

Mr. Eisenhower was concerned that, among other things, "democracy . . . survive for all generations to come, not to become the insolvent phantom of tomorrow." He urged that "[O]nly an alert and knowledgeable citizenry can compel the proper meshing of the huge industrial and military machinery of defense with our peaceful methods and goals, so that security and liberty may prosper together."

Coming from a former supreme commander of the Allied military forces during World War II, President Eisenhower's words carry the weight of his experience. They are also uncomfortably prophetic. Just forty years after President Eisenhower gave his warning, President Bush proposes to invest many billions of dollars to achieve military superiority in a new realm, where there currently is no threat, jeopardizing the economic health of the nation and creating instability and mistrust in the hearts of other nations. This will occur unless the citizenry—and its elected representatives—members of the House and U.S. Senate—especially us—consider and agree upon this course of action. Silence does not equal assent. We must talk, and learn, and consider.

Again, I am admittedly a layman when it comes to high-tech gadgetry on earth, let alone in space. But it seems to me that we must set aside the whizbang and drama of lasers and satellites to consider the real, age-old questions—those that have plagued the great generals throughout time. We should be taking stock of what we have to gain and what we have to lose by moving the lines of battle. We must consider whether or not we have the necessary weapons to protect ourselves and our land before we send our military into new and vastly different frontiers. We should assess the real, known threats to our Nation, and gauge whether we have the weapons and the resources to remain secure, and whether our time, talent, and treasure would be better spent fending off those most likely threats or devising new unproven plans of attack and fabulously expensive means of battle. And we should ponder the awesome responsibility of militarizing space and then being the world's space cop before we rush headlong into the twilight zone called national missile defense.

Madam President, I believe that it would be both wise and prudent to back off just a little bit on the accelerator that is driving us in a headlong and fiscally spendthrift rush to deploy a national missile defense and to invest billions into putting weapons in space and building weapons designed to act in space. That heavy foot on the accelerator is merely the stamp and roar of rhetoric. The threat does not justify the pace. Our budget projections cannot support the pace.

Let us continue to study the matter. Let us continue to conduct research. But the threat, as I say, does not justify the pace at which we are traveling.

Our budget projections cannot support the pace, so let us slow down a bit, look at the map, and consider just where this path is taking us.

Madam President, I thank the distinguished Senator from California who is here prepared to manage the appropriations bill. She is waiting patiently.

I take this opportunity to congratulate her also for the excellent work she has done in preparing this legislation. It was moved through the full Committee on Appropriations yesterday. She is here today prepared to guide its way through this Senate. I thank her on behalf of the Senate and on behalf of the Nation for the service she has rendered and is rendering and will continue to give us.

I yield the floor.

Mr. DORGAN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CARPER). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2002

Mr. REID. Mr. President, I ask unanimous consent that the Appropriations Committee be discharged from further consideration of H.R. 2904, the Military Construction Appropriations bill, and that the Senate then proceed to its consideration; that immediately after the bill is reported, Senator FEINSTEIN be recognized to offer a substitute amendment, which is the text of S. 1460, the Senate committee reported bill; that the amendment be agreed to and considered as original text for the purpose of further amendment, and the motion to reconsider be laid upon the table; that the only other amendment be a managers' amendment; that the debate time on the bill and managers' amendment be limited to 40 minutes, equally divided and controlled in the usual form; that upon disposition of the managers' amendment, the motion to reconsider be laid upon the table; that the bill be read a third time, and the Senate vote on passage of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, I simply didn't hear what the assistant majority leader just said.

Mr. REID. I just basically said we are going to move to the military construction appropriations bill.

Mr. KYL. Was that the nature of the unanimous consent request?

Mr. REID. Yes.

Mr. President, I further ask unanimous consent that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate with the above occurring with no intervening action or debate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the vote on passage of the bill, H.R. 2904, occur immediately, with the time for debate on the bill to occur following the vote.

The PRESIDING OFFICER. Under the order, the bill is discharged from the committee.

The clerk will report the bill by title. The legislative clerk read as follows:

A bill (H.R. 2904) making appropriations for military construction, and for other purposes.

