, Maryland, Maine, Minnesota, Mississippi, Montana, North Carolina, Nebraska, New Hampshire, New Mexico, Nevada, Oregon, Puerto Rico, Rhode Island, South Carolina, Tennessee, Utah, Vermont, Washington, and Wyoming.

There are also the five states and four other territories that do not have any PTAC program which could potentially benefit from this amendment. These include, in alphabetical order: America Samoa, Colorado, the District of Columbia, Guam, Hawaii, Kansas, North Dakota, South Dakota, and the Virgin Islands.

It is important to remember that each state with a state-wide run PTAC program would not automatically receive a $600,000 grant from the DLA because each proposal would have to stand on its own merits. Currently, 10 states and one territory do not even receive the full $300,000 in grant funds from the DLA authorized to run a statewide PTAC program. Thus, this proposal does not necessarily mean that the cost of the program would immediately balloon. Only those states that submit a sound proposal who serve a large population would qualify for the maximum of $600,000, as contained in my amendment.

Finally, the Manzullo amendment does not mean that the 15 states with regional or city PTACs would receive less funding. This amendment is silent on the match received from DLA to regional or city PTACs.

With the criticism of recent Pentagon procurements that disadvantage small businesses, my amendment is one positive way to remedy the problem. I respectfully urge my colleagues to support the managers' amendment.

Mr. HALL of Ohio. Madam Chairman, I rise in support of the Hall Amendment, the ''Air Force Science and Technology for the 21st Century Act,'' which is included in the en bloc amendment. The amendment addresses deficiencies in the Air Force's planning and budget process for the Science and Technology (S&T) program to better link the future needs of the warfighter with S&T investment decisions and to increase support for the S&T program at senior levels of Air Force leadership. The amendment expresses the sense of Congress that the Air Force solidify and institutionalize the steps that it has already taken to address the planning and budgeting deficiencies. It also requires the Air Force to reinstate ''development planning'' as part of the planning and budgeting process to help the Air Force Research Laboratory better define the technologies most likely required by tomorrow's defense needs. Furthermore, the amendment requires a study by National Academy of Sciences' National Research Council (NRC) to assess the effect of recent organizational changes in the operation of the Air Force S&T program to the future capabilities of the Air Force.

After a decade of decline, in the last few years, the Department of Defense (DoD) has made modest increases in S&T funding. However, the increases have not been made uniformly across all of the services. Among the military services, the Air Force's spending on S&T has seen the most dramatic decline. Once, the rate of Air Forces A&T spending was almost equal to the Army and Navy combined. Now it is the lowest of the three services. Air Force spending on S&T has dropped by almost 50 percent from 1989 to 2001 measured in constant dollars. This decline in spending has been widely critized as a threat to the future ability of the Air Force to field weapon systems employing cutting edge technologies. Especially critical in light of recent events, the Air Force may not have the technolgy available to respond to future emerging threats including threats of terrorism to homeland security.

In recent years, Congress has made efforts to reverse the decline in Air Force S&T development by appropriating funds greater than rquested in the President's budget request. Congress has also enacted legislation mandating improvements in the S&T program management and requesting expert opinions on what changes should be made. After pressure from Congress, the academic community, the aerospace industry, and Air Force advocates, the Air Force made fundamental changes in how it makes budgetary and non budgetary policy decisions for its science and technology development programs and the management of those programs. However, despite these worthwhile efforts, additional measures are needed to ensure sufficient levels of advocacy for science and technology development within the Air Force and that the best decisions are made for science and technology investment.

One factor contributing to the decline in Air Force science and technology is the lack of a proactive development planning process that analyzes the long-term needs of the warfighter to guide the direction of scientific research. Without a strong link between the technology needs of the warfighter and the work of the Air Force Research Laboratory, the science and technology program risks insufficient support within the Air Force and a misdirected focus. Until the mid 1990s, Congress funded an office of development planning sometimes called the ''crystal ball office,'' which bridged the gap

between laboratory and warfighter. The process has since been discontinued. Restoration of this planning function was a key recommendation of the recent study of the Air Force Science Advisory Board and it was supported in testimony this year before the House Armed Services Subcommittee on Military Research and Development. My amendment requires the Air Force to reinstate a revised development planning process and report back to Congress on the new program format.

Another contributing factor is the lack of a sufficiently high level Air Force leader with duties focused solely on science, technology, and engineering. This was pointed out in recent reports by the Air Force Association and National Academy of Sciences' National Research Council. Currently, the top policy slot is the Deputy Assistant Secretary for Science, Technology and Engineering with the grade of SES–5, the civilian equivalent of a major general. This amendment expresses the sense of Congress that the position should be elevated to a higher level within the organization.

In the last year, the Air Force has instituted several new initiatives to improve science research. These include biannual S&T Summits to increase the visibility, understanding and appreciation of the value of the S&T program to senior Air Force leaders; establishing Applied Technology Councils to provide input from levels beneath senior management into the coordination, focus and content of the S&T program; and the designation of the Commander of Air Force Material Command as the general officer advocate for the S&T budget. Also, section 252 of P.L. 106–398, The National Defense Authorization Act for Fiscal Year 2001, enacted in 2000, called for a comprehensive review of the long-term challenges and short-term objectives of the Air Force S&T program. My amendment requires the National Academy of Sciences' National Research Council (NRC) to study the effectiveness of these changes and make recommendations for further improvements in the management of the S&T program. The amendment authorizes $950,000 for the study from the funds currently authorized under section 201(3) of the National Defense Authorization Act for Fiscal Year 2002.

My amendment also expresses the sense of Congress that the Air Force should continue and improve on the recent actions taken by the Air Force to solidify and institutionalize the S&T management and budget decisions process; formally adopt the policy directives to implement those actions; conduct at least once every five years a review of long-term challenges and short-term objectives of the Air Force science and technology program; and ensure the integration of science and technology development for space and nonspace warfighting systems.

In light of recent events, it is important to note that military experts believe that maintaining the United States' technological superiority is key to fighting terrorism. However, numerous studies have suggested that the investment science is inadequate to meet the needs of fighting the future emerging threats including threats to homeland security. My amendment is aimed at helping the Air Force develop the necessary technology to respond flexibly and quickly to a wide range of future threats, including terrorism.

My amendment requires no sweeping changes in the management of the Air Force S&T program. Rather, it is intended to nudge the Air Force back toward increased support for scientific research as an integral part of its mission and to restore its traditional role as the technology service that most depends on scientific advances to maintain military superiority.

I strongly urge the adoption of the amendment.

Mr. SKELTON. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendments en bloc offered by the gentleman from Arizona (Mr. STUMP).

The amendments en bloc were agreed to.

AMENDMENTS EN BLOC OFFERED BY MR. STUMP

Mr. STUMP. Madam Chairman, I offer amendments en bloc made in order by the House yesterday.

The CHAIRMAN. The Clerk will designate the amendments en bloc:

The text of the amendments en bloc is as follows:

Amendments en bloc offered by Mr. STUMP consisting of the amendments originally proposed by the following Members and made in order by the order of the House of September 19, 2001: Mr. OSE, Mr. BEREUTER, Mr. UNDERWOOD, Mr. GILCHREST, Mr. STRICKLAND, Ms. VELÁZQUEZ, No. 46 offered by Mr. STEARNS, Mrs. TAUSCHER, No. 70 offered by Mr. WELDON of Pennsylvania, No. 78 offered by Mr. WELDON of Pennsylvania, and Mrs. KELLY:

Amendment offered by Mr. OSE:

In section 341, relating to assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees (page 64, beginning line 20), strike subsections (a) and (b) and insert the following new subsections:

(a) CONTINUATION OF DEPARTMENT OF DEFENSE PROGRAM FOR FISCAL YEAR 2002.—Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities—

(1) $30,000,000 shall be available only for the purpose of providing educational agencies assistance to local educational agencies; and

(2) $1,000,000 shall be available only for the purpose of making payments to local educational agencies to assist such agencies in adjusting to reductions in the number of military dependent students as a result of the closure or realignment of military installations, as provided in section 386(d) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 7703 note).

(b) NOTIFICATION.—Not later than June 30, 2002, the Secretary of Defense shall notify each local educational agency that is eligible for assistance or a payment under subsection (a) for fiscal year 2002 of—

(1) that agency's eligibility for the assistance or payment; and

(2) the amount of the assistance or payment for which that agency is eligible.

Amendment Offered by Mr. BEREUTER:

At the end of subtitle B of title V (page 115, after line 18), insert the following new section:

SEC. 520. PREPARATION FOR, PARTICIPATION IN, AND CONDUCT OF ATHLETIC COMPETITIONS BY THE NATIONAL GUARD AND MEMBERS OF THE NATIONAL GUARD.

(a) ATHLETIC AND SMALL ARMS COMPETITIONS.—Section 504 of title 32, United States Code, is amended by adding at the end the following new subsection:

''(c) CONDUCT OF AND PARTICIPATION IN CERTAIN COMPETITIONS.—(1) Under regulations prescribed by the Secretary of Defense, members and units of the National Guard may conduct and compete in a qualifying athletic competition or a small arms competition so long as—

''(A) the conduct of, or participation in, the competition does not adversely affect the quality of training or otherwise interfere with the ability of a member or unit of the National Guard to perform the military functions of the member or unit;

''(B) National Guard personnel will enhance their military skills as a result of conducting or participating in the competition; and

''(C) the conduct of or participation in the competition will not result in a significant increase in National Guard costs.

''(2) Facilities and equipment of the National Guard, including military property and vehicles described in section 508(c) of this title, may be used in connection with the conduct of or participation in a qualifying athletic competition or a small arms competition under paragraph (1).''.