Mrs. FEINSTEIN. Mr. President, I am very pleased to join with my ranking member, Senator HUTCHISON of Texas, to bring before the Senate the 2002 military construction appropriations bill and report. I point out that it is a bipartisan bill, it is carefully thought out, it is carefully balanced, and it is timely.

The bill provides \$10.5 billion in new budget authority. This represents a 17.5-percent increase over the fiscal year 2001 funding level and a 5.3-percent increase over the President's budget request. The bill, as reported from the committee, meets the budgetary authority and outlay limits established in the subcommittee's 302(b) allocation.

This is a robust bill, but it is a carefully considered and carefully balanced bill. Our goal from the outset has been to address the highest priority military construction requirements, both at home and abroad. The final product is the balanced mix of readiness projects, barracks and family housing projects, quality-of-life programs, such as child development centers, and an array of Reserve component initiatives.

It is the military construction bill that funds the installations—the home ports and the home bases—of our troops and ships and aircraft. It is the military construction bill that builds the piers and hangars and maintenance shops and operational centers that ready our troops and equipment for deployment. It is this bill that builds the barracks and family housing and childcare centers and medical facilities that serve America's military troops and their families. This bill funds the infrastructure that provides the foundation for training and preparing our military to fight, and for housing their families when they are away.

Given the events of the past few weeks, and the events that we expect to unfold over the coming weeks and months, this bill could not be more timely. The bill was reported out of the full Appropriations Committee only

yesterday. We moved it to the floor today in acknowledgement of the pressures under which we are currently operating. Our men and women in uniform cannot afford any delay in getting these projects underway.

Although the bill exceeds the President's budget request, it barely scratches the surface of the enormous need for infrastructure improvements at our military installations throughout the world. It is not overstating the case to say that many of our men and women in uniform work in deplorable conditions at their installations and often have no choice but to live in houses and neighborhoods that are substandard and unsafe. We have a duty to provide better for the members of our military and their families, especially at a time when the President has ordered them to "be ready" for war.

Briefly, I wish to outline some of the pertinent statistics.

The bill provides \$4.7 billion for military construction for active duty components and nearly \$800 million for the Reserve components.

Total military construction funded in this bill represents a 30-percent increase over the fiscal year 2001 enacted level, and a 5.8-percent increase over the President's request.

A large part of this increase is due to the acceleration of our efforts to upgrade barracks for our troops. The military construction total includes \$1.2 billion for barracks construction, a 72-percent increase over the amount appropriated in fiscal year 2001.

The bill also includes \$4.1 billion for family housing, a 12.9-percent increase over fiscal year 2001. As you can see from these figures, barracks and family housing projects are among the highest priorities of the subcommittee, reflecting the importance of improving living conditions for our men and women in uniform.

I point out that all the projects the ranking member and I and the subcommittee and the committee recommended were thoroughly screened and vetted with the services. They meet the rigid criteria imposed by law and by the Senate Armed Services Committee. They are good projects and they are needed projects.

The money added in this bill for BRAC environmental cleanup will help the services to meet their most urgent requirements. But I wish to point out that it is going to take far more money and far more realistic budgeting—and I stress that because there has not been realistic budgeting in some of the services for cleanup of closed BRAC bases—to meet the long-range requirements imposed by the BRAC environmental remediation process.

Before I yield the floor, I once again thank the ranking member, my friend from Texas, Senator HUTCHISON. She and her staff on the Republican side have been extraordinarily cooperative. I wish to acknowledge that and express my delight in the way in which we have been able to work together.

I also thank the Appropriations Committee staff for their work on this bill. They have worked very hard, and I can certainly testify that Christina Evans and B.G. Wright of the majority staff, and Sid Ashworth and John Kem of the minority staff, and Matt Miller of my staff have just been tremendous.

I am very grateful for the cooperation that will make this unanimous vote possible. This is an important bill for our Nation and our military forces. I now defer to the distinguished ranking member from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I, too, thank the chairman of the Military Construction Subcommittee. Senator FEINSTEIN and I have a long-time friendship. We have been able to work in a bipartisan way to meet the needs of our military, and I appreciate so much the working relationship we have.

Congress addresses the needs of our military in two separate appropriations bills: Defense and military construction. The bill we will pass today is military construction.

I could not fail to begin without saying none of us anticipated that in September of 2001 our country would be in a war on terrorism, a war that we did not expect but which we are committed to win. We are reminded once again, as we have been in every century of our country's existence, that freedom is not free.

As our forefathers and mothers did before us, we will make all the sacrifices required to protect the freedom they delivered to us, and we will pass the torch to our children. America will remain the strongest nation in the history of the world.

I am pleased to recommend the military construction bill to the Senate. We have sought a balanced bill that addresses military construction requirements for readiness, family housing, barracks, and quality of life for the Active and Reserve components. I would like to make a couple of comments about overseas military construction.

We took a close look at the overseas construction priorities of the Department of Defense to ensure the projects are consistent with the long-range policies and plans of the Department of Defense. There are a few areas that are troubling that I want to bring to everyone's attention.

The United States maintains over 74 installations outside the United States. These installations subsume funding that in some cases could have been better used to maintain or improve our critical domestic base infrastructure and training capabilities. It is important that we continue to closely monitor the overseas funding plans of the Department of Defense.

In the fiscal year 2002 military construction bill, we did not fund three of the overseas projects in the budget submission that either could not be executed next year or are not mission es-

sential. In a resource-constrained environment, these are the types of projects I cannot support. During conference, I expect to continue to closely scrutinize overseas construction.

I also note that this bill includes \$192 million for military construction in Korea. United States forces have now served in Korea for over 50 years. The funding in this bill represents a continuing American commitment to our Korean allies. I hope that in the aftermath of the September 11 attack on America, our Korean allies will demonstrate a similar commitment as our Nation responds to that attack.

Finally, our close scrutiny and review of the overseas funding priorities will obviously continue next year based on the results of the ongoing Quadrennial Defense Review, as well as any necessary future military construction resulting from the attack on America on September 11, 2001.

This bill directs the Secretary of Defense to submit a report on the overseas basing requirements as a result of the Quadrennial Defense Review to the Congress no later than April 1, 2002. All the Members of Congress who have visited the men and women of the Armed Forces at our domestic and overseas installations are aware of the critical shortfalls in our defense infrastructure. This bill begins to address those shortfalls.

It improves our national security infrastructure and our ability to support the needs of our military families. This is especially vital at this important time as America comes together to fight terrorism. We will ask more of the men and women of our Armed Forces, and we cannot ask them at the same time to live, train, and deploy from installations that cannot support their readiness and requirements.

I urge my colleagues to support this bill. Our civilian and military leaders and our warriors must go to battle knowing the Senate is committed to ensuring that our defense and military infrastructure requirements are met. America is united in our cause, and Congress will provide the support to win.

Again, I thank Senator FEINSTEIN for working in such a great bipartisan way to fund the requirements for military construction. I also thank her staff, Tina Evans, and B.G. Wright, for working with my staff. I want to especially point out the extraordinary experience and knowledge of Sid Ashworth, who has been on the Appropriations Subcommittee for Military Construction and who, with all due respect, probably knows more than all of us put together. I thank her for her help in getting this bill done, with able help from my staff, Michael Ralsky.

As I yield the floor, I am thankful for the resolve of our country and the unity we are showing in the Senate.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, once again, I thank the ranking member for her cooperation, and I thank the staff.

I want to have printed in the RECORD a letter from the Department of the Navy specifically on the subject of the Hunters Point Naval Shipyard cleanup. There have been real problems in this cleanup which has been characterized by delay and the inability to move forward. One major event was a toxic fire underground that burned undetected for 2 weeks before it was put out. I think the Navy understands certainly my depth of feeling, and I think it is supported by the ranking member, that they move expeditiously to clean up this base. This letter states their determination to do so.

I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE NAVY,
ASSISTANT SECRETARY OF THE NAVY,
Washington, DC, September 25, 2001.

Hon. DIANNE FEINSTEIN,
Chairman, Subcommittee on Military Construction, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MADAM CHAIRMAN: I am writing in response to your queries regarding the Department of the Navy's environmental clean-up program at the former Hunters Point Naval Shipyard.