(b) OTHER MATTERS.—Such section is further amended by adding after subsection (c), as added by subsection (a) of this section, the following new subsections:

''(d) AVAILABILITY OF FUNDS.—(1) Subject to paragraph (2) and such limitations as may be enacted in appropriations Acts and such regulations as the Secretary of Defense may prescribe, amounts appropriated for the National Guard may be used to cover—

''(A) the costs of conducting or participating in a qualifying athletic competition or a small arms competition under subsection (c); and

''(B) the expenses of members of the National Guard under subsection (a)(3), including expenses of attendance and participation fees, travel, per diem, clothing, equipment, and related expenses.

''(2) Not more than $2,500,000 may be obligated or expended in any fiscal year under subsection (c).

''(e) QUALIFYING ATHLETIC COMPETITION DEFINED.—In this section, the term 'qualifying athletic competition' means a competition in athletic events that require skills relevant to military duties or involve aspects of physical fitness that are evaluated by the armed forces in determining whether a member of the National Guard is fit for military duty.''.

(c) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting ''AUTHORIZED ACTIVITIES.—'' after ''(a)''; and

(2) in subsection (b), by inserting ''AUTHORIZED LOCATIONS.—'' after ''(b)''.

(d) CONFORMING AND CLERICAL AMENDMENTS.—(1) Subsection (a) of such section is amended—

(A) in paragraph (1), by inserting ''and'' after the semicolon;

(B) in paragraph (2), by striking ''; or'' and inserting a period; and

(C) by striking paragraph (3).

(2) The heading of such section is amended to read as follows:

''§ 504. National Guard schools; small arms competitions; athletic competitions''.

(3) The item relating to section 504 in the table of sections at the beginning of chapter 5 of title 10, United States Code, is amended to read as follows:

''504. National Guard schools; small arms competitions; athletic competitions.''.

Amendment offered by Mr. UNDERWOOD:

At the end of section 552 (page 166, after line 5), insert the following new subsection:

(f) STATE DEFINED.—In this section, the term ''State'' includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and American Samoa.

Amendment offered by Mr. GILCHREST:

At the end of title V (page 187, after line 12), insert the following new section:

SEC. ___. REPORT ON HEALTH AND DISABILITY BENEFITS FOR PRE-ACCESSION TRAINING AND EDUCATION PROGRAMS.

(a) STUDY.—The Secretary of Defense shall conduct a review of the health and disability benefit programs available to recruits and officer candidates engaged in training, education, or other types of programs while not yet on active duty and to cadets and midshipmen attending the service academies. The review shall be conducted with the participation of the Secretaries of the military departments.

(b) REPORT.—Not later than March 1, 2002, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the findings of the review. The report shall include the following with respect to persons described in subsection (a):

(1) A statement of the process and detailed procedures followed by each of the Armed Forces under the jurisdiction of the Secretary of a military department to provide health care and disability benefits to all such persons injured in training, education, or other types of programs conducted by the Secretary of a military department.

(2) Information on the number of total cases of such persons requiring health care and disability benefits and the total number of cases and average value of health care and disability benefits provided under the authority for each source of benefits available to those persons.

(3) A discussion of the issues regarding health and disability benefits for such persons that are encountered by the Secretary during the review, to include discussions with individuals who have received those benefits.

(4) A discussion of the necessity for legislative changes and specific legislative proposals needed to improve the benefits provided those persons.

Amendment offered by Mr. STRICKLAND:

At the end of title V (page 187, after line 12), insert the following new section:

SEC. ___. REQUIREMENT TO PROVIDE APPROPRIATE ARTICLES OF CLOTHING AS A CIVILIAN UNIFORM FOR CIVILIANS PARTICIPATING IN FUNERAL HONOR DETAILS FOR VETERANS UPON SHOWING OF FINANCIAL NEED.

Section 1491(d) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' before ''To provide'';

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(3) by adding at the end the following:

''(2)(A) Upon a showing of financial need and subject to subparagraph (B), the Secretary of a military department shall provide articles of clothing described in subparagraph (C) to an organization referred to in subsection (b)(2) or to members of such an organization who participate in funeral honors details. Any such showing of financial need shall be made in such manner as the Secretary may require.

''(B) The Secretary concerned may provide articles of clothing to an organization (or members of an organization) under this paragraph only if the Secretary determines that participation of that organization or its members in the funeral honors mission is advantageous to the performance of that mission and meets the performance standards set by the Secretary for that mission.

''(C) Articles of clothing covered by subparagraph (A) are articles of clothing determined by the Secretary concerned to be appropriate as a civilian uniform for persons participating in a funeral honors detail who are not authorized to wear the uniform of any of the armed forces.''.

Amendment offered by Ms. VELÁZQUEZ:

At the end of subtitle A of title VIII (page 248, after line 9), insert the following new section:

SEC. 8___. STUDY OF CONTRACT CONSOLIDATIONS.

The Secretary of Defense, in consultation with the Comptroller General of the United States, shall develop a database to track contract consolidations which consolidate 2 or more contracts previously awarded by the Department of Defense to small business concerns. The database shall contain, at a minimum, the names and addresses of the businesses to which the contracts that were consolidated were previously awarded, the rationale for consolidating the contracts, and the monetary benefit projected to be realized by the contract consolidation. Not later than December 1st of each year, the Secretary of Defense shall submit a report regarding the information contained in such database to the Committees on Armed Services of the House of Representatives and the Senate, the Committee on Small Business of the House of Representatives, and the Committee on Small Business and Entrepreneurship of the Senate.

Amendment No. 46 offered by Mr. STEARNS:

At the end of subtitle E of title X (page 307, after line 20), insert the following new section:

SEC. ___. SENSE OF CONGRESS ON IMPLEMENTATION OF FUEL EFFICIENCY REFORMS IN DEPARTMENT OF DEFENSE.

(a) FINDINGS.—Congress finds the following:

(1) The Federal Government is the largest single energy user in the United States, and the Department of Defense is the largest energy user among all Federal agencies.

(2) The Department of Defense consumed 595,000,000,000,000 BTUs of petroleum in fiscal year 1999, while all other Federal agencies combined consumed 56,000,000,000,000 BTUs of petroleum.

(3) The total cost of petroleum to the Department of Defense amounted to $3,600,000,000 in fiscal year 2000.

(4) Increased fuel efficiency would reduce the cost of delivering fuel to military units during operations and training and allow a corresponding percentage of defense dollars to be reallocated to logistic shortages and other readiness needs.

(5) Increased fuel efficiency would decrease the time needed to assemble military units, would increase unit flexibility, and would allow units to remain in the field for a longer period of time.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should work to implement fuel efficiency reforms, as recommended by the Defense Science Board report, which allow for investment decisions based on the true cost of delivered fuel, strengthen the linkage between warfighting capability and fuel logistics requirements, provide high-level leadership encouraging fuel efficiency, target fuel efficiency improvements through science and technology investment, and include fuel efficiency in requirements and acquisition processes.

Amendment offered by Mrs. TAUSCHER:

At the end of title X (page 307, after line 20), insert the following new section:

SEC. 10___. PLAN FOR SECURING RUSSIA'S NUCLEAR WEAPONS, MATERIAL, AND EXPERTISE.

(a) PLAN FOR NONPROLIFERATION PROGRAMS WITH RUSSIA.—Not later than June 15, 2002, the President shall submit to Congress a plan—

(1) for cooperation with Russia on disposition as soon as practicable of nuclear weapons and weapons-usable nuclear material in Russia that Russia does not retain in its nuclear arsenal; and

(2) to prevent the outflow from Russia of scientific expertise that could be used for developing nuclear weapons or other weapons of mass destruction, including delivery systems.

(b) CONTENT OF PLAN.—The plan required by subsection (a) shall include the following:

(1) Specific goals and measurable objectives for the programs that are designed to carry out the objectives specified in paragraphs (1) and (2) of subsection (a).

(2) Criteria for success for those programs and a strategy for eventual termination of United States contributions to those programs and assumption of the ongoing support of those programs by Russia.

(3) A description of any administrative and organizational changes necessary to improve the coordination and effectiveness of the programs to be implemented under the plan.

(4) An estimate of the cost of carrying out those programs.

(c) CONSULTATION WITH RUSSIA.—In developing the plan required by subsection (a), the President shall consult with Russia regarding the practicality of various options.

(d) CONSULTATION WITH CONGRESS.—In developing the plan required by subsection (a), the President shall consult with the majority and minority leadership of the appropriate committees of Congress.

Amendment No. 70 offered by Mr. WELDON of Pennsylvania:

At the end of title X (page 307, after line 20), insert the following new section:

SEC. 1048. TWO-YEAR EXTENSION OF ADVISORY PANEL TO ASSESS DOMESTIC RESPONSE CAPABILITIES FOR TERRORISM INVOLVING WEAPONS OF MASS DESTRUCTION.

Section 1405 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (50 U.S.C. 2301 note) is amended—

(1) in subsection (h)(2), by striking ''2001'' and inserting ''2003''; and

(2) in subsection (l), by striking ''three years'' and inserting ''five years''.

Amendment No. 78 offered by Mr. WELDON of Pennsylvania:

At the end of title X (page 307, after line 20), insert the following new section:

SEC. 1048. ACTION TO PROMOTE NATIONAL DEFENSE FEATURES PROGRAM.

(a) FINDINGS.—The Congress finds the following:

(1) The National Defense Features program, which is funded from the National Defense Sealift Fund established by section 2218 of title 10, United States Code, is a constituent element of the defense policy of the United States intended to provide essential sealift capacity in emergencies, strengthen the national shipbuilding base, and maintain a resource of highly trained merchant seamen.

(2) Implementation of the National Defense Features program would provide significant benefits both for the United States and for allied nations during military contingencies.

(3) For the United States and nations allied with the United States to realize these

benefits, it is essential that vessels built under that program enjoy commercial opportunities in peacetime on trade routes between the United States and allied nations and that those vessels not be excluded from such opportunities through restrictive trade practices.

(4) The failure of vessels built, or to be built, under the National Defense Features program to obtain employment as common carriers or contract carriers in the particular sector of any trade route in the foreign commerce of the United States for which they are designed to operate, together with long-term domination of that sector of the trade route by citizens of an allied nation, evidences the existence of restrictive trade practices.