The Navy fully shares your commitment to completing the environmental remediation of the former Hunters Point Naval Shipyard. While progress on the remediation efforts may have been inadequate in the past, I can assure you that the Navy is committed to fully funding the cleanup of Hunters Point, and to moving expeditiously to complete this top priority project on schedule.

With help from your Committee, the Navy is prepared to execute the total projected FY 2002 program of \$50.6 million at Hunters Point. Deputy Assistant Secretary Holaday has been meeting with your staff on this issue, and is working with other congressional committee staff to ensure they understand the importance the Department places on receiving full funding for Hunters Point.

I would be happy to meet with you to discuss this issue more fully. I look forward to working closely with you and with the local community to successfully complete the environmental remediation and property transfer at Hunters Point.

H.T. JOHNSON.

AMENDMENT NO. 1692

Mrs. FEINSTEIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself and Mrs. HUTCHISON, proposes an amendment numbered 1692.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted".)

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 1693

Mrs. HUTCHISON. Mr. President, I send an amendment to the desk. It has been cleared.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Texas [Mrs. HUTCHISON] proposes an amendment numbered 1693.

The amendment (No. 1693) is as follows:

(Purpose: To provide funding for a feasibility study regarding an access road at the Pine Bluff Arsenal, Arkansas)

Insert at the appropriate place in the bill the following new item:

Of the funds available under the heading "Military Construction, Defense-wide", for the Pine Bluff Ammunition Demilitarization Facility (Phase VI), the Department may spend up to \$300,000 to conduct a feasibility study of the requirement for a defense road at Pine Bluff Arsenal, Arkansas.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent it be added to the managers' amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1693) was agreed to.

The PRESIDING OFFICER. The managers' amendment is agreed to.

The amendment (No. 1692) was agreed to.

Mr. CONRAD. Mr. President, I rise to offer for the RECORD the Budget Committee's official scoring for S. 1460, the Military Construction Appropriations Act for Fiscal Year 2002.

The Senate bill provides \$10.5 billion in discretionary budget authority, all classified as defense spending, which will result in new outlays in 2002 of \$2.741 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the Senate bill total \$9.253 billion in 2002. The Senate bill is within its section 302(b) allocation for budget authority and outlays. Once again, the committee has met its target without the use of any emergency designations.

I again commend Chairman BYRD and Senator STEVENS, as well as Senators FEINSTEIN and HUTCHISON, for their bipartisan effort in moving this and other appropriations bills quickly to make up for the late start in this year's appropriations process. The tragic events of September 11 demand that this bipartisanship continue and that the Congress expeditiously complete work on the 13 regular appropriation bills for 2002.

I ask unanimous consent that a table displaying the budget committee scoring of this bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1460, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2002 SPENDING COMPARISONS—SENATE-REPORTED BILL

(In millions of dollars)

| | Defense | Mandatory | Total |
|------------------------|---------|-----------|--------|
| Senate-reported bill: | | | |
| Budget Authority | 10,500 | 0 | 10,500 |

S. 1460, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2002 SPENDING COMPARISONS—SENATE-REPORTED BILL—Continued

(In millions of dollars)

| | Defense | Mandatory | Total |
|---|---------|-----------|--------|
| Outlays | 9,253 | 0 | 9,253 |
| Senate 302(b) allocation ¹ : | | | |
| Budget Authority | 10,500 | 0 | 10,500 |
| Outlays | 9,294 | 0 | 9,294 |
| House-reported: | | | |
| Budget Authority | 10,500 | 0 | 10,500 |
| Outlays | 9,202 | 0 | 9,202 |
| President's request: | | | |
| Budget Authority | 9,972 | 0 | 9,972 |
| Outlays | 9,165 | 0 | 9,165 |
| SENATE-REPORTED BILL COMPARED TO | | | |
| Senate 302(b) allocation ¹ : | | | |
| Budget Authority | 0 | 0 | 0 |
| Outlays | (31) | 0 | (31) |
| House-reported: | | | |
| Budget Authority | 0 | 0 | 0 |
| Outlays | 51 | 0 | 51 |
| President's request: | | | |
| Budget Authority | 528 | 0 | 528 |
| Outlays | 88 | 0 | 88 |

¹ For enforcement purposes, the budget committee compares the Senate-reported bill to the Senate 302(b) allocation.