(b) ACTION TO PROMOTE PROGRAM.—In any case in which the Secretary of Defense finds the existence of the conditions determined by subsection (a)(4) to prove the existence of restrictive trade practices, the Secretary shall certify the csae to the Federal Maritime Commission, which thereupon, in consultation with the Secretary, shall take action to counteract such practices, utilizing all remedies available under section 10002(e)(1) of the Foreign Shipping Practices Act of 1988 (46 U.S.C. App. 1710a).

Amendment offered by Mrs. KELLY:

At the end of title XXVIII (page 427, after line 7), insert the following new section:

SEC. 2866. REPORT ON OPTIONS TO PROMOTE ECONOMIC DEVELOPMENT IN COMMUNITY ADJACENT TO UNITED STATES MILITARY ACADEMY, NEW YORK.

(a) REPORT REQUIRED.—Not later than February 1, 2002, the Secretary of the Army shall submit to Congress a report evaluating various options by which the Secretary may promote economic development in the Village of Highland Falls, New York, which is located adjacent to the United States Military Academy.

(b) SPECIFIC CONSIDERATION OF CERTAIN OPTIONS.—Among the options evaluated under subsection (a), the Secretary shall specifically address the following:

(1) The fee simple conveyance of real property under the jurisdiction of the Secretary in the Town of Highlands, New York, to the Village, without consideration, for the purpose of permitting the Village to use the property to promote economic development.

(2) Use by the Secretary of the authority under section 2667 of title 10, United States Code, to make non-excess real property under the jurisdiction of the Secretary available to the Village for such purpose.

The CHAIRMAN. Pursuant to the order of the House of Wednesday, September 19, 2001, the gentleman from Arizona (Mr. STUMP) and the gentleman from Missouri (Mr. SKELTON) each will control 5 minutes.

The Chair recognizes the gentleman from Arizona (Mr. STUMP).

Mr. STUMP. Madam Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Madam Chairman, I thank the gentleman from Arizona for yielding time to me.

I would just like to make three quick comments.

One, I think it is vital for the defense authorization bill to go through this House today, and I would hope that we could pass it with the unanimous votes of the Members on both sides of the aisle.

We also come here today to express our condolences to those families and victims of this cruel tragedy; praise, with as much compassion and encouragement to those people who have responded, and in particular the firefighters, the medical teams, the police officers, our military services, and all those volunteers that have contributed to that effort, as well as the nongovernmental organizations like people of religious faiths, and also certainly the Red Cross.

In essence, the long-term victory will come in this battle when we as Members of Congress and the Nation come together to focus our attention and our hearts to those tragedies that have been brought to America, and with our allies in the international community, to know that we need to make this worldwide effort to replace arrogance with humility, to replace ignorance with knowledge, and to replace dogma with tolerance. This is what is needed. I think, in fact, this is probably what will happen.

On a smaller scale, in the defense authorization bill, I am glad that the chairman of the committee has basically included this en bloc amendment in H.R. 2586, in the Defense Authorization Act, to ask the Secretary of Defense to study the issue that has not been resolved yet, dealing with our citizens that attend our military academies, to determine whether or not they can be in the same category as men and women in the regular armed services as far as compensation is concerned for disabilities that they incurred while they were at the military academies.

Mr. SKELTON. Mr. Chairman, I reserve the balance of my time.

Mr. STUMP. Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. HUNTER).

The CHAIRMAN pro tempore (Mr. LATOURETTE). The gentleman from California (Mr. HUNTER) is recognized for 3 minutes.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding time to me, and once again I thank the gentleman from Arizona (Mr. STUMP) and the gentleman from Missouri (Mr. SKELTON) for their leadership in bringing Democrats and Republicans together on this bill at this time of national emergency.

Mr. Chairman, I thought I would just let my colleagues know, or give them the broader context within which we are working with this defense bill.

Ronald Reagan in 1985 had a very major defense bill. That was the height of the buildup, the rebuilding of America's Armed Forces. That bill in today's dollars was $452 billion. Today's bill is a little over $340 billion. That means that even with the increases that we have placed in this bill so far, we are still $100 billion under Ronald Reagan's defense bill of 1985, when we had a gross national product which was much smaller.

So it is important for Americans, both in uniform and out of uniform, to understand that today we are asking our people to do more with less. We do not have the force structure that we had during Desert Storm. We had the fruits of the Reagan-Bush defense buildup used in Desert Storm. In those days, we had 18 Army divisions. We have cut those 18 Army divisions down to 10. We had about 546 Navy ships. We have cut that down to 316. We are going down further. We had 24 fighter air wings. We have cut that down to 13.

Beyond that, we have piled up some shortages in munitions, equipment, spare parts, and other vital areas. So this effort is not the finish. This is the start of a rebuilding of national defense. I hope we work together in a bipartisan way to add some more things that we now need as we go through the conference with the other body and finally get a bill on the President's desk.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I would just like to add that in recent comments that I made to the CSIS, I touched on the area of air power. It appears to me that through the years we have done a pretty good job in the area of fighter aircraft and air-to-ground aircraft, but we have not done what we should have done in the area of bomber support.

If one looks at the geography, particularly of the Asian Pacific area, hopefully nothing will ever come to pass where we will need long-range bomber efforts. However, I think this is an area that the gentleman and I have explored together over a period of years, that we must look to the future of the B–2 fleet, not only keeping it up to date, but even hopefully some day adding to that fleet.

Mr. HUNTER. I think the gentleman is absolutely right, Mr. Chairman. Once again, we made more bombers in one day in San Diego in 1943 than the entire B–2 fleet, and expecting that small fleet of 21 aircraft to do the job they are going to have to do in future years I think is a strain. I thank the gentleman for his remarks. I would hope that we would continue to build that fleet.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me for a moment tell the Members that this base at Whiteman Air Force base in my district, which has the 509th bomb wing, which is a very historic wing and has the B–2s, is in superb condition and ready, should they ever be called upon, now or in the future.

I was with them yesterday and had the opportunity to visit with them. I am so very, very proud of the young men and young women who not only fly but who maintain that fleet.

I have a question of the gentleman from California, Mr. Chairman. I would ask the gentleman, in his opinion, would he tell us the importance of continuing to expand the bomber fleet of the United States?

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

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

Mr. HUNTER. Mr. Chairman, I would be happy to, and I notice my good friend, the gentleman from Washington (Mr. DICKS) has just arrived, who is also an expert on long-range strike and deep strike.

Very simply, if we look at the experience of Desert Storm, I think that carries out not only the importance of having deep strike aircraft but also deep strike aircraft with stealth. We analyzed at the time the two B–2 bombers, for example, which do not have to have flight cover. Because they are able to avoid and evade radar, they do not have as much air-to-air refueling or suppression of SAM missile systems, and they can hit as many targets, two aircraft can hit as many targets as 75 conventional aircraft.

At a time when we have cut our air wings from 24 to 13, our tactical air wings, it is important to have that leverage capability. We saw this in Kosovo, where we hit multiple targets with a single B–2 mission, hit multiple targets and destroyed a much larger percentage of the target availability than other conventional planes. So this is a leverage capability. It leverages the thing Americans are greatest at, which is technology.

If we couple that with precision munitions, where, for example, into that bridge we send that one precision munition into a strut and knock that entire bridge out, because we are able to hit one precise spot, that is better than dropping 2,000 bombs on it with older conventional aircraft.

So leverage, technology, and precision munitions leverage is what we get from deep strike fighter capability like the B–2. I would be happy to hear the comments of the gentleman from Washington.

Mr. SKELTON. Mr. Chairman, I might point out that the aircraft, the B–2, in the Kosovo conflict, and of course they are still capable, the pilots flew out of Whiteman Air Force Base, had refuelings, bombed the targets with great precision, and returned with refuelings, came back home. In one case, the pilot went back and was greeted by his wife. She said, please cut the grass.

In other words, they do superb work from one base, and they are worldwide. I thank the gentleman.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I would just say to the gentleman from California and my good friend, the gentleman from Missouri, who have been two of the stalwarts in the House of Representatives for advocacy for the B–2, we still have work to do. I know that the gentleman from California (Mr. HUNTER) had included some of the upgrades that are necessary to improve upon this capability.

But to think about this one revolutionary fact, in Kosovo the B–2 carried 162,000 pounds bombs called JDAMs, near precision weapons, almost precision.

□ 1515

And the interesting thing is, like 3 percent of the sorties, they took out 33 percent of the fixed targets. Now, we see even another revolution of being able to put eighty 500-pound JDAMs on these airplanes and they would be able to hit 80 separate fixed targets on one sortie, and two of them would be 160, obviously.

The other thing that is interesting, just in the last few days there has been a successful test; and I know the gentleman from California is aware of this, of being able, from one of these airplanes, to hit a moving target. One of our greatest problems has been the inability to hit moving targets. This target was moving at 30 miles an hour, it was an F–16, and they used this weapon and they were able to hit the moving target. Now, this will be a major breakthrough as we pursue this.

I just appreciate all the work of these two gentlemen. We have all worked together. The B–2 is certainly the premier conventional weapon in our arsenal today.

Mr. SKELTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would like to thank the leadership for allowing my amendment to be considered during the floor debate of the defense authorization bill. In January of this year, a bipartisan task force, chaired by former Senator Howard Baker and former White House Counsel Lloyd Cutler stated that the most urgent unmet national security threat to the United States is the danger that weapons of mass destruction in Russia can be stolen and sold to terrorists or hostile nations and used against American troops abroad or citizens at home.

The report concluded that the national security benefits to the United States from securing or neutralizing the equivalent of more than 80,000 existing potential nuclear weapons would constitute the highest return on investment of any current U.S. national security defense program.

To address this critically important concern, I am offering a simple amendment requiring the President to submit a strategic plan to Congress on how to dispose of excess nuclear material that Russia does not retain in its arsenal and to prevent the outflow from Russia of nuclear weapons expertise. I am offering this amendment because I believe it is critical that we have an overall strategic road map of how we plan to deal with the growing threat of weapons of mass destruction.

The tragic events of last week make our nonproliferation programs even more important. If we can assure that excess nuclear material in Russia does not flow into the wrong hands, we can reduce the chances that a nuclear weapon used by a hostile state or a terrorist group can be used against us. I was pleased to work with the chairman, the gentleman from Arizona (Mr. STUMP), and the ranking member, the gentleman from Missouri (Mr. SKELTON), in crafting this amendment to ensure that its provisions would meet both the Democrats and Republicans concerns about national security.

Mr. Chairman, I respectfully urge my colleagues to support this amendment.

Mr. SKELTON. Mr. Chairman, reclaiming my time, I thank the gentlewoman from California.

Mr. Chairman, we have examined the amendments en bloc, and we agree thereto on this side.

Ms. VELAZQUEZ. Mr. Chairman, I rise in support of the en bloc amendment and to thank Chairman STUMP and Ranking Democratic Member SKELTON for agreeing to include my amendment to H.R. 2586, the National Defense Authorization Act for Fiscal Year 2002. My amendment requires that the Department of Defense work with the Comptroller General to develop a database to track the consolidation of contracts that displace two or more small businesses, and that the Department use this database to generate reports to Congress. This amendment will, for the first time, require that the Department collect empirical data so that Congress can determine the true effect of these consolidated contracts on small businesses and so that we can determine if any savings to the taxpayer are accruing as a result of this practice.

Since World War II, when small businesses were called upon to assist with the war effort, small businesses have greatly contributed to our nation's diverse industrial base, and have been adept at providing goods and services for the changing needs of the government. Federal agencies have often found that corporate America was too large to react quickly and efficiently. The unique niche that small businesses filled, and continue to fill, has allowed for a competitive Federal contracting process. We all know that a competitive Federal marketplace leads to true cost savings and higher quality—a great return for the American taxpayer.

Any discussion of the Federal marketplace, leads to a discussion of the Department of Defense's role, as the Department of Defense has historically accounted for 65 percent of Federal contracts. However, for the last several years, the Small Business Committee has noted that the Department's contract opportunities available to small businesses have decreased. It is this declining number of small business opportunities by the Department and other large agencies, that inspired Committee Democrats to start grading agency's small business efforts.

For the past two years, myself and my Democratic colleagues on the Committee on Small Business, have released what we call the ''Scorecard.'' The ''Scorecard'' is an evaluation of the small business achievements of 21 Federal agencies, compared to their statutory goals.

The results of these two studies have been disturbing. Last year, the overall government grade was a ''C−.'' This year, although the

overall grade was also a ''C−,'' the government is slipping further into the ''D'' range.

The Department of Defense stood out both last year and this year, as an exceptionally poor performer as it relates to doing business with our nation's small businesses. This year, the Department had the lowest grade of all agencies: a ''D−.''

This is very important, in light of the fact that the Department of Defense historically accounts for 65 percent of Federal procurement. When the Department of Defense fails to make the grade, it is unlikely that the rest of the government will make the grade either.

Small businesses are still not getting their fair share of the Department's contracts—from either a dollars or a numbers standpoint. Despite an increase in procurement volume from $119.7 billion in 1999 to $126.2 billion in 2000, the Department did not achieve its small business goal, or its women-owned business goal. The Department of Defense had a 23 percent goal for small businesses and achieved only 21.41 percent. This translates to over $2 billion in contracts that should have gone to small businesses, but didn't. Women-owned businesses fared even worse. The Department had a goal of 5 percent for women-owned businesses, but achieved 2 percent. This translates to nearly $4 billion in contracts that should have gone to women-owned businesses, but didn't.

From 1997 to 2000, the numbers of contracts awarded to small businesses by the Department have decreased by over 41 percent. The numbers of contracts to minority-owned businesses have decreased by over 55 percent. The number of contracts awarded to women-owned businesses have decreased by over 43 percent. This declining trend in the number of contracts translates directly to the number of opportunities available to small businesses to sell their products and services directly to their government.

Both the 1999 study and the 2000 study demonstrate that little progress is being made as far as agency's small business goal achievements. In fact, the 2000 study highlights that the plight of small businesses is getting worse—small businesses have fewer opportunities for participation in the Federal marketplace than they ever did.

To begin to correct this problem, my amendment was included in the en bloc amendment. A similar amendment was accepted into the House version of last year's Defense Authorization but failed to be included in the final Conference Report signed by the President. The amendment requires that the Department of Defense work with the Comptroller General to develop a database for tracking and annual reporting to Congress of contract awards that result in the displacement of two or more small businesses as prime contractors.

What remained in Public Law 106–398, the Floyed D. Spence National Defense Authorization Act for Fiscal Year 2001 regarding contract bundling, was a requirement in Section 834 that the Secretary of Defense conduct a comprehensive study of contract bundling. ''Contract bundling'' is the consolidation of two or more contracts performed by small businesses, into one contract that is too large for small business participation as prime contractors. In seven hearings since 1993, the Committee on Small Business has heard a very compelling case by numerous small businesses that they are losing untold millions of dollars in business as a result of this practice. The Department of Defense contends that through contract bundling, they are able to save money, yet not one dollar has been shown to have been saved. Instead, the numbers of Defense contracts available to small businesses are declining every year, and the anecdotal information is overwhelming that small businesses are able to provide higher quality products at prices that result in savings to the taxpayer.

Despite the statutory requirement contained in Section 834 of Public Law 106–398 that required the Department of Defense to conduct a comprehensive study on contract bundling, the Committee on Small Business received a letter dated April 17, 2001 from Deputy Secretary of Defense Paul Wolfowitz. The letter states, in part, ''the Department is unable to conduct the comprehensive study required by Section 834'' because the General Service Administration's Federal Procurement Data System—the repository of all Federal contracting information—only began collecting data on contract bundling in October of 2000. The letter goes on to reference a study performed by the Department under contract with the Logistics Management Institute (LMI).

The requirement to perform the study was not an ''optional'' requirement for the Department to follow—it was part of the agency's authorizing statute. It was mandated by Congress that the study be performed. To have an agency essentially refuse to comply with its authorizing statute is, to me, unheard of. The Department knew the study was required by statute. If essential data was not being collected, the Department should have started collecting data in order to comply. The taxpayers deserve to know—and we have an obligation to tell them—whether the consolidation of contracts that eliminate small businesses save them money.

As previously stated, the letter sent by Deputy Secretary Wolfowitz refers to a study on contract bundling performed by LMI. This study is the direct result of a hearing held by the Committee on Small Business in November of 1999. It was undertaken not by an independent auditor, but by the Logistics Management Institute (LMI)—a non-profit organization that is funded 50 percent by the Department of Defense. LMI performed a case review, rather than the study that the Department promised, of 10 contracts out of a pool of 718 contracts—barely 1 percent—not a statistically valid sampling by anyone's definition. LMI concluded that ''savings (as a result of contract bundling) are based on intuition. This means that people THINK they are savings money, but it has not been proven with empirical data.'' Clearly, given the mind-set of the Department of Defense's contracting officers, much more needs to be done.

In order to get something done, in last year's Small Business Reauthorization, we were successful in getting former-Chairman Jim Talent's bundling data collection bill language into the Reauthorization. Unfortunately, that language has a flaw. By using the definition of ''contract bundling'' contained in the Small Business Act, it only narrowly looks at those bundled contracts determined as such by the Department, leaving the vast majority of consolidations out of the database's scope. This deprives us of critical information necessary to solve this problem.

My amendment requires that the Department of Defense work with the Comptroller General to collect data on a much broader definition. As the General Accounting Office continues to report that no data can be collected, we believe that the Department should work with the Comptroller General to ensure that the data that is ultimately collected will provide useful information. This amendment will cover all contracts in which two or more small businesses are displaced as prime contractors. At a minimum, the database will include the names and addresses of the small businesses that are displaced, the rationale for consolidating the contracts, and the monetary benefits projected to be realized by the consolidation. This database will give Congress very important information on contract consolidations that we can use to not only protect small businesses, but also ensure the taxpayer that their money is being saved. Once we start getting reports from this database, we will learn what happens to those small businesses who are displaced. Do they go out of business? Do they become subcontractors? Are taxpayer dollars actually being saved with these contract consolidations that displace small businesses? There is an important distinction between streamlining Federal contracting processes for streamling's sake and streamlining for a reason. We know now that small businesses are being displaced—effectively streamlined right out of business. What we haven't seen is taxpayer savings.

The impact of these contract consolidations on the small business community has been enormous, and has flowed-down to the economies of local communities. There is no doubt that the need to collect empirical data more than warrants any inconvenience this could place on the Department to collect this important and useful information.

For Congress to determine the depth of the problem of contract bundling, we need all of the facts. It is imperative that empirical data is collected that will allow Congress to determine what, if any, statutory changes need to be made to ensure the Federal acquisition system is fair to small businesses, and ensures that taxpayers receive the very best value for their dollars. My amendment is the first step in making that determination, and it is a common-sense solution. As a direct result of the data collected by the requirements of my amendment, the Federal procurement system will be one that provides true savings to the taxpayer. Further, small businesses in communities across the country will have increased access to Federal prime contracts.

Again, I thank Chairman STUMP and Ranking Democratic Member SKELTON for agreeing to include my amendment in the en bloc so Congress can finally get some comprehensive information on how contract consolidations have affected our Nation's small businesses.

Mr. BEREUTER. Mr. Chairman, this Member rises in strong support of the bipartisan amendment which he is offering with the distinguished gentleman from Rhode Island, Mr. LANGEVIN. The Bereuter-Langevin Amendment would authorize the use of appropriated funds for members and units of the National Guard to conduct and participate in athletic competitions and small arms competitions in conjunction with required training.