Notes.—Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Mr. REID. Mr. President, the majority leader asked me to announce this will be the last vote today and that the next vote will be Tuesday morning.

I ask for the yeas and nays.

Mrs. HUTCHISON. Mr. President, I wanted to clarify that my amendment was added to the managers' amendment and the managers' amendment was agreed to by unanimous consent.

The PRESIDING OFFICER. That is correct.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read the third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from California (Mrs. BOXER) and the Senator from Connecticut (Mr. DODD) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 288 Leg.]
YEAS—97

| | | |
|-----------|----------|----------|
| Akaka | Bunning | Cochran |
| Allard | Burns | Collins |
| Allen | Byrd | Conrad |
| Baucus | Campbell | Corzine |
| Bayh | Cantwell | Craig |
| Bennett | Carnahan | Crapo |
| Bingaman | Carper | Daschle |
| Bond | Chafee | Dayton |
| Breaux | Cleland | DeWine |
| Brownback | Clinton | Domenici |

| | | |
|------------|-------------|-------------|
| Dorgan | Johnson | Roberts |
| Durbin | Kennedy | Rockefeller |
| Edwards | Kerry | Santorum |
| Ensign | Kohl | Sarbanes |
| Enzi | Kyl | Schumer |
| Feingold | Landrieu | Sessions |
| Feinstein | Leahy | Shelby |
| Fitzgerald | Levin | Smith (NH) |
| Frist | Lieberman | Smith (OR) |
| Graham | Lincoln | Snowe |
| Gramm | Lott | Specter |
| Grassley | Lugar | Stabenow |
| Gregg | McCain | Stevens |
| Hagel | McConnell | Thomas |
| Harkin | Mikulski | Thompson |
| Hatch | Miller | Thurmond |
| Helms | Murkowski | Torricelli |
| Hollings | Murray | Torricelli |
| Hutchinson | Nelson (FL) | Voivovich |
| Hutchison | Nelson (NE) | Warner |
| Inhofe | Nickles | Wellstone |
| Inouye | Reed | Wyden |
| Jeffords | Reid | |

NOT VOTING—3

| | | |
|-------|-------|------|
| Biden | Boxer | Dodd |
|-------|-------|------|

The bill (H.R. 2904), as amended, was passed, as follows:

Resolved, That the bill from the House of Representatives (H.R. 2904) entitled "An Act 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.", do pass with the following amendment:

Strike out all after the enacting clause and insert: *That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for military construction, family housing, and base realignment and closure functions administered by the Department of Defense, for the fiscal year ending September 30, 2002, and for other purposes, namely:*

MILITARY CONSTRUCTION, ARMY

(INCLUDING RESCISSION)

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, \$1,668,957,000, to remain available until September 30, 2006: *Provided*, That of this amount, not to exceed \$176,184,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: *Provided further*, That of the funds appropriated for "Military Construction, Army" under division A of Public Law 106-246, \$26,400,000 are rescinded.

MILITARY CONSTRUCTION, NAVY

(INCLUDING RESCISSION)

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, \$1,148,633,000, to remain available until September 30, 2006: *Provided*, That of this amount, not to exceed \$37,332,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: *Provided further*, That of the funds appropriated for

"Military Construction, Navy" under division A of Public Law 106-246, \$19,588,000 are rescinded.

MILITARY CONSTRUCTION, AIR FORCE

(INCLUDING RESCISSION)

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, \$1,148,269,000, to remain available until September 30, 2006: *Provided*, That of this amount, not to exceed \$83,420,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: *Provided further*, That of the funds appropriated for "Military Construction, Air Force" under previous Military Construction Acts, \$4,000,000 are rescinded.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER AND RESCISSIONS OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, \$881,058,000, to remain available until September 30, 2006: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as he may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further*, That of the amount appropriated, not to exceed \$88,496,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: *Provided further*, That of the funds appropriated for "Military Construction, Defense-wide" under division A of Public Law 106-246, \$55,030,000 are rescinded: *Provided further*, That of the funds appropriated for "Military Construction, Defense-wide" under division B of Public Law 106-246, \$10,250,000 are rescinded: *Provided further*, That of the funds appropriated for "Military Construction, Defense-Wide" under previous Military Construction Acts, \$4,000,000 are rescinded.