Mr. Speaker, the National Guard provides the men and women serving their country with the opportunity to hone their service-related skills in competitive events as the National Guard Bureau Marathon in Lincoln, Nebraska;

a biathlon in Vermont; the Leapfest in Rhode Island; and marksmanship competitions in North Little Rock, Arkansas. Indeed, the opportunity to participate in these competitions provides incentives for National Guard recruitment and retention programs. Additionally, the competitions bring National Guard members together with Active Duty military personnel which builds better appreciation among the various components and overall force cohesiveness.

However, the playing field for the National Guard is not level with that for Active Duty military members. Currently, state National Guard units can use only non-appropriated funds to cover operating expenses for the events and for health, pay, and personal expenses for participating unit members. Because the non-appropriated funds are very limited, National Guard members must often pay out of their own pockets for expenses, including medical coverage. For Active Duty military participants, appropriated funds cover all expenses participants incur.

By authorizing the use of appropriated funds in addition to the non-appropriated funds, National Guard members participating in competitions could receive full coverage for health, pay, and personal expenses. This is particularly important for National Guard members who cannot afford medical expenses stemming from possible injuries. Additionally, the National Guard units would face fewer budget constraints when continuing to host these valuable competitions and when sending teams and individuals into competition.

Finally, it is important to note that H.R. 1705 does not recommend appropriation levels nor does the legislation create participation incentives for National Guard members which are greater than those incentives for Active Duty military.

Mr. Speaker, this Member urges his colleagues to vote for the Bereuter-Langevin amendment as an important way to show support for the men and women serving their country in our National Guard.

Mr. WELDON of Pennsylvania. Mr. Chairman, Congress authorized the original National Defense Features (NDF) program in the mid-1990s in response to a report by the Department of Defense describing a shortage of sealift capacity during military contingencies. The NDF program was considered to be the most cost-effective way to augment the substantial investment that was being made in new sealift ships by the Navy.

Since then, Congress has authorized and appropriated funds to install special defense features in new commercial vessels to be built in the shipyards of the United States. Last year, for example, at my request and as a result of the leadership of our colleague from New Jersey, Mr. FRELINGHUYSEN, the House included in the National Defense Authorization Act for FY 2001 a provision that would expand the Secretary of Defense's ability to fund militarily useful projects under the NDF program. I am pleased to report that our amendment was included in the final legislation signed into law by the President.

When the NDF program was launched, Congress expected that our allies, particularly Japan, would find mutual defense benefits in promoting the program. Under one project that has received considerable attention in the press and has the support of domestic maritime labor, ten commercial vessels would be built in the United States based on a design funded and approved by DARPA's Maritime Technology Program. These vessels would normally operate in the Japan-United States vehicle trade, which is at present entirely dominated by Japanese carriers. Quite importantly, the vessels would be crewed by American merchant seamen, a group vital to maintaining the readiness of our military to handle contingencies abroad.

Nothwithstanding expressions of support by very senior officials in our government, this expectation has not been realized. As a result, the hopes of our commercial shipbuilders and merchant mariners have not been realized, and our military planners have not been able to rely upon NDF vessels to support their contingencies operations. Much to my disappointment, the Government of Japan apparently continues to take the position that the decision to employ NDF ships is strictly a matter for the commercial judgment of Japanese vehicle manufacturing and shipping companies. The vehicle manufacturers, which operate under closely inter-locking relationships with the Japanese vehicle carriers, continue to insist that the NDF program is a matter between the two respective governments since it addresses defense.

In view of the U.S. role in providing security for our Far East allies, it hardly seems appropriate that defense concerns expressed by our government should not have been met with a more positive response. Our government's repeated representations to the Japanese government have fallen to the ground as if the NDF program was without military value, a position that is contradicted by two U.S. Navy reports on the NDF program. Taking note of the extensive military collaboration of our two governments, which it is safe to say has conferred material benefits on Japan, this is not the position that Congress should have expected.

The position that this matter is purely commercial in nature rather than governmental in character is not defensible. Japan, like other nations, supports its merchant marine with financial assistance, including direct construction loans at artificially low rates of interest. This is not the mark of a purely private industry operating under purely commercial conditions.

Based on all the evidence gathered to date, it would appear that the real reason our carriers are effectively being excluded from this market is the Japanese kereitsu system of doing business. In short, a fleet of U.S.-built and operated ships, commercially competitive and having significant defense value to both nations, has apparently no chance to break through the economic fence encircling the Japanese vehicle trade.

As I explained to my colleagues last year, I continue to hope that the Government of Japan and the vehicle manufacturers will ultimately see the merit of supporting the NDF program, especially given the longstanding support of the Department of Defense. But if the past is any guide, we may anticipate further intransigence. Therefore, I am joining today with my colleague from New Jersey, Mr. FRELINGHUYSEN, in introducing a bill that we intend to push later this year if we do not see any movement on the part of the Government of Japan. The bill—which is identical to the bill we introduced late last year in the form of H.R. 5488—is very straightforward. It says: If the Federal Maritime Commission finds that vessels built under the NDF program are unable to obtain employment in a particular trade route in the foreign commerce of the United States for which they are designed to operate, and if that sector of the trade route has been dominated historically by citizens of an allied nation, then the Commission shall take action to counteract the restrictive trade practices that have led to this situation.

As I pointed out last year, it should not be necessary to enact legislation to encourage support for a program so self-evidently in the mutual security interests of our two nations. I trust that the Government of Japan will support the new consultative mechanism so that the NDF program can begin the much needed recapitalization of our aging Ready Reserve Force.

Mr. SKELTON. Mr. Chairman, I yield back the balance of my time.

Mr. STUMP. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. LATOURETTE). All time for debate on the amendments has expired.

The question is on the amendments en bloc offered by the gentleman from Arizona (Mr. STUMP).

The amendments en bloc were agreed to.

The CHAIRMAN pro tempore. No further amendments are in order. Under the order of the House of yesterday, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WALSH) having assumed the chair, Mr. LATOURETTE, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2586) to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2002, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. STUMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 2586.

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

There was no objection.

REPORT ON H.R. 2904, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2002

Mr. HOBSON, from the Committee on Appropriations, submitted a privileged report (Rept. No. 107–207) on the bill (H.R. 2904) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

APPOINTMENT OF CONFEREES ON H.R. 2647, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2002

Mr. TAYLOR of North Carolina. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2647) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2002, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina? The Chair hears none and, without objection, appoints the following conferees: Messrs. TAYLOR of North Carolina, WAMP, LEWIS of California, LAHOOD, SHERWOOD, YOUNG of Florida, MORAN of Virginia, HOYER, Ms. KAPTUR, and Mr. OBEY.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 2620, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2002

Mr. WALSH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2620) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York? The Chair hears none and, without objection, appoints the following conferees: Messrs. WALSH, DELAY, HOBSON, KNOLLENBERG, FRELINGHUYSEN, Ms. NORTHUP, Messrs. SUNUNU, GOODE, ADERHOLT, YOUNG of Florida, MOLLOHAN, Ms. KAPTUR, Mrs. MEEK of Florida, and Messrs. PRICE of North Carolina, CRAMER, FATTAH, and OBEY.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 2311, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2002

Mr. WALSH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2311) making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York? The Chair hears none and, without objection, appoints the following conferees: Messrs. CALLAHAN, ROGERS, FRELINGHUYSEN, LATHAM, WICKER, WAMP, Mrs. EMERSON, Messrs. DOOLITTLE, YOUNG of Florida, VISCLOSKY, EDWARDS, PASTOR, CLYBURN, Ms. ROYBAL-ALLARD, and Mr. OBEY.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 2217, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

Mr. WALSH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2217) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York? The Chair hears none and, without objection, appoints the following conferees: Messrs. SKEEN, REGULA, KOLBE, TAYLOR of North Carolina, NETHERCUTT, WAMP, KINGSTON, PETERSON of Pennsylvania, YOUNG of Florida, DICKS, MURTHA, MORAN of Virginia, HINCHEY, SABO, and OBEY.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to make an announcement.

After consultation with the majority and minority leaders, and with their consent and approval, the Chair announces that tonight when the two Houses meet in joint session to hear an address by the President of the United States, only the doors immediately opposite the Speaker and those on his left and right will be opened.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Due to the large attendance that is anticipated, the Chair feels that the rule regarding the privilege of the floor must be strictly adhered to.

Children of Members will not be permitted on the floor and the cooperation of all Members is requested.

The practice of reserving seats prior to the joint session by placard will not be allowed. Members may reserve their seats by physical presence only following the security sweep of the Chamber.

□ 1530

RECESS

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to clause 12 of rule I, the Chair declares the House in recess for approximately 5 minutes.

Accordingly (at 3 o'clock and 35 minutes p.m.), the House stood in recess for approximately 5 minutes.

□ 1554

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LATOURETTE) at 3 o'clock and 54 minutes p.m.

PRIVILEGES OF THE HOUSE—RETURNING TO SENATE H.R. 2500, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

Mr. THOMAS. Mr. Speaker, I rise to a question of the privileges of the House, and I offer a privileged resolution (H. Res. 240) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 240

Resolved, That the amendment of the Senate to the bill H.R. 2500 entitled the ''Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2002'', in the opinion of this House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House and that such bill be respectfully returned to the Senate with a message communicating this resolution.

The SPEAKER pro tempore. The resolution raises a question of the privileges of the House.

The gentleman from California (Mr. THOMAS) and the gentleman from New York (Mr. RANGEL) each will be recognized for 30 minutes.

The Chair recognizes the gentleman from California (Mr. THOMAS).

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

As was indicated by the content of the resolution, the resolution is necessary to return to the Senate, unfortunately, the Commerce-State-Justice appropriations bill because there is a provision, section 404 of the Senate amendments, that is an import ban. This, therefore, is a revenue measure and contravenes the Constitution, article 1, section 7, clause 1.

Notwithstanding the meritorious nature of the amendment, the idea of trying to deal with importation bans on diamonds from certain African countries that are used to finance rebel causes, the underlying constitutional question of the Constitution's statement that all bills for raising revenue shall originate in the House of Representatives transcends any particular issue, no matter the merits of a particular issue. Therefore, I am asking

the House that it insist on its constitutional prerogative as the sole originator of revenue measures, notwithstanding the meritorious aspects of any particular desired piece of legislation.

In addition to that, Mr. Speaker, I would indicate that this is not necessarily, unfortunately, a novel or new conflict between the House and the Senate. As recently as July 14, and then again on August 12, 1994, on the Treasury-Postal, appropriation bill and then on the Agriculture appropriation bill, just such a blue slip was requested and granted. This is another indication of the difficulty of wanting to move legislation but understanding that there is a process constitutionally required.

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

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

Mr. Speaker, I agree with the chairman of the Committee on Ways and Means that this is an important piece of legislation, but there are constitutional prerogatives that provide that the Committee on Ways and Means originate this type of legislation.

Mr. Speaker, in view of the merits of the legislation, I yield 5 minutes to the gentleman from Ohio (Mr. HALL), one of the original sponsors in the House of the legislation such as myself and other Members.

Mr. HALL of Ohio. Mr. Speaker, I thank the gentleman from New York (Mr. RANGEL) for yielding me the time. I do not intend to oppose the resolution. The reason why the chairman of the committee has opposed it, as I understand it, is more technical and procedural. It does not prejudice, I think, the vote of the House on this issue because he does not oppose the substantive part of it.

The substantive part of the bill which they are sending back to the Senate has to do with blood diamonds. That is a part that I have been working on along with the gentleman from Virginia (Mr. WOLF), the gentleman from New York (Mr. HOUGHTON), the gentleman from New York (Mr. RANGEL) and a lot of Members in a bipartisan way, as well as Senator FEINGOLD, Senator DURBIN, Senator GREGG, and Senator DEWINE have been very supportive of this legislation.

Blood diamonds are diamonds that are used to really fund wars in Africa, particularly in Sierra Leone, in Angola, and in the Congo. For years they have been using diamonds, either through the smuggled ways, or through a lot of different ways that they find themselves coming into America to fund the kind of wars that are going on; particularly in Sierra Leone, where a group of 500 ragtag rebels were able to increase their small little army to about 25,000 with very sophisticated training, drugs, guns, et cetera. They terrorized all of Sierra Leone. They have done the same thing in Angola. It has been used in Liberia in many different ways.

Why should we be interested in this as Americans? The reason why we should be interested in it is that Americans buy 65 percent of all the diamonds in the world every year. A lot of these blood diamonds are coming into our country. We essentially are funding wars in Africa. It is my understanding just in the last couple of days, I have been told through press accounts and through intelligence services, that even bin Laden has used the services of conflict diamonds to fund some of his activities in the world.

We have great bipartisan support on this, both Republicans and Democrats, in both the House and the Senate. We have 100 of the top human rights organizations that are firmly behind this legislation. And, for the first time, the diamond merchants, the diamond industry, is 100 percent behind this bill.

□ 1600

We were hoping that this would be accepted in this particular way. The gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means, he does not want to deal with it in this way. He wants to deal with it in another way, as I understand.

I hope that he and the gentleman from Virginia (Mr. WOLF) and I can have a colloquy on it from the standpoint of what they intend to do with this bill in their committee; and with that, I would urge the House to take up this issue soon, in a manner which is acceptable to the Committee on Ways and Means. And I would ask the gentleman from California (Mr. THOMAS), Chairman of the Committee on Ways and Means, what his intentions are with the substance of the bill that he objects to.

Mr. THOMAS. Mr. Speaker, if the gentleman will yield, I thank the gentleman for the question, and the substance of the bill has been under discussion at the United Nations level on an international discussion. The United States Trade Representative has indicated that a unilateral sanction by any particular country is in violation of the World Trade Organization rules, but an ability to move under the United Nations' auspices is not.

We would obviously all like to see an international agreement under which these kinds of diamonds could be banned. If, in fact, observing that process it does not appear that it is going to reach any reasonable or positive conclusion in the timeframe within which we could act legislatively, I will tell the gentleman from Ohio (Mr. HALL), and the gentleman from Virginia (Mr. WOLF) as well, that we would then bring up legislation.

The gentleman from New York (Mr. HOUGHTON) already has a bill in the hopper. We would examine that bill, if necessary, make the appropriate changes and look forward to moving that bill out of committee in a timely fashion.

Mr. HALL of Ohio. Mr. Speaker, when the chairman says a timely fashion, I hope that he is meaning before the end of the year or before we adjourn.

Mr. THOMAS. Mr. Speaker, definitely a timely fashion means before the session of Congress ends; and it seems to me that if, in fact, the committee moves, it should not be difficult to deal with the scheduling to bring it to the floor, if that is the appropriate thing to do on the basis of leadership's decision.

Mr. HALL of Ohio. Mr. Speaker, I appreciate the gentleman's answer. I think it is a good answer. I look forward to seeing it on the bill soon. I think the longer that we keep this piece of legislation from passing in this Congress the more kinds of civil wars we are going to see in Africa; and it is just horrendous, when you see these people, how they have had their lives terrorized.

Americans can help Africa, it is very interesting, through a piece of legislation, by being very careful through the kind of diamonds they buy in America.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 5 minutes to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Speaker, I want to thank the chairman for agreeing to bring this up.

The reason this is so important is that many of these groups who are being funded from these diamonds are really connected to all of the disreputable groups that are around the world.

The passage of this legislation, one, will save the diamond industry, because if this does not pass the diamond industry, particularly in New York City and other places, may very well collapse because I think there may be a boycott against it.

Secondly, the opportunity to bring about a lot of good whereby people will no longer have their arms cut off or limbs cut off. There are indications that the RUF in Sierra Leone, Charles Taylor in Liberia, have been connected with many of the other terrorist groups around the world and were even together earlier this year meeting and agreeing and talking, and the resources of this may very well be used by terrorists and many others around the world.

I called Senator GREGG from New Hampshire, and he was very gracious and said he would attempt to work this out. He is committed to doing this. Hopefully we can resolve this issue whereby it will be worked out, the conferees on Commerce, State, Justice can be appointed, which has a lot of counterterrorism money, lot of money with regard to the Justice Department and other areas, INS, money with regard to the State Department, embassy security, diplomatic security, we can move ahead.

So with the gentleman from Ohio's (Mr. HALL) promise to move it as a freestanding bill, hopefully the Senate can resolve that issue; and I want to thank my friend from Ohio (Mr. HALL)

for his faithfulness on this issue and thank the gentleman from California (Mr. THOMAS) for his commitment.

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

I just want to give assurances to the gentleman from Virginia (Mr. WOLF) and the gentleman from Ohio (Mr. HALL) that I will be working with Mr. HOUGHTON and the gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means, not only on the legislation but on our trade ambassador to make certain that he is giving this a priority.

When it reaches the point that we can meet together, see where we are and then if we do not get the type of response that we believe is adequate, then you can depend on me working with the committee and the chairman to see that this is done.

Mr. Speaker, I yield back the balance of my time.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 3 minutes to the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my friend from Bakersfield, California (Mr. THOMAS), for yielding me time; and I would like to congratulate the chairman of the Committee on Ways and Means and the gentleman from New York (Mr. RANGEL), the ranking minority member.

This concern was first raised to my attention by the gentleman from Ohio (Mr. HALL) of the Committee on Rules late one night; and we have been trying since that time when he, the gentleman from Virginia (Mr. WOLF), and I discussed this, to move ahead.

I would simply like to congratulate the leadership of the committee on Ways and Means for addressing this very important human rights issue, which I believe can see successful resolution, and will look forward to the progress that is made.

I thank my friends for bringing this to our attention and for the work they have done on it.

Mr. THOMAS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. LATOURETTE). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 8:40 p.m. for the purpose of receiving in joint session the President of the United States.

Accordingly (at 4 o'clock and 7 minutes p.m.), the House stood in recess until approximately 8:40 p.m.

□ 2041

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 8 o'clock and 41 minutes p.m.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2590. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2590) ''An Act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes,'' and requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints, Mr. DORGAN, Ms. MIKULSKI, Ms. LANDRIEU, Mr. REED, Mr. BYRD, Mr. CAMPBELL, Mr. SHELBY, Mr. DEWINE, and Mr. STEVENS to be the conferees on the part of the Senate.

□ 2042

JOINT SESSION OF THE HOUSE AND SENATE HELD PURSUANT TO THE PROVISIONS OF HOUSE CONCURRENT RESOLUTION 231 TO HEAR AN ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The Speaker of the House presided.

The Assistant to the Sergeant at Arms, Mr. Bill Sims, announced the President pro tempore and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the President pro tempore taking the chair at the left of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort the President of the United States into the Chamber:

The gentleman from Texas (Mr. DELAY);

The gentleman from Oklahoma (Mr. WATTS);

The gentleman from Missouri (Mr. GEPHARDT); and

The gentleman from Michigan (Mr. BONIOR).

The PRESIDENT pro tempore. The President pro tempore of the Senate, at the direction of that body, appoints the following Senators as members of the committee on the part of the Senate to escort the President of the United States into the House Chamber:

The Senator from South Dakota (Mr. DASCHLE);

The Senator from Nevada (Mr. REID);

The Senator from Mississippi (Mr. LOTT); and

The Senator from Oklahoma (Mr. NICKLES).

The Assistant to the Sergeant at Arms announced the Dean of the Diplomatic Corps, His Royal Highness Prince Bandar Bin Sultan Bin Abdul Aziz, Ambassador of the Kingdom of Saudi Arabia.

The Dean of the Diplomatic Corps entered the Hall of the House of Representatives and took the seat reserved for him.

The Assistant to the Sergeant at Arms announced the Chief Justice of the United States and the Associate Justices of the Supreme Court.

The Chief Justice of the United States and the Associate Justices of the Supreme Court entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

The Assistant to the Sergeant at Arms announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

□ 2102

At 9 o'clock and 2 minutes p.m., the Sergeant at Arms, Mr. Wilson Livingood, announced the President of the United States.