MILITARY CONSTRUCTION, ARMY NATIONAL

GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$378,549,000, to remain available until September 30, 2006.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$222,767,000, to remain available until September 30, 2006.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction

Authorization Acts, \$111,404,000, to remain available until September 30, 2006.

MILITARY CONSTRUCTION, NAVAL RESERVE

(INCLUDING RESCISSION)

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$33,641,000, to remain available until September 30, 2006: *Provided*, That of the funds appropriated for "Military Construction, Naval Reserve" under division A of Public Law 106-246, \$925,000 are rescinded.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$53,732,000, to remain available until September 30, 2006.

NORTH ATLANTIC TREATY ORGANIZATION

SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized in Military Construction Authorization Acts and section 2806 of title 10, United States Code, \$162,600,000, to remain available until expended.

FAMILY HOUSING, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, \$312,742,000, to remain available until September 30, 2006; for Operation and Maintenance, and for debt payment, \$1,108,991,000; in all \$1,421,733,000.

FAMILY HOUSING, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, \$312,600,000, to remain available until September 30, 2006; for Operation and Maintenance, and for debt payment, \$918,095,000; in all \$1,230,695,000.

FAMILY HOUSING, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, \$550,703,000, to remain available until September 30, 2006; for Operation and Maintenance, and for debt payment, \$869,121,000; in all \$1,419,824,000.

FAMILY HOUSING, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension and alteration, and for operation and maintenance, leasing, and minor construction, as authorized by law, as follows: for Construction, \$250,000 to remain available until September 30, 2006; for Operation and Maintenance, \$43,762,000; in all \$44,012,000.

DEPARTMENT OF DEFENSE FAMILY HOUSING
IMPROVEMENT FUND

For the Department of Defense Family Housing Improvement Fund, \$2,000,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing, and supporting facilities.

HOMEOWNERS ASSISTANCE FUND, DEFENSE

For the Homeowners Assistance Fund established by Section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966, as amended (42 U.S.C. 3374) \$10,119,000, to remain available until expended.

BASE REALIGNMENT AND CLOSURE ACCOUNT,
PART IV

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101-510), \$682,200,000, to remain available until expended.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in Military Construction Appropriations Acts shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed \$25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds appropriated to the Department of Defense for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds appropriated to the Department of Defense for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds appropriated in this Act may be used to begin construction of new bases inside the continental United States for which specific appropriations have not been made.

SEC. 105. No part of the funds provided in Military Construction Appropriations Acts shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or his designee; (3) where the estimated value is less than \$25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds appropriated in Military Construction Appropriations Acts shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Military Construction Appropriations Acts.

SEC. 107. None of the funds appropriated in Military Construction Appropriations Acts for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations.

SEC. 108. No part of the funds appropriated in Military Construction Appropriations Acts may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds appropriated in Military Construction Appropriations Acts may

be used to initiate a new installation overseas without prior notification to the Committees on Appropriations.

SEC. 111. None of the funds appropriated in Military Construction Appropriations Acts may be obligated for architect and engineer contracts estimated by the Government to exceed \$500,000 for projects to be accomplished in Japan, in any NATO member country, or in countries bordering the Arabian Gulf, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds appropriated in Military Construction Appropriations Acts for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Gulf, may be used to award any contract estimated by the Government to exceed \$1,000,000 to a foreign contractor: Provided, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: Provided further, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshalllese contractor.

SEC. 113. The Secretary of Defense is to inform the appropriate committees of Congress, including the Committees on Appropriations, of the plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed \$100,000.

SEC. 114. Not more than 20 percent of the appropriations in Military Construction Appropriations Acts which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year.

(TRANSFER OF FUNDS)

SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 117. Notwithstanding any other provision of law, any funds appropriated to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were appropriated if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

(TRANSFER OF FUNDS)

SEC. 118. During the 5-year period after appropriations available to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation "Foreign Currency Fluctuations, Construction, Defense" to be merged with and to be available for

the same time period and for the same purposes as the appropriation to which transferred.

SEC. 119. The Secretary of Defense is to provide the Committees on Appropriations of the Senate and the House of Representatives with an annual report by February 15, containing details of the specific actions proposed to be taken by the Department of Defense during the current fiscal year to encourage other member nations of the North Atlantic Treaty Organization, Japan, Korea, and United States allies bordering the Arabian Gulf to assume a greater share of the common defense burden of such nations and the United States.

(TRANSFER OF FUNDS)

SEC. 120. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to be merged with, and to be available for the same purposes and the same time period as that account.

(TRANSFER OF FUNDS)

SEC. 121. Subject to 30 days prior notification to the Committees on Appropriations, such additional amounts as may be determined by the Secretary of Defense may be transferred to the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in "Family Housing" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: Provided, That appropriations made available to the Fund shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169, title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing and supporting facilities.

SEC. 122. None of the funds appropriated or made available by this Act may be obligated for Partnership for Peace Programs in the New Independent States of the former Soviet Union.

SEC. 123. (a) Not later than 60 days before issuing any solicitation for a contract with the private sector for military family housing the Secretary of the military department concerned shall submit to the congressional defense committees the notice described in subsection (b).

(b)(1) A notice referred to in subsection (a) is a notice of any guarantee (including the making of mortgage or rental payments) proposed to be made by the Secretary to the private party under the contract involved in the event of—

(A) the closure or realignment of the installation for which housing is provided under the contract;

(B) a reduction in force of units stationed at such installation; or

(C) the extended deployment overseas of units stationed at such installation.

(2) Each notice under this subsection shall specify the nature of the guarantee involved and assess the extent and likelihood, if any, of the liability of the Federal Government with respect to the guarantee.

(c) In this section, the term "congressional defense committees" means the following:

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

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

(TRANSFER OF FUNDS)

SEC. 124. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, amounts

may be transferred from the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program. Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 125. Notwithstanding this or any other provision of law, funds appropriated in Military Construction Appropriations Acts for operations and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including flag and general officer quarters: Provided, That not more than \$35,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days advance prior notification of the appropriate committees of Congress: Provided further, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations all operations and maintenance expenditures for each individual flag and general officer quarters for the prior fiscal year.

SEC. 126. In addition to the amounts provided in Public Law 107-20, of the funds appropriated under the heading "Military Construction, Air Force" in this Act, \$8,000,000 is to remain available until September 30, 2005: Provided, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction activities at the Masirah Island Airfield in Oman, not otherwise authorized by law.

SEC. 127. Not later than 90 days after the enactment of this bill, the Secretary of Defense shall submit to the congressional defense committees a master plan for the environmental remediation of Hunters Point Naval Shipyard, California. The plan shall identify an aggregate cost estimate for the entire project as well as cost estimates for individual parcels. The plan shall also include a detailed cleanup schedule and an analysis of whether the Department is meeting legal requirements and community commitments. Following submission of the initial report, the Department shall submit semi-annual progress reports to the congressional defense committees.

SEC. 128. Of the funds available under the heading "Military Construction, Defense-wide", for the Pine Bluff Ammunition Demilitarization Facility (Phase VI) the Department may spend up to \$300,000 to conduct a feasibility study of the requirement for a defense road at Pine Bluff Arsenal, Arkansas.

This Act may be cited as the "Military Construction Appropriations Act, 2002".

Mrs. HUTCHISON. Madam President, I move to reconsider that vote, and I move to lay that motion on the table.

The PRESIDING OFFICER (Mrs. CARNAHAN). Without objection, it is so ordered.

Under the previous order, the Senate insists on its amendment, requests a conference with the House on the disagreeing votes of the two Houses, and the Chair appoints the following conferees on the part of the Senate:

Mrs. FEINSTEIN, Mr. INOUE, Mr. JOHNSON, Ms. LANDRIEU, Mr. REID of Nevada, Mr. BYRD, Mrs. HUTCHISON of Texas, Mr. BURNS, Mr. CRAIG, Mr. DEWINE, and Mr. STEVENS.

Mrs. FEINSTEIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002—Resumed

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

A bill (S. 1438) 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 Services, and for other purposes.

Mr. LEVIN. Madam President, we made good progress on this bill yesterday. Unfortunately, we weren't successful in reaching a unanimous consent agreement on a finite list of amendments to this bill which would allow us to move quickly to final passage.

But we simply must complete action on this bill. President Bush has declared a national state of emergency. Our military forces are deploying around the world. We are calling the National Guard and Reserve units to active duty to augment our active forces.

This bill contains critically important provisions for our national security. It provides much needed increases in military pay and benefits, including housing benefits and allowances. It contains authority for bonuses and special pay to retain people with critical skills in the military services, and it contains a number of important provisions to improve the efficiency of the Defense Department operations.

The matter which has been keeping us from proceeding and completing this bill is not related to the national defense bill that is before us. Our leadership is working hard to try to address that issue.

I thank our leaders, Senator DASCHLE, Senator LOTT, and Senator REID, who have been so actively involved for their efforts to move us forward on this critically important bill.

I thank Senator WARNER. He and his staff have worked tirelessly to advance the bill. But adopting this bill would send a powerful signal to our allies and our adversaries around the world of a strong and unified sense of national unity and determination and our support for our Armed Forces.

So I am hopeful that we can continue to make progress. As part of that effort, Senator WARNER and I and our staffs worked late last night and this morning to develop a package of about 25 cleared amendments.

AMENDMENTS NOS. 1694 THROUGH 1718, EN BLOC

At this point, I ask unanimous consent that it be in order to send 25 amendments to the desk for consideration en bloc, that the amendments be

agreed to, the motion to reconsider be laid upon the table, and that any statements related to the amendments be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Is there objection?

The Senator from Virginia.

Mr. WARNER. Madam President, I will address in detail some of the remarks made earlier by my distinguished chairman, but at this point in time may I say this has been worked out mutually. We are in complete concurrence on this side with this block of amendments that we will adopt en bloc.

Again, I join the Senator in crediting our staff who have worked long hours into last night and almost every night.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 1694 through 1718), en bloc, were agreed to, as follows:

AMENDMENT NO. 1694

(Purpose: To amend the Small Business Act to promote the involvement of small business concerns and small business joint ventures in certain types of procurement contracts, to establish the Small Business Procurement Competition Program, and for other purposes)

At the appropriate place, insert the following:

SEC. ____ . SMALL BUSINESS PROCUREMENT COMPETITION.

(a) DEFINITION OF COVERED CONTRACTS.—Section 15(e)(4) of the Small Business Act (15 U.S.C. 644(e)(4)) is amended—

(1) by inserting after "bundled contract" the following: "; the aggregate dollar value of which is anticipated to be less than \$5,000,000, or any contract, whether or not the contract is a bundled contract, the aggregate dollar value of which is anticipated to be \$5,000,000 or more";

(2) by striking "In the" and inserting the following:

"(A) IN GENERAL.—In the"; and

(3) by adding at the end the following:

"(B) CONTRACTING GOALS.—

"(i) IN GENERAL.—A contract award under this paragraph to a team that is comprised entirely of small business concerns shall be counted toward the small business contracting goals of the contracting agency, as required by this Act.

"(ii) PREPONDERANCE TEST.—The ownership of the small business that conducts the preponderance of the work in a contract awarded to a team described in clause (i) shall determine the category or type of award for purposes of meeting the contracting goals of the contracting agency."

(b) PROPORTIONATE WORK REQUIREMENTS FOR BUNDLED CONTRACTS.—

(1) SECTION 8.—Section 8(a)(14)(A) of the Small Business Act (15 U.S.C. 637(a)(14)(A)) is amended—

(A) in clause (i), by striking "and" at the end;

(B) in clause (ii), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(iii) notwithstanding clauses (i) and (ii), in the case of a bundled contract—

"(I) the concern will perform work for at least 33 percent of the aggregate dollar value of the anticipated award;

"(II) no other concern will perform a greater proportion of the work on that contract; and