The President of the United States, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

(Applause, the Members rising.)

The SPEAKER. Members of the Congress, I have the high privilege and the distinct honor of presenting to you the President of the United States.

(Applause, the Members rising.)

ADDRESS TO THE NATION BY THE PRESIDENT OF THE UNITED STATES

The PRESIDENT. Thank you all. Please be seated.

Mr. Speaker, Mr. President Pro Tempore, Members of Congress, and fellow Americans:

In the normal course of events, Presidents come to this Chamber to report on the state of the Union. Tonight no such report is needed. It has already been delivered by the American people. We have seen it in the courage of passengers who rushed terrorists to save others on the ground, passengers like an exceptional man named Todd Beamer. Would you please help me welcome his wife, Lisa Beamer, here tonight.

We have seen the state of our Union in the endurance of rescuers working

past exhaustion. We have seen the unfurling of flags, the lighting of candles, the giving of blood, the saying of prayers, in English, Hebrew and Arabic. We have seen the decency of a loving and giving people who have made the grief of strangers their own.

My fellow citizens, for the last 9 days, the entire world has seen for itself the state of our Union, and it is strong.

Tonight we are a country awakened to danger and called to defend freedom. Our grief has turned to anger, and anger to resolution. Whether we bring our enemies to justice or bring justice to our enemies, justice will be done.

I thank the Congress for its leadership at such an important time. All of America was touched on the evening of the tragedy to see Republicans and Democrats joined together on the steps of this Capitol singing ''God Bless America.'' And you did more than sing, you acted, by delivering $40 billion to rebuild our communities and meet the needs of our military.

Speaker HASTERT, Minority Leader GEPHARDT, Majority Leader DASCHLE and Senator LOTT, I thank you for your friendship, for your leadership, and for your service to our country.

And on behalf of the American people, I thank the world for its outpouring of support. America will never forget the sounds of our national anthem playing at Buckingham Palace, on the streets of Paris, and at Berlin's Brandenberg Gate. We will not forget South Korean children gathering to pray outside our embassy in Seoul, or the prayers of sympathy offered at a mosque in Cairo. We will not forget moments of silence and days of mourning in Australia and Africa and Latin America.

Nor will we forget the citizens of 80 other nations who died with our own: dozens of Pakistanis, more than 130 Israelis, more than 250 citizens of India, men and women from El Salvador, Iran, Mexico and Japan, and hundreds of British citizens. America has no truer friend than Great Britain. Once again we are joined together in a great cause. We are so honored the British Prime Minister has crossed an ocean to show his unity with America. Thank you for coming, friend.

On September the 11th, enemies of freedom committed an act of war against our country. Americans have known wars, but for the past 136 years they have been wars on foreign soil, except for one Sunday in 1941. Americans have known the casualties of war, but not at the center of a great city on a peaceful morning. Americans have known surprise attacks, but never before on thousands of civilians. All of this was brought upon us in a single day, and night fell on a different world, a world where freedom itself is under attack.

Americans have many questions tonight. Americans are asking who attacked our country? The evidence we have gathered all points to a collection of loosely affiliated terrorist organizations known as al-Qaida. They are the same murderers indicted for bombing American embassies in Tanzania and Kenya, and responsible for bombing the U.S.S. *Cole*. Al-Qaida is to terror what the Mafia is to crime. But its goal is not making money. Its goal is remaking the world and imposing its radical beliefs on people everywhere.

The terrorists practice a fringe form of Islamic extremism that has been rejected by Muslim scholars and the vast majority of Muslim clerics, a fringe movement that perverts the peaceful teaching that is Islam. The terrorists directive commands them to kill Christians and Jews, to kill all Americans, and make no distinctions among military and civilians, including women and children.

This group and its leader, a person named Osama bin Ladin, are linked to many other organizations in different countries, including the Egyptian Islamic Jihad and the Islamic Movement of Uzbekistan. There are thousands of these terrorists in more than 60 countries. They are recruited from their own nations and neighborhoods and brought to camps in places like Afghanistan where they are trained in the tactics of terror. They are sent back to their homes or they are sent to hide in countries around the world to plot evil and destruction.

The leadership of al-Qaida has great influence in Afghanistan and supports the Taliban regime in controlling most of that country. In Afghanistan, we see al-Qaida's vision for the world. Afghanistan's people have been brutalized. Many are starving and many have fled. Women are not allowed to attend school. You can be jailed for owning a television. Religion can be practiced only as their leaders dictate. A man can be jailed in Afghanistan if his beard is not long enough.

The United States respects the people of Afghanistan. After all, we are currently its largest source of humanitarian aid. But we condemn the Taliban regime. It is not only repressing its own people, it is threatening people everywhere by sponsoring and sheltering and supplying terrorists. By aiding and abetting murder, the Taliban regime is committing murder. And tonight, the United States of America makes the following demands on the Taliban:

Deliver to United States authorities all the leaders of al-Qaida who hide in your land. Release all foreign nationals, including American citizens you have unjustly imprisoned. Protect foreign journalists, diplomats, and aid workers in your country. Close immediately and permanently every terrorist training camp in Afghanistan, and hand over every terrorist and every person in their support structure to appropriate authorities. Give the United States full access to terrorist training camps so we can make sure they are no longer operating.

These demands are not open to negotiation or discussion.

The Taliban must act, and act immediately. They will hand over the terrorists, or they will share in their fate.

I also want to speak tonight directly to Muslims throughout the world; we respect your faith. It is practiced freely by many millions of Americans, and by millions more in countries that America counts as friends. Its teachings are good and peaceful, and those who commit evil in the name of Allah blaspheme the name of Allah.

The terrorists are traitors to their own faith, trying, in effect, to hijack Islam itself. The enemy of America is not our many Muslim friends; it is not our many Arab friends. Our enemy is a radical network of terrorists, and every government that supports them.

Our war on terror begins with al-Qaida, but it does not end there. It will not end until every terrorist group of global reach has been found, stopped, and defeated.

Americans are asking: Why do they hate us? They hate what they see right here in this Chamber, a democratically elected government. Their leaders are self-appointed. They hate our freedoms, our freedom of religion, our freedom of speech, our freedom to vote and assemble and disagree with each other.

They want to overthrow existing governments in many Muslim countries, such as Egypt, Saudi Arabia, and Jordan. They want to drive Israel out of the Middle East. They want to drive Christians and Jews out of vast regions of Asia and Africa.

These terrorists kill not merely to end lives, but to disrupt and end a way of life. With every atrocity, they hope that America grows fearful, retreating from the world and forsaking our friends. They stand against us because we stand in their way.

We are not deceived by their pretenses to piety. We have seen their kind before. They are the heirs of all of the murderous ideologies of the 20th century. By sacrificing human life to serve their radical visions, by abandoning every value except the will to power, they follow in the path of fascism, Naziism, and totalitarianism. And they will follow that path all the way to where it ends: in history's unmarked grave of discarded lies.

Americans are asking: How will we fight and win this war? We will direct every resource at our command, every means of diplomacy, every tool of intelligence, every instrument of law enforcement, every financial influence, and every necessary weapon of war, to the disruption and defeat of the global terror network.

Now this war will not be like the war against Iraq a decade ago, with its decisive liberation of territory and a its swift conclusion. It will not look like the air war above Kosovo 2 years ago, where no ground troops were used and not a single American was lost in combat.

Our response involves far more than instant retaliation and isolated strikes. Americans should not expect

one battle, but a lengthy campaign, unlike any other we have seen. It may include dramatic strikes visible on TV, and covert operations, secret even in success. We will starve terrorists of funding, turn them one against another, drive them from place to place, until there is no refuge or rest. And we will pursue nations that provide aid or safe havens to terrorism. Every nation in every region now has a decision to make. Either you are with us, or you are with the terrorists.

From this day forward, any nation that continues to harbor or support terrorism will be regarded by the United States as a hostile regime.

Our Nation has been put on notice: we are not immune from attack. We will take defensive measures against terrorism to protect Americans.

Today, dozens of Federal departments and agencies, as well as State and local governments, have responsibilities affecting homeland security. These efforts must be coordinated at the highest level. So tonight I announce the creation of a cabinet-level position reporting directly to me, the Office of Homeland Security.

And tonight I also announce the distinguished American to lead this effort to strengthen American security, a military veteran, an effective Governor, a true patriot, a trusted friend, Pennsylvania's Tom Ridge.

He will lead, oversee, and coordinate a comprehensive national strategy to safeguard our country against terrorism and respond to any attacks that may come.

These measures are essential. The only way to defeat terrorism as a threat to our way of life is to stop it, eliminate it, and destroy it where it grows.

Many will be involved in this effort, from FBI agents to intelligence operatives, to the reservists we have called to active duty.

All deserve our thanks, and all have our prayers.

Tonight a few miles from the damaged Pentagon, I have a message for our military: be ready. I have called the Armed Forces to alert, and there is a reason. The hour is coming when America will act, and you will make us proud.

This is not, however, just America's fight. And what is at stake is not just America's freedom. This is the world's fight. This is civilization's fight. This is the fight of all who believe in progress and pluralism, tolerance and freedom.

We ask every nation to join us. We will ask, and we will need the help of police forces, intelligence services, and banking systems around the world.

The United States is grateful that many nations and many international organizations have already responded with sympathy and with support, nations from Latin America to Asia to Africa to Europe to the Islamic world. Perhaps the NATO charter reflects best the attitude of the world: an attack on one is an attack on all.

The civilized world is rallying to America's side. They understand that if this terror goes unpunished, their own cities, their own citizens may be next. Terror unanswered cannot only bring down buildings, it can threaten the stability of legitimate governments. And you know what, we are not going to allow it.

Americans are asking: What is expected of us? I ask you to live your lives and hug your children. I know many citizens have fears tonight, and I ask you to be calm and resolute, even in the face of a continuing threat.

I ask you to uphold the values of America and remember why so many have come here. We are in a fight for our principles, and our first responsibility is to live by them. No one should be singled out for unfair treatment or unkind words because of their ethnic background or religious faith.

I ask you to continue to support the victims of this tragedy with your contributions. Those who want to give can go to a central source of information, libertyunites.org, to find the names of groups providing direct help in New York, Pennsylvania, and Virginia.

The thousands of FBI agents who are now at work in this investigation may need your cooperation, and I ask you to give it.

I ask for your patience with the delays and inconveniences that may accompany tighter security, and for your patience in what will be a long struggle.

I ask your continued participation and confidence in the American economy. Terrorists attacked a symbol of American prosperity. They did not touch its source. America is successful because of the hard work and creativity and enterprise of our people. These were true of our economy before September 11, and they are our strengths today.

And finally, please continue praying for the victims of terror and their families, for those in uniform, and for our great country. Prayer has comforted us in sorrow and will help strengthen us for the journey ahead.

Tonight I thank my fellow Americans for what you have already done and what you will do. And ladies and gentlemen of the Congress, I thank you, their representatives, for what you have already done, and for what we will do together.

Tonight we face new and sudden national challenges. We will come together to improve air safety, to dramatically expand the number of air marshals on domestic flights, and take new measures to prevent hijacking. We will come together to promote stability and keep our airlines flying with direct assistance during this emergency.

We will come together to give law enforcement the additional tools it needs to track down terror here at home. We will come together to strengthen our intelligence capabilities, to know the plans of terrorists before they act, and to find them before they strike.

We will come together to take active steps that strengthen America's economy and put our people back to work.

Tonight we welcome two leaders who embody the extraordinary spirit of all New Yorkers: Governor George Pataki and Mayor Rudolph Giuliani. As a symbol of America's resolve, my administration will work with the Congress and these two leaders to show the world that we will rebuild New York City.

After all that has just passed, all the lives taken, and all the possibilities and hopes that died with them, it is natural to wonder if America's future is one of fear. Some speak of an age of terror. I know there are struggles ahead, and dangers to face. But this country will define our times, not be defined by them. As long as the United States of America is determined and strong, this will not be an age of terror; this will be an age of liberty here and across the world.

Great harm has been done to us. We have suffered great loss. In our grief and anger we have found our mission and our moment. Freedom and fear are at war. The advance of human freedom, the great achievement of our time, and the great hope of every time, now depends on us. Our Nation, this generation, will lift the dark threat of violence from our people and our future. We will rally the world to this cause by our efforts and by our courage. We will not tire, we will not falter, and we will not fail.

It is my hope that in the months and years ahead, life will return almost to normal. We will go back to our lives and routines, and that is good. Even grief recedes with time and grace. But our resolve must not pass. Each of us will remember what happened that day, and to whom it happened. We will remember the moment the news came, where we were, and what we were doing. Some will remember an image of fire, or a story of rescue. Some will carry memories of a face and a voice gone forever.

And I will carry this. It is the police shield of a man named George Howard, who died at the World Trade Center trying to save others. It was given to me by his mom, Arlene, as a proud memorial to her son. It is my reminder of lives that ended, and a task that does not end.

I will not forget this wound to our country, and those who inflicted it. I will not yield, I will not rest, I will not relent in waging this struggle for the freedom and security of the American people.

The course of this conflict is not known, yet its outcome is certain. Freedom and fear, justice and cruelty, have always been at war, and we know that God is not neutral between them.

□ 2140

Fellow citizens, we will meet violence with patient justice assured of the rightness of our cause, and confident of the victories to come. In all

that lies before us, may God grant us wisdom, and may He watch over the United States of America.

Thank you.

(Applause, the Members rising.)

At 9 o'clock and 41 minutes p.m., the President of the United States, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Assistant to the Sergeant at Arms escorted the invited guests from the Chamber in the following order:

The members of the President's Cabinet.

The Chief Justice of the United States and the Associate Justices of the Supreme Court.

The Dean of the Diplomatic Corps.

JOINT SESSION DISSOLVED

The SPEAKER. The Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 9 o'clock and 45 minutes p.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

RECESS

The SPEAKER. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 9 o'clock and 45 minutes p.m.), the House stood in recess subject to the call of the Chair.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3712. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Scrapie in Sheep and Goats; Interstate Movement Restrictions and Indemnity Program [Docket No. 97–093–5] (RIN: 0579–AA90) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3713. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Citrus Canker; Payments for Commercial Citrus Tree Replacement [Docket No. 00–037–3] received August 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3714. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Fluazinam; Pesticide Tolerance [OPP–301160; FRL–6797–3] (RIN: 2070–AB78) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3715. A letter from the Director, Executive Office of the President, transmitting notification of the President's intent to exempt all military personnel accounts from sequester for FY 2002, if a sequester is necessary, pursuant to section 255(f) of the Balanced Budget Emergency Deficit Control Act of 1985; to the Committee on Appropriations.

3716. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Involuntary Liquidation of Federal Credit Unions and Adjudication of Creditor Claims Involving Federally-Insured Credit Unions in Liquidation—received August 31, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3717. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Involuntary Liquidation of Federal Credit Unions and Adjudication of Creditor Claims Involving Federally-Insured Credit Unions in Liquidation—received August 31, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3718. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Federal Credit Union Incidental Powers Activities—received August 31, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3719. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Registration of Broker-Dealers Pursuant to Section 15(b)(11) of the Securities Exchange Act of 1934 [Release No. 34–44730; File No. S7–13–01] (RIN: 3235–AI21) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3720. A letter from the Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting the Commission's final rule—Method for Determining Market Capitalization and Dollar Value of Average Daily Trading Volume; Application of the Definition of Narrow-Based Security Index [Release No. 34–44724; File No. S7–11–01] (RIN: 3235–AI13) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3721. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Benefits Payable in Terminated Single- Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits—received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

3722. A letter from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Policy, Department of Energy, transmitting the Department's final rule—FAR Class Deviation Addressing Service Contract Act Requirements for Subcontracts for Certain Commercial Services [AL–2000–10R] received August 31, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3723. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of Defense's proposed lease of defense articles to the Government of Georgia (Transmittal No. 23–01), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

3724. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of Defense's proposed lease of defense articles to the Government of Slovenia (Transmittal No. 22–01), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

3725. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of Defense's proposed lease of defense articles to the Government of Ukraine (Transmittal No. 25–01), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

3726. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of Defense's proposed lease of defense articles to the Government of Uzbekistan (Transmittal No. 26–01), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

3727. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of Defense's proposed lease of defense articles to the Republic of Moldova (Transmittal No. 24–01), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

3728. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of Navy's proposed lease of defense articles to the Federal Republic of Germany (Transmittal No. 11–01), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

3729. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of Army's proposed lease of defense articles to the Government of Singapore (Transmittal No. 10–01), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

3730. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of Navy's proposed lease of defense articles to the Government of the Arab Republic of Egypt (Transmittal No. 12–01), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

3731. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of Defense's proposed lease of defense articles to the Government of Kyrgyzstan (Transmittal No. 29–01), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

3732. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of Defense's proposed lease of defense articles to the Government of Kazakhstan (Transmittal No. 28–01), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

3733. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of Defense's proposed lease of defense articles to the Republic of Albania (Transmittal No. 13–01), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

3734. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of Defense's proposed lease of defense articles to the Government of Romania (Transmittal No. 16–01), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

3735. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of Defense's proposed lease of defense articles to the Government of the Slovak Republic (Transmittal No. 21–01), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

3736. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of Defense's proposed lease of defense articles to the Republic of Bulgaria (Transmittal No. 14–01), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

3737. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of Defense's proposed lease of defense articles to the Government of Estonia (Transmittal No. 17–01), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

3738. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of Defense's proposed lease of defense articles to the Government of Croatia (Transmittal No. 20–01), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

3739. A letter from the Director, Defense Security Cooperation Agency, transmitting

the Department of Defense's proposed lease of defense articles to the Government of Latvia (Transmittal No. 18–01), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

3740. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of Defense's proposed lease of defense articles to the Republic of Lithuania (Transmittal No. 19–01), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

3741. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of Defense's proposed lease of defense articles to the Republic of Macedonia (Transmittal No. 15–01), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

3742. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of Defense's proposed lease of defense articles to the Government of Turkmenistan (Transmittal No. 27–01), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

3743. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a notice, in accordance with Section 42(b) of the Arms Export Control Act, that the Government of Egypt has requested that the United States Government permit the use of Foreign Military Financing for the sale of 100 M1A1 ABRAMS tank kits in order to co-produce 100 M1A1 ABRAMS tanks in Egypt; to the Committee on International Relations.

3744. A letter from the Acting Assistant Secretary for Land and Minerals Management, Department of Interior, transmitting the Department's final rule—Solid Minerals Reporting Requirements (RIN: 1010–AC86) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3745. A letter from the Deputy Administrator, General Services Administration, transmitting informational copies of Reports of Building Project Survey for Ft. Pierce, FL, Jackson, MS, and Austin, TX; to the Committee on Transportation and Infrastructure.

3746. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Certification for Eligibility for Adaptive Equipment for Automobiles or Other Conveyances (RIN: 2900–AK96) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

3747. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Veterans' Benefits Administration Nomenclature Changes (RIN: 2900–AK46) received August 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

3748. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property [Rev. Rul. 2001–43] received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3749. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Administrative, Procedural, and Miscellaneous [Rev. Proc. 2001–46] received August 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3750. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Last-in, first-out inventories [Rev. Rul. 2001–44] received August 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3751. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Effective Dates for Certain Amendments Made by the Economic Growth and Tax Relief Reconciliation Act of 2001 [Notice 2001–56] received August 31, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HOBSON: Committee on Appropriations. H.R. 2904. A bill making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes (Rept. 107–207). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Florida: Committee on Appropriations. Report on Suballocation of Budget Allocations for Fiscal Year 2002 (Rept. 107–208). Referred to the Committee of the Whole House on the State of the Union